



PAKISTAN AIR LINE PILOTS' ASSOCIATION

AFFILIATED WITH :
INTERNATIONAL FEDERATION OF AIR LINE PILOTS' ASSOCIATIONS &
INTERNATIONAL TRANSPORT WORKERS FEDERATION.

FLASH

Dear Members:

September 18, 2010.

اسلام وعلیکم

Subsequent to our FLASH dated 9th September 2010.

An undated Circular regarding issuance of mobile phones to Cockpit Crew by Capt. Shuja Naqvi, another Circular Ref: GMPS/12/13/10 dated 15th September 2010, on the same subject, i.e. issuance of mobile phones by the Management to all Cockpit Crew.

In addition, the President & General Secretary PALPA has been issued Show Cause notices on ground of refusing to fly schedule flights as they were busy in PALPA work. Further in addition, another ground has been taken that President PALPA has been propagating the views of PALPA on media. (Copy of Show Cause notices has been attached).

The matter was referred to PALPA's learned counsel Mr. Anwar Mansoor, who has sent a **legal notice to PIAC** (copy attached), which gives in detail the **unlawful manner in which PIAC is acting**.

You are requested to please read the legal notice served to PIAC by our learned counsel carefully, **specially, in relation to the mobile phone facility.**

All members are once again advised to work in accordance with the PALPA-PIAC Working Agreement 2009-2011.

Thanking you,

Yours sincerely,

Capt. Suhail Baluch
PRESIDENT

Mansoor Ahmad Khan
Founded by

Anwar Mansoor Khan
Advocate
Supreme Court

Asim Mansoor Khan
Advocate

Umalmah Anwar Khan
Barrister-at-Law

Also Correspondent in UK
Associate Firm in UAE



Mansoor Ahmad Khan & Co.
Advocates & Legal Consultants

S. Irtaza H. Zaidi
Advocate
Supreme Court

Bashir Ahmed Khan
Advocate

Shahid Ali Khan
Advocate

Shumaila Saghir
Advocate

Ishaq G. Z. Khan
Advocate

Our ref: NTC/AMK/2010-2011/

18.09.2010

Capt. Abdullah Haroon,
General Manager
Crew Planning & Scheduling
PIAC Head Office,
Karachi Airport
Karachi
FAX NO: 021-99242328

We have been instructed by our clients PALPA to write to you as under.

That you are aware that our client has filed a petition bearing No, 2568 of 2010 in the High Court of Sindh, at Karachi with a specific prayer that the action of declaring that the Cockpit Crew shall be a class of employment to which the Pakistan Essential Services (Maintenance) Act, 1952 shall apply, is malafide, unlawful and aimed for extraneous purposes. A declaration has been sought that the notification declaring the said notification to be void ab initio.

The case came up for hearing on 30th Sept, 2010, where your counsel filed their Counter Affidavit and an order dated 03rd Sept, 2010 was passed, in that it was clearly stated that the Working Agreement shall remain the basis of the relationship between our client, its members and PIAC.

You are aware that the Working Agreement 2009-2011 having being agreed upon, subsequent disagreements cropped up between our client and the PIAC, where the matters were mediated by the Ministry of Defence, and an agreement was reached. The conditions contained in the said agreement, along with the Working Agreement was and continues to be binding on all the concerned parties. Despite this you, for malafide reasons and in an attempt to coerce our clients and its members filed a suit bearing No. 1262 of 2010, where an ex parte order was obtained by you on giving incorrect fact and was subsequently modified, that the parties would abide by the Working Agreement.

That after the said order was modified, PIAC chose to proceed again with malafide aims and purposes, to coerce our clients and its members by, causing the said Essential Service laws to be applicable on the members of our clients. Our clients had no choice but to file the petition, aforesaid, where after upon your appearance the order dated was passed. Seeing that the said order was coming in your way, you caused another

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notification dated 5th Sept 2010 to be issued to harass our clients and its members. The said notice being malafide and an attempt to coerce our clients and its members, a notice dated 09th Sept 2010 was sent to you, which remained un replied till date.

That in addition to PALPA being a Petitioner in CP No. 2568 of 2010, Capt. Sohail Baluch, the duly elected President of PALPA is also a Petitioner. The Petition has been signed by Capt. T. M. Rabani, the General Secretary of PALPA, when it was known to you that the said Capt. T.M. Rabbani is out of Pakistan for Simulator Training as planned by your department. Only 72 hours have been given. What more can be shown to demonstrate malice? All this is to create panic and fear of the Essential Service Laws among the members of PALPA, through which you intend to achieve your unlawful aims, you have now, in another malafide attempt issued show cause notices to the said two persons namely the President and the General Secretary of PALPA, on wrong and incorrect pretext, when the said two persons have acted in accordance with the Working Agreement as modified and extended by agreement of the parties. Amongst other frivolous grounds taken in the show cause notice, it has been stated that the said two persons refused to go on their scheduled flights on account of PALPA work. It may be stated that it was agreed that this could be done on the 4th of August 2010, in which you and Capt. Shuja Naqvi are signatories.

It may not be out of place to mention that Capt. Sohail Baluch, the President of PALPA, has been on television since 2009 on various channels, giving the view of PALPA. The MD of PIAC has also been on various programs with him. This has been made one of the ground in the show cause notice. It may be noted that freedom of expression cannot be curtailed and PALPA has the right to speak through its office bearers, and giving such show cause notices is nothing but an exercise of malice for ulterior motives.

That to add fuel to fire, another circular was issued bearing No. GMPS/12/13/10 dated 15th Sept, 2010 requiring a Mobile Phone to be kept by all the Cockpit Crew and that intimation shall be sent on such phone by SMS. It may be noted that such mode of information is and cannot be authentic, as such you are taking advantage of such an unauthentic mode, to create panic and consequently harass our clients and its members.

It was categorically noted in the order dated 03.09.2010 that the parties shall meet and resolve the issues. However this period is being utilized by you to harass our clients and its members, unlawfully and for unlawful gains and self enrichment at the expense of our clients and its members. In view of the above the undersigned has been requested by our clients to withdraw the said Show Cause Notices to the President and the General Secretary. In addition to cause the notification dated 15th Sept 2010 to be

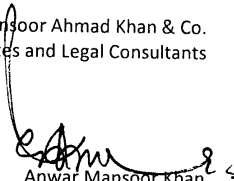


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withdrawn and to stop harassing our clients and their members forth with. If such is not done within 12 hrs of the receipt of this notice on FAX, our clients shall have no option but to proceed against you in your person as also PIAC, which and every proceeding taken shall be at your risk as to all costs and consequences.

Yours Faithfully

For Mansoor Ahmad Khan & Co.
Advocates and Legal Consultants


Anwar Mansoor Khan

Senior Advocate
Supreme Court of Pakistan

C. C. to:

1. Capt. Muhammad Ejaz Haroon
M.D. PIA
2. Capt. Shuja Naqvi
Director
Flight Operations, PIA
3. Barrister Makhdom Ali Khan,



**CREW PLANNING & SCHEDULING DIVISION
FLIGHT OPERATIONS**

GMCP&S/P-48975/10
September 15, 2010

**Capt T.M.Rabbani
P-48975**

Subject: Explanation

The management has taken a strict view of your deliberate and willful denial to perform your obligations towards your employment. You have, without any cause and / or justifiable reason, chosen to withdraw yourself from your planned roster and have refused a number of flights on pretexts that are not in conformity with either the Working Agreement and / or the rules of the Corporation.

(Details are attached as **Annexure A**)

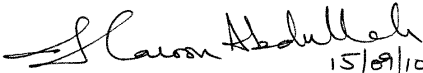
Your actions, as a whole, have been highly detrimental to the smooth functioning of the Corporation. You are further instigating a go slow amongst the pilots and have compelled a number of pilots from withdrawing and / or withholding from performing their duties in a manner that is derogatory to the Working Agreement and the basic terms of employment of a pilot. The management is in possession of ample proof regarding your acts of omission(s) that has led to the Corporation being subjected to unwarranted losses and damages. Furthermore, you have chosen to damage the reputation and integrity of the national flag carrier by making statements through the media, print and electronic, that have led a man of reasonable prudence to form a prejudicial opinion regarding the Corporation that is based on false and derogatory statements.

You have failed to perform your duties in addition to your having violated the Working Agreement, your terms of employment and the PIAC (Service & Disciplinary) Rules. The management has had to fall back on the reserve strength of pilots to make up for the losses caused due to your unjustifiable and illegal acts and deeds towards your employment with the Corporation. You have, however, maliciously availed all benefits under the Working Agreement and your terms of employment without fulfilling any of your duties and obligations. The management reserves its right to seek adequate redressal of such illegalities committed by you. Due to your inactions, the entire flight operations have been compromised, a fact that is substantiated through documentary proof.

The Federal Government has, vide SRO No 7/7/99-KP, dated August 28th 2010, declared the Cockpit Crew of PIAC to be a class of employment under the Pakistan Essential Service (Maintenance) Act, 1952. Such classification has rendered your services to the federation to be of utmost of importance for, amongst other purposes, the maintenance of order, particularly in this time of grave despair and need being suffered by the entire nation.

You are, therefore, called upon to explain your position within 72hours as to why action entailing punitive consequences should not be initiated against you immediately upon receipt of this notice. Upon your failure to do so, the management reserves its right to take any action as may be deemed appropriate to meet the illegalities being committed by you and available to the management under the said Act, apart from disciplinary action under the applicable rules.

This has the approval of competent authority.


15/09/10
(Capt Haroon Abdullah)
General Manager Crew Planning & Scheduling

Cc: Director Flight Operations
Cc: S A to M D



**CREW PLANNING & SCHEDULING DIVISION
FLIGHT OPERATIONS**

GMCP&S/P-45649/10
September 15, 2010

Capt Sohail Baloch
P-45649

Subject: Explanation

The management has taken a strict view of your deliberate and willful denial to perform your obligations towards your employment. You have, without any cause and / or justifiable reason, chosen to withdraw yourself from your planned roster and have refused a number of flights on pretexts that are not in conformity with either the Working Agreement and / or the rules of the Corporation.

(Details are attached as **Annexure A**)

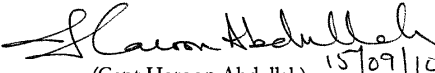
Your actions, as a whole, have been highly detrimental to the smooth functioning of the Corporation. You are further instigating a go slow amongst the pilots and have compelled a number of pilots from withdrawing and / or withholding from performing their duties in a manner that is derogatory to the Working Agreement and the basic terms of employment of a pilot. The management is in possession of ample proof regarding your acts of omission(s) that has led to the Corporation being subjected to unwarranted losses and damages. Furthermore, you have chosen to damage the reputation and integrity of the national flag carrier by making statements through the media, print and electronic, that have led a man of reasonable prudence to form a prejudicial opinion regarding the Corporation that is based on false and derogatory statements.

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This has the approval of competent authority.


(Capt Haroon Abdullah) 15/09/10
General Manager Crew Planning & Scheduling

Cc: Director Flight Operations
Cc: S A to M D