

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
C.P No. D-57 of 2026

[*Aijaz Ali vs. Province of Sindh and 04 others*]

DATE: **ORDER WITH SIGNATURE(S) OF JUDGE(S)**

1. For orders on M.A No.219/2026 (U/A)
2. For orders on office objections
3. For orders on M. A. No.220/2026 (Exemption)
4. For order on M.A No.221/2026 (Stay)
5. For hearing of main case

14.01.2026

Mr.Inayatullah G. Morio, Advocate for Petitioner

The present petition has been placed along with Office Objections, particularly Office Objection No.1, questioning its territorial maintainability before this Circuit Court. Before examining the merits of the petition, it is appropriate to address the objection and thereafter consider whether the petition warrants examination on the merits under Article 199 of the Constitution.

2. As to the above office objection, it proceeds on the premise that the petitioner resides in District Larkana, the union is based in Larkana and respondents No.3 to 5 are also posted there. According to the office, the petition ought to have been filed before the Circuit Court at Larkana. This reasoning, however, overlooks the determinative factor for territorial jurisdiction under Article 199(1)(a)(ii), which is the situs of the authority whose act is impugned. The record unequivocally shows that the impugned orders dated 12.08.2025 and 17.11.2025, and the election schedule dated 31.12.2025, were issued by the Registrar of Trade Unions, Hyderabad Region, functioning at Hyderabad. The petitioner himself states that he approached respondent No.2 at Hyderabad and that all disputed actions emanated from that office. A substantial and material part of the cause of

action has thus arisen within the territorial jurisdiction of this Circuit Court. The objection, therefore, is misconceived and is accordingly overruled.

3. The background of the case, stated concisely, is that the petitioner challenges a series of actions taken by respondent No.2 relating to the recognition of office bearers of the union, the recall of an earlier notification, the rejection of intimation of fresh elections and the issuance of an election schedule. The petitioner asserts that these actions were taken without lawful authority, in disregard of the union's constitution, and without affording notice or a hearing.

4. At the very outset, learned counsel for the petitioner contends that respondent No.2 acted in excess of jurisdiction; that the impugned orders are tainted with mala fides and that the Registrar cannot unilaterally impose an election schedule without first verifying membership or consulting the union. It is further argued that the Registrar's interference violates Article 17 of the Constitution and the scheme of the Sindh Industrial Relations Act, 2013 ("SIRA, 2013"). Counsel submits that the petitioner had no adequate remedy except to invoke constitutional jurisdiction.

5. Having considered the submissions and material available on record. It is evident that the SIRA, 2013 provides a complete and self-contained mechanism for resolving disputes relating to the election of office-bearers, refusal by the Registrar to register changes and challenges to actions taken under Section 9. Sub-sections (7) to (10) of Section 9 of SIRA, 2013, expressly confer appellate jurisdiction upon the Labour Court to examine such disputes and to pass appropriate orders, including directing the Registrar to register changes or to hold fresh elections. This remedy is not only adequate but is specifically tailored to address the very grievances raised in this petition.

6. The petitioner has invoked allegations of mala fides and excess of authority, but such assertions, without substantive material, cannot be

permitted to circumvent a clear statutory remedy. The impugned orders/actions, whether correct or otherwise, were passed by the competent authority acting within the statutory field. The constitutional jurisdiction is extraordinary and is not intended to supplant the statutory appellate structure unless the impugned action is demonstrably without jurisdiction or patently void. No such exceptional circumstance has been established.

7. In view of the above, while the office objection regarding territorial jurisdiction is overruled, the petition itself is not maintainable in the face of an efficacious statutory remedy provided under the SIRA, 2013. No ground has been made out to justify bypassing the statutory forum. Resultantly, the stand petition is **dismissed** in *limine* along with the listed applications.

JUDGE

JUDGE

AHSAN K. ABRO