

# IN THE HIGH COURT OF SINDH, KARACHI

CONSTITUTIONAL PETITION NO. S- 916 OF 2013

Petitioners : M/s. Delta Shipping Corporation (Pvt.) Ltd.  
through Mr. Mohsin Ali, Advocate

Respondent : Farooq Ahmad s/o Mitho

Date of hearing & : 14.09.2026  
Order

## ORDER

*Nisar Ahmed Bhanbhro, J.* This petition calls in question the order dated 15.03.2013 passed by the Sindh Labour Court No.V Karachi in Application No.156 of 2006 (re: Farooq Ahmad v. Delta Shipping Corporation (Pvt.) Ltd.) whereby the Petitioners' Company was directed to pay the balance amount of @ Rs.4,46,039/- to the respondent Farooq Ahmad on account of his salary and other benefits.

2. Counsel for the Petitioner contends that in terms of Section 62 of Industrial Relations Ordinance, 2002 (IRO, 2002) the Sindh Labour Court was not competent to entertain the plea of the employee. He further contended that Sindh Labour Court cannot grant the amount / money unless there is a determination from the competent authority of disputed amount. He next contended that the judgment was passed in ex-parte manner as the counsel for the Petitioners' Company had expired during proceedings and no reasonable opportunity was granted to the Petitioners' Company for engaging another counsel. He, therefore, prays that the instant petition may be allowed and case may be remanded back to the learned Sindh Labour Court for a decision afresh.

3. None is in attendance on behalf of the respondent Farooq Ahmad. Since this is an old case of 2013, therefore, is being decided on the basis of material available on record.

4. Heard arguments and perused the material available on record.

5. It transpired from the record that the respondent Farooq Ahmad was an employee of Petitioners' Company and was working as General Duty Clerk since 11.04.1996. He was terminated from service on 01.04.1998, therefore, he filed grievance petition before the Sindh Labour Court which was dismissed. However, this Court under its erstwhile appellate jurisdiction set aside the judgment of the Labour Court and reinstated the respondent Farooq Ahmad in service vide its

judgment dated 19.10.2012 with all back benefits. Petitioners' Company paid an amount of Rs.2,90,000/- pursuant to this Court's order; however, remaining amount in terms of salaries, bonus, leave encashment etc. was not paid to him. Respondent served the grievance notice upon Petitioners' Company on 18.09.2006 and thereafter preferred his grievance petition before the Sindh Labour Court wherein the Petitioners' Company filed its written statement; however, failed to pursue the matter on account of death of their counsel.

6. Respondent Farooq Ahmed filed his affidavit-in-evidence and claimed that an amount of Rs.7,38,039/- was payable to him on account of salaries, bonus etc. out of which an amount of Rs.2,90,000/- was paid to the respondent through cheque before this Court; however, the remaining amount was not paid. Since the respondent was claiming amount of his salaries and bonus for the period he served with the Petitioners' Company, therefore, it was not disputed amount and duly determined based upon the monthly salary receivable by the respondent. On calculation such arrears of amount become Rs.4,46,039/-.

7. When confronted as to how this amount is not payable or disputed in any terms, learned counsel for the Petitioners' Company failed to provide any details of the disputed amount. Contrary stressed that since the Petitioners' Company has been closed, therefore, this amount cannot be paid now. He further submits that since the Petitioners' Company was not given an opportunity to adduce the evidence and cross examine the respondent, therefore, it was a fit case for re-trial. Arguments so advanced by the learned counsel for the Petitioner are without merits as the Petitioner was granted ample opportunities before the learned trial Court to cross examine the respondent so also bring its own witnesses but he failed to do so.

8. This petition has been instituted against the order of Labour Court for payment of salary due since 2006 and more than 20 years has been lapsed since the Petitioners' Company has failed to determine the amount payable to the respondent and this lacuna is on the part of the Petitioners' Company itself and the respondent being labor class employee cannot be penalized for the same.

9. Learned counsel for the Petitioner relied place on the case of ***Ghulam Mustafa v. Vth Sindh Labour Court and another*** (1987 PLC 601) and ***Syed Arif Raza Rizvi v. Pakistan International Airlines*** (2001 PLC 13) which are on different footings as both pertained to an issue when the amount payable to the employee was under dispute and it was held that the Labour Court was not competent to entertain the plea of an employee unless determination of the amount was made.

10. For the foregoing reasons, no case for indulgence of this Court is made out, as such the instant petition is hereby dismissed along with pending applications.

**JUDGE**

*Approved for Reporting.*