

ORDER SHEET

THE HIGH COURT OF SINDH, BENCH AT SUKKUR

C. P. No. D - 196 of 2024

[Khair Muhammad Kasi Pathan v. Province of Sindh & others]

Present:

Mr. Justice Adnan Iqbal Chaudhry

Mr. Justice Muhammad Hasan (Akber)

For Petitioner : Mr. Shahzado Dreho, Advocate

For Respondents : M/s Sunder Khan Chachar and Saif-Ur-Rehman Naich, Advocates and Mr. Ali Raza Baloch, Additional Advocate General Sindh

Date of hearing : 26.10.2026

Date of decision : 26.10.2026

ORDER

Adnan Iqbal Chaudhry J.- The Petitioner, a workman, has challenged order dated 19.12.2023, passed by the Sindh Labour Appellate Tribunal, Karachi, dismissing the Petitioner's revision application under section 48(5) of the Sindh Industrial Relations Act, 2013 [**SIRA**] by observing that his remedy for recovering outstanding wages from Respondent No.2 (employer) was before the Commissioner for Workmen's Compensation under section 15 of the Sindh Payment of Wages Act, 2015.

2. The impugned order emanates from a Grievance Application filed by the petitioner before the Labour Court under section 34 of the SIRA, where he abandoned the prayer for reinstatement in service, and instead sought a direction to Respondent No.2 (employer) to pay retirement benefits as he had attained the age of 60 years. By order dated 07.12.2022, the Labour Court disposed of the Grievance Application in following terms:

"It is admitted facts on record that the applicant has attain the age of 60 years and he do not want to perform his duties further, therefore his request for retirement is genuine one. In the light of contents of statement the respondent is directed to initiate the proceedings with EOBI for the retirement of the applicant upto the age of 60 years and to make efforts for payment of all back benefits and pension after his retirement within 60 days. The applicant is advised if, the respondent fails to initiate his retirement process then he is at liberty to knock the door of proper forum, if so he desire for non compliance of the court order.

In view of the above petition stands disposed of accordingly."

3. Alleging that Respondent No.2 did not comply with the Labour Court's order dated 07.12.2022, the Petitioner made a complaint to the Labour Court under sub-sections (8) and (9) of section 34 of the SIRA for prosecuting Respondent No.2. However, by order dated 10.06.2023, the Labour Court dismissed that complaint by observing that for receiving old-age pension, the Petitioner's remedy was before the EOBI under the Employees Old-Age Benefit Act. Against such order, the Petitioner preferred the revision application which was dismissed by the impugned order.

4. Learned counsel for the Petitioner concedes that for old-age pension at least, the prescribed remedy is under the Employees Old-Age Benefit Act, and therefore he does not press prayer (d) made in this petition. The petition is therefore confined to the claim for outstanding wages against Respondent No.2 (employer). It is the Petitioner's case that the sum of Rs. 40,618/- paid to him by Respondent No.2 towards wages on retirement, was a short payment. That averment is of course denied by Respondent No.2.

5. The question now is to the forum available to the Petitioner for recovering outstanding wages from his employer. Learned counsel for the Petitioner submits that since it was the Labour Court which had directed Respondent No.2 to pay such wages *vide* order dated 07.12.2022, the Petitioner's complaint to that Court under sub-sections (8) and (9) of section 34 of the SIRA was maintainable. However, in passing order dated 07.12.2022, the Labour Court had also observed that in the event the employer does not make payment, the Petitioner should approach the "*proper forum*". As noted by the learned Sindh Labour Appellate Tribunal *vide* impugned order, that proper forum is the Commissioner for Workmen's Compensation under section 15 of the Sindh Payment of Wages Act, 2015. Upon perusing that provision, we agree with the impugned order. Therefore, the petition is dismissed.

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