

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No. D- 8412 of 2017

Date Order with signature of Judge

- 1. For order on CMA NO. 35825/17.**
- 2. For order of maintainability of the instant petition.**

15.12.2017

Mr. Abdul Ghaffar Advocate for Petitioner.

1. Granted
2. Mr. Abdul Ghaffar, learned counsel for the Petitioner has argued that the instant petition is maintainable under the law. He next added that Sindh Industrial Relations Act 2013 is applicable to the case of Respondent No. 3 / Karachi Water & Sewerage Board Government of Sindh. He next contended that the Respondents have acted without lawful justification by not acceding to the demand of the Petitioner's Workers; that the administration of the State is to be interpreted in beneficial manner; that the lower staff of Respondent No.3 must be given a meaning other than person employed in Government Service; that lower employees of Respondent No.3 are doing manual and clerical work who are covered by the definition of workman as given in section 1 (4), first proviso of West Pakistan Industrial and

Commercial Employment (Standing Order) Ordinance 1968; that Respondent No.3 is a statutory body, lower staff/employees of the said body is governed by the said Provision of the Ordinance 1968 as discussed supra, therefore Constitutional jurisdiction of this Court can be invoked by aggrieved persons. Per learned counsel petitioner is an aggrieved person falls within the ambit of Article 199 of the Constitution of Islamic Republic of Pakistan 1973. Learned counsel for the Petitioner in support of his contention has relied upon in the case of Mechanical Engineers Vs. SMD Sukkur & others Vs. Andrew John and others (PLD 1978 Karachi 503), Pakistan Post officers vs. Nadeem Ahmed Khan (1995 PLC 205) and Deputy Controller Stationary and Reforms Workers Union Vs. Stationary and Forms Department and 4 others (NLR 1980 Labour Karachi 162) .

Subject to maintainability, issue notice to the Respondents as well as AAG.

Office is directed to fix the matter after two weeks.

Karachi

Dated 15.12.2017.

JUDGE

JUDGE