

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Constitutional Petition No. D -885 of 2021

Order with signature of Judge

1. For order on Misc No.3685/2021
2. For order on Misc No.3686/2021
3. For order on Misc No.3687/2021
4. For hearing of main case.

Dated: 03.02.2021

Mr. Ovais Ali Shah, advocate for the petitioners.

1. Granted.

2. Granted subject to all just exceptions.

3&4. It is contended *inter-alia* that that respondent No.5 made a categorical statement before this Court that since Registrar of Trade Union had not announced the official result of the election, therefore, there was/is no question of assuming the charge. The aforesaid statement was recorded by this Court vide order dated 11.12.2020 passed in CP No. D-5615/2020. He pointed out that respondent No.5 to defeat the orders passed by this Court as well as the order dated 13.11.2020 passed by learned Single Judge of this Court in suit proceedings, addressed a letter dated 08.01.2021 to the Chief Executive Officer, K-Electric Limited Karachi for negotiation, pretending to be elected KESC Labour Union (CBA), which result of the election is yet to be announced. Per learned counsel, this action on the part of respondent No.5 violates the order dated 13.11.2020 passed by the learned Single Judge (Original Side) of this Court in Suit No. Nil of 2020 whereby the concerned Registrar was directed to conduct the elections however the private parties were restrained not to hold the office if they are declared successful candidates in the election till the next date of hearing. Per learned counsel, the aforesaid matters are still subjudice before this Court whereas a fresh letter dated 08.01.2021 has been

issued to defeat the orders passed by this Court which is causing hindrance in the matter, therefore, the immediate indulgence of this Court is required for restraining the respondent No.5 and 14 from acting as office bearers of the respondent No.4 Labour Union. In support of his contention, learned counsel relied upon various documents attached with the memo of petition and orders passed by this Court.

To appreciate as to whether respondent No.5 is elected chairman KESC Labour Union (CBA) and was/is authorized to issue a letter dated 08.01.2021 to the Chief Executive Officer K-Electric Limited Karachi for negotiation on behalf of elected CBA and what is its effect under the law? Let notice be issued to the respondents as well as to learned DAG for a date to be fixed by the office in the third week of this month.

J U D G E

J U D G E