

Order Sheet
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

CP No. D- 217 of 2001

BEFORE :

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Adnan Iqbal Chaudhry

Date of hearing & decision: 30.11.2021

Petitioners: Agha Nisar Ahmed and others through Mr. Saad Salman Ghani, Advocate

Respondents: M/s. Zeal Pak Cement Factory through Faqir Rehmatullah Hisbani, Advocate

Mr. Rafiq Ahmed Dahri, Asstt: A.G.

ORDER

ADNAN-UL-KARIM MEMON, J: - This petition was disposed of on 20.03.2009. The concluding paragraph of the order is reproduced as under:-

“ In view of the above discussion the petition is allowed, the Judgment of the Appellate Tribunal is set aside and the Judgment of Labour Court is upheld. The petitioners are reinstated in service with all benefits which they were entitled at the date of termination of their services.”

2. The petitioners being aggrieved by and dissatisfied with non-compliance of the direction contained in the above Judgment filed MA No. 1719 of 2010 for initiating contempt proceedings against the alleged contemnors for their willful defiance of the Judgment passed by this court.

3. Per learned counsel for the applicants/petitioners after filing of the above contempt application several coercive orders were passed but to date, no compliance has been made.

4. The stance of the petitioners has been refuted by learned counsel for the alleged contemnors on the premise that the

petitioners were paid all their dues at the time of termination on 13.03.1996 and the remaining salary of petitioners for 13 days, which was due at the time of termination, was also paid to them; that one petitioner had passed away, therefore, his gratuity and all benefits were paid to his widow Mst. Azra Rizvi and the remaining petitioners are regularly getting their salaries and benefits and amongst them who resigned from service also got their benefits and a detailed statement in that regard has already been filed before this Court on 13.10.2021. He lastly prayed for the dismissal of listed application.

5. We have heard learned counsel for the parties on the listed application and perused the compliance report filed on behalf of the alleged contemnors.

6. Prima facie, substantial compliance of the order /judgment passed by this Court has been made, as such we are not inclined to stretch further the contempt proceedings against the alleged contemnors on the plea put forward by the petitioners even the respondents Factory is not operating since long. However, it is made clear that if they have any substantial cause against the respondents, they are at liberty to seek their remedy, if any, under law.

Listed application stands disposed of accordingly.

JUDGE

JUDGE