

IN THE HIGH COURT OF SINDH KARACHI

C.P. No. D-2994 of 2019

Muhammad Rafiq
Petitioner through : Mr. Inayat Hussain Shah, advocate

Respondents
through: : Mr. Ali Safdar Depar, AAG

1. For order on CMA No.13433/2019
2. For hearing of main case

Date of hearing
& order : **07.02.2022**

ORDER

Through this petition, the petitioner has assailed the vires of the judgment dated 12.03.2019 passed by the learned Member Sindh labour Appellate Tribunal, Karachi, (SLAT) in Appeal No.Kar-72/2018, whereby the judgment dated 31.05.2018 passed by the learned Sindh Labour Court No.II Karachi (SLC) was set aside to the extent of direction to the respondent-company to pay back benefits to the petitioner with effect from the date of termination from service order dated 17.04.2010, *inter alia*, on the ground that petitioner was deprived of his due process rights. He was not confronted with the material based on which he was terminated from service. Even otherwise, the process followed by the respondent-company was sketchy, one-sided, non-transparent, and not supported even by the service Regulations and the relevant laws; that back benefits are to be paid to the workman, not as a punishment to the employer for illegally removing him but to compensate him for his remaining jobless on account of being illegally removing him but to compensate him for his remaining jobless account of being illegally removed from service; that the only principle on which back benefits could be denied to the petitioner is his gainful employment between the period of his dismissal from service to his reinstatement and there is no evidence available on the record showing that he was gainfully employed, back benefits could not be refused to him.

We asked the learned counsel for the petitioner as to how he claims back benefits on the premise that the petitioner was repeatedly asked by the respondent-company to join the duty which the petitioner reluctantly joined after eight years of the litigation as observed by the learned SLAT in its judgment as discussed supra.

Mr. Inayat Hussain Shah, learned counsel for the petitioner, seeks time to prepare himself on the aforesaid points. If this is the position, let notice be issued to the respondents as well as AAG for a date to be fixed by the office in the third week of this month.

JUDGE

JUDGE