

Order Sheet

IN THE HIGH COURT OF SINDH KARACHI

**Constitutional Petitions No. D – 1461/2018, 6504/2018, 3136/2016,
3137/2016, 3138/2016, 5640/2016, 5641/2016,
5642/2016 and 5643/2016**

Date	Order with Signature of Judge
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30.3.2021 :

Mr. Imran Khan, advocate for petitioner No.2 in C.P. No.D-6504/2018
Chaudhry Azhar Elahi, advocate for respondent No.3 in C.P. No.D-1461/2018
Mr. Muhammad Nishat Warsi, DAG
Mr. Sibtain Mehmood, Additional AG.

The petitioners in C.P. Nos.3136/2016, 3137/2016, 3138/2016, 5640/2016, 5641/2016, 5642/2016, and 5643/2016 have called in question the common judgment dated 19.1.2016 passed by the learned Sindh Labour Appellate Tribunal (**SLAT**) whereby the Revision Applications filed by the petitioners were dismissed and the view, taken by the learned Sindh Labour Court No. V, Karachi (**SLC**) vide order dated 15.11.2014 was maintained under Section 17 of the Payment of Wages Act, 1936.

Per learned counsel for the Petitioners in C.P. Nos. D-6504/2018 and 1461/2018 it was mandatory upon the petitioner-Custom House Common Pool to submit a certificate of payment under the Payment of Wages Act, 1936, which they have failed and neglected to attach; and, without compliance of the parameters and conditions as prescribed in proviso of Sections 17(1) (a), the instant petitions are not maintainable. In support of his contention, he relied upon the case of *Tehsil Nazim TMA Okara v. Abbas Ali & two others* [2010 PLC 259]. The stance of the petitioners in C.P. No. D-6504/2018 and 1461/2018 have been endorsed by the learned Deputy Attorney General present in Court on Court notice vide order dated 23.2.2018.

If this is a legal position of the case, let at the first instance, notice be repeated upon the petitioners in C.P. Nos.3136/2016, 3137/2016, 3138/2016, 5640/2016, 5641/2016, 5642/2016, and 5643/2016, with intimation notice to learned counsel for the petitioners in the aforesaid matters.

At this juncture, Mr. Imran Khan, learned counsel for petitioner No.2 in C.P. No. D-6504/2018 has emphasized that under the Payment of Wages Act, 1936 the petitioner-Custom House Common Pool is required to deposit the payment of wages as determined by the learned Commissioner for Workmen Compensation & Authority under the Payment of Wages Act, 1936 as the order passed by him has been maintained by the learned SLC and SLAT.

In our view, before going ahead, let compensation amounts as determined by the competent authority and two fora below, be deposited with the Nazir of this Court within fifteen (15) days from today. Re-list after fifteen (15) days.

JUDGE

JUDGE

Zahid*