

**ORDER SHEET**

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

**C. P. No. D – 1775 of 2018**

Date of hearing	Order with signature of Judge
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**Hearing of case**

1. For orders on office objection at Flag-A
2. For hearing of main case

**13-04-2022**

Mr. Farooq Ali Halepoto, Advocate for the Petitioner.  
Mr. Ali Raza Baloch, Assistant Advocate General Sindh.

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Through this Petition, the Petitioners have sought implementation of order dated 31-05-2017 passed by the Commissioner under the Workmen's Compensation Authority under the Payment of Wages Act, 1936. However, admittedly, the Petitioners' claim to be employees of Sindh Irrigation Department and notwithstanding the response of Respondent No.4 that all such appointments were bogus, at the very outset, we have confronted the Petitioners' Counsel as to maintainability of their complaint before the said Commissioner under the Payment of Wages Act, 1936, and the Counsel has not been able to satisfactorily respond. SIDA is neither a commercial establishment as defined in Section 2(i) nor a factory under Section 2(ia) and an industrial establishment under Section 2(ii) of the Payment of Wages Act, 1936, and therefore, Petitioners' complaint before the Commissioner was, on the face of it, not maintainable.

In view of such position, we are not inclined to exercise any discretion for implementation of the order, which apparently, was passed without jurisdiction. Accordingly, Petition is **dismissed** as not maintainable.

J U D G E

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