

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

HCA No.22 of 2016

Date	Order with signature of Judge
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Present: **Aqeel Ahmed Abbasi &
Abdul Mobeen Lakho, JJ.**

1. For orders on CMA No.1996/2018.
2. For orders on office objection at 'A'
3. For hearing of CMA No.1299/2018.
4. For hearing of CMA No.1082/2018.
5. For hearing of CMA No.3400/2016.
6. For hearing of CMA No.2119/2016.
7. For hearing of CMA No.347/2016.
8. For hearing of main case.
9. For hearing of CMA No.349/2016.

24.3.2022

Mr.Muhammad Ali Lakhani, Advocate for Appellant.
Mr.Abdul Haleem Siddiqui, Advocate for Respondent.

Aqeel Ahmed Abbasi, J: After arguing the matter at some length, learned Counsel for Appellant submitted that Appellant will not press instant Appeal, provided the observations made by the learned Single Judge in para 15 of the impugned order to the effect that no suit is maintainable against the employer of an organization having non-statutory rules, if there exists master and servant relationship. It has been contended by the learned counsel that any aggrieved employee of a non-statutory organization can seek a declaration against any adverse illegal action by the employer by filing a suit in accordance with law, as according to learned Counsel an aggrieved party cannot be left remediless.

Learned Counsel for Respondent, while supporting the impugned order, submits that there is no such finding recorded by the learned Single Judge in the impugned order to this

effect, whereas, the plaint of the suit filed by the Appellant has been rightly rejected under Order VII Rule 11, CPC, keeping in view the peculiar facts and circumstances of the case and the relief being sought therein, which was not available to the Appellant as per settled legal position. It has, however, been submitted that an aggrieved party i.e. an employee of an organization having non-statutory rules, can always agitate his/her grievance by approaching the relevant forum, including the appropriate Court of jurisdiction, seeking a declaration against any illegal act or decision of the employer, however, in accordance with law.

With this clarification, instant High Court Appeal stands dismissed as not pressed along with listed applications.

JUDGE

JUDGE

Shakeel, PS.