

ORDER SHEET  
**IN THE HIGH COURT OF SINDH, KARACHI**  
C. P. NO. D-4842 / 2022

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Date

Order with signature of Judge

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**DIRECTION.**

For orders as to maintainability of Petition.

**27.09.2022.**

Mr. Jawad A. Sarwana, Advocate for Petitioner.

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On the last date of hearing, Petitioner's counsel was confronted as to maintainability of this Petition on the ground that how a Petition can be entertained under Article 199 of the Constitution against interim orders of Single Bench of NIRC.

It appears that Petitioner's case is that some application was allowed by a Single Member Bench of NIRC vide order dated 18.08.2022, whereas, the said order has been impugned before a Full Bench of NIRC which is non-functional; hence, this Petition.

Today, despite his best efforts and so also reliance on Section 57 & 58 of the Industrial Relations Act, 2012 along with certain case law, learned Counsel has not been able to convince us so as to exercise any discretion in this matter under Article 199 of the Constitution to interfere with the impugned order.

On perusal of the record and the relevant provisions as cited by the Petitioners Counsel we have not been able to persuade ourselves with the submissions of the Petitioner's counsel that an Appeal could be maintained against an interlocutory order and in that case we are not inclined to exercise our discretionary jurisdiction under Article 199 of the Constitution. Moreover, Petitioner's Counsel conceded before us that the case law cited by him does not constitute a binding precedent on this Bench and therefore, we are not inclined to consider the same as well.

Lastly, it is wholly wrong to consider that the Constitutional jurisdiction is designed to empower the High Court to interfere with the decision of a Court or tribunal of inferior jurisdiction merely because in its opinion the decision is wrong. In that case, it would make the High Court's jurisdiction indistinguishable from that exercisable in a full-fledged

appeal, which plainly is not the intention of the Constitution-makers<sup>1</sup>. It is not that if no further appeal is provided in law, then a constitution petition can be treated as an appeal and matter could be argued as if this Court is the Appellate Court. Such concept is totally misconceived and uncalled for

In view of such position, this Petition does not appear to be maintainable and therefore, by means of a short order in the earlier part of the day the same was dismissed with pending applications and these are the reasons thereof.

**J U D G E**

**J U D G E**

Arshad/

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<sup>1</sup> Muhammad Hussain Munir and others v Sikandar and others (PLD 1974 SC 139)