

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD**

C.P. No. S-813 of 2022

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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1. For hearing on MA 822/2023.
2. For hearing on MA 1577/2023

07.11.2023.

Mr. Aslam Ahmed Advocate, authorized person of petitioner.

Mrs. Nasim Abbasi, Advocate for respondent No.4.

Mr. Muhammad Yousuf Rahopoto, Addl. A.G.

1. In view of grounds pleaded, the restoration application is allowed and petition is restored. Learned counsel is directed to address the case on maintainability.

The petitioner has impugned an *admittedly appealable* order dated 04.10.2022 passed in Application No.110/2022 by the Court of Commissioner for Workers Compensation and Authority under Sindh Payment of Wages Act, Hyderabad. The learned counsel submits that even though the order is appealable, however, the provision of appeal is conditional to deposit of security, hence, the present petition.

The plea taken by petitioner is entirely misconceived *inter alia* as no sanction is merited to voluntarily abjuring the statutory hierarchy and seeking direct recourse to writ jurisdiction; the presence of an adequate remedy ordinarily precludes an applicant from invocation of writ jurisdiction; and providing any sanction for avoidance of the statutorily mandated deposit for consideration of an appeal would render the statutory provision otiose. In view hereof, this petition is found to be misconceived, hence, dismissed.

2. Dismissed as withdrawn.

Judge