

## ORDER SHEET

### *IN THE HIGH COURT OF SINDH AT KARACHI*

**Constitution Petition No. D – 27 of 2022**

Date	Order with signature of Judge
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**FRESH CASE**

1. For orders on Misc. No. 22997/2023.
2. For orders on Misc. No. 114/2022.
3. For hearing of Main Case.

**20.10.2023:**

Mr. Ehsanullah, advocate for the petitioner.

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1-3. Through instant petition, the petitioner has impugned the judgment dated 06.10.2021 passed by the Chairman, Sindh Labour Appellate Tribunal, Karachi in Appeal No. KAR-192/2021, whereby, according to learned counsel for the petitioner, the appeal filed by the petitioner under Section 47 of the Sindh Industrial Relations Act, 2013, has been dismissed for being time-barred. Per learned counsel, the appeal was filed after obtaining certified copy of the order dated 05.05.2021, which was supplied on 22.04.2021, whereafter, the appeal was filed on 19.05.2021, therefore, the same was within time.

From perusal of the impugned judgment passed by the Chairman, Sindh Labour Appellate Tribunal, Karachi and the record, it appears that the order was passed on 05.04.2021 by the Sindh Labour Court No.V, Karachi, whereafter, the petitioner has applied for certified copy of the same on 12.04.2021, which was provided on 22.04.2021. After excluding the period of eleven days consumed for obtaining certified copy, the appeal could have been filed within thirty days i.e. 16.05.2021, whereas, admittedly the appeal has been filed on 19.05.2021. No explanation of such delay whatsoever has been given before the Sindh Labour Appellate Tribunal, Karachi, nor the learned counsel for the petitioner could explain such delay. Moreover, from perusal of the

order dated 05.04.2021 passed by the Presiding Officer, an Application being No. 45/2020 filed by the petitioner under Section 34 of Sindh Industrial Relations Act, 2013 read with Section 16(3) of the Standing Orders Act, 2015, it appears that petitioner could not establish that he was a permanent employee of the respondent.

In view of hereinabove facts and circumstances of the case, we do not find any error in the impugned judgment, therefore, petition is misconceived having no merits, which is accordingly dismissed in limine alongwith listed application(s).

*JUDGE*

*JUDGE*

A.S.