

IN THE HIGH COURT OF SINDH, KARACHI

C. P. No. S – 905 of 2023

DATE: ORDER WITH SIGNATURE(S) OF JUDGE(S).

Hearing of Case [Priority]

1. For hearing of Nazir's Report dated 25-4-24
2. For orders on Office Objection
3. For hearing of CMA No.1989/2024
4. For hearing of CMA No.6510/2024
5. For hearing of Main Case

23.05.2024.

M/s. Agha Shahid Majeed Khan and Mr. Muhammad Zakir,
Advocates for the Petitioner along with Petitioner Saqib.

Mr. Adil Saeed, Advocate for Respondents No.4 and 5 along
with Mr. Muhammad Fahad, Manager Operations.

ORDER

Muhammad Faisal Kamal Alam, J: Petitioner has challenged the Order dated 22.08.2023, through which the Respondent No.3 [the Commissioner for Workers' Compensation and Authority Under The Sindh Payment of Wages Act, (South Division), Karachi] has recalled its earlier *ex parte* Order dated 03.05.2023, whereby, allowing the Application of the Petitioner under Section 15 of the Sindh Payment of Wages Act, 2015, against the private Respondents No.4 and 5 [the former Employer] by awarding a sum of Rs.500,000/- [Rupees Five Hundred Thousand only] in addition to five times compensation of the decretal amount; consequently, private Respondents No.4 and 5 were directed to deposit an amount of rupees three million, within thirty days in the Court.

2. The Petitioner was appointed as Bike Rider in the Establishment of Respondent No.4 and 5.

3. After hearing the matter at some length, it was observed on the last date of hearing, that both the contesting Parties should reconsider their

stance and take instructions, that whether the Petitioner can be appointed in the Establishment of Respondents No.4 and 5 on regular basis, to secure his present and future livelihood in lieu of his withdrawal of monetary claims.

4. In compliance of the last Order, both the Petitioner and Manager Operations of Respondents No.4 and 5 are present. Petitioner has shown his original CNIC for identification, which after verification is returned to him.

5. By consent of the Parties, the following Order is passed_

- i. Immediately, Respondents No.4 and 5 will issue an Employment Letter to the Petitioner to be appointed as a regular employee in the Establishment of Respondents No.4 and 5. Simultaneously, Petitioner shall immediately withdraw his both Applications; one under Section 15 of the Sindh Payment of Wages Act, 2015 and another Application for Workmen's Compensation, file in Case No.72 of 2022 [*available at pages-31 and 37 of the Court File*].
- ii. Expenditure incurred by the Petitioner on his medical treatment would be submitted to Respondents No.4 and 5 for their sympathetic consideration and if Respondents No.4 and 5 consider it genuine, they can reimburse or pay a reasonable amount to the Petitioner.
- iii. It is clarified that services of the Petitioner shall be subject to the Service Structure and Rules of the Establishment of Respondent No.4 and 5, and Petitioner will do the job as a diligent and faithful employee.

6. In view of the above terms, this Petition stands disposed of along with all pending application(s), if any, but with no order as to costs. However, the amount earlier deposited with the learned Nazir of this Court should be released back to the Respondents No.4 and 5 through their duly authorized representative along with the accruals, if any.

Judge