

IN THE HIGH COURT OF SINDH, KARACHI

C. P. No. D – 2365 of 2016

[Mian Khan *versus* Messrs Union Export [Pvt.] Limited and others]

Present:

Mr. Muhammad Faisal Kamal Alam, J.

Ms. Sana Akram Minhas, J.

Date of hearing : 09.10.2025.

Petitioner : Mian Khan, through Mr. S. Manzoor Hussain Khan, Advocate.

Respondents No.1 to 3 : *Nemo.*

Ms. Lubna Ejaz, Law Officer, SITE.

ORDER

Muhammad Faisal Kamal Alam, J: Through this Petition, the Petitioner has challenged the Judgment dated 08.02.2016 [the “**Impugned Decision**”] passed by learned Sindh Labour Appellate Tribunal [the learned “**Appellate Tribunal**”], setting aside the Order dated 20.03.2013 passed by learned Sindh Labour Court No.II, Karachi, reinstating the Petitioner in Service with full back benefits.

2. Mr. S. Manzoor Hussain Khan, Advocate representing the Petitioner, has stated that without discussing the evidence, the Impugned Decision is passed, which is to be set aside; merely awarding compensation of Rs.200,000/- in lieu of re-instatement in service is not sufficient and the learned Appellate Tribunal has overlooked the number of years given to Respondent No.1 – Messrs Union Export [Pvt.] Limited.

3. Despite service of notice, no one appeared on behalf of the Respondent No. 1 – Establishment.

4. Arguments heard and record perused.

5. After examining both the Decisions, it appears that one thing is undisputed, that Petitioner was a permanent worker of Respondent No.1 – Establishment. Unfortunately, the testimonies are not discussed as required under the law by both the *Fora* below.

6. The Petitioner in his evidence has stated that he has received some amount from the Respondent No.1 – Establishment and signed on a blank paper. The dispute arose on the issue of non-payment of overtime. It is also a fact that when Petitioner was no more in the employment of Respondent No.1, he was already above sixty years of age, which fact was taken note of by the learned Appellate Tribunal while granting him compensation of Rs.200,000/-.

7. Although the total length of service of the Petitioner with Respondent No.1 is less than three years, a compensation of Rs.200,000/- in the impugned Appellate Judgment [at the relevant time] was a reasonable amount, in particular, considering the fact that it is not the Petitioner's complaint that monthly salaries were not paid, but his claim is of wages during his leave period. Salary per month was Rs.4,800/-, as per the averments of Respondent No.1 and Rs.4,200/-, as per the stance of the Petitioner. Even if the higher salary figure is accepted as correct, then looking at the length of service and applicable dues, for instance, gratuity payable to a permanent workman is adequately covered in the above compensation amount.

8. However, we cannot overlook this aspect of the case, that the present Petition is nine years old and taking into account the impact of inflation and devaluation of currency, the compensation awarded in the Impugned Decision no longer appears adequate. Consequently, we enhance the above compensation to Rs.300,000/- [Rupees Three Hundred Thousand] by directing the Respondent No.1 – Establishment to pay above compensation of Rs.300,000/- to the Petitioner within a period of four [04] weeks from today, failing which adverse consequences will follow.

9. In view of the above, this Petition is disposed of along with all pending application(s), but there will be no order as to costs.

Judge

Judge

Karachi.

Dated: 13.11.2025.

Riaz / P.S.