

**ORDER SHEET**  
**THE HIGH COURT OF SINDH KARACHI**

C.P. No. D – 1139 of 2025  
[M/s. Faisal Corporation v. Muhammad Yousuf]  
C.P. No. D – 1140 of 2025  
[M/s. Faisal Corporation v. Muhammad Aftab & others]

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE(S)</b>
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**Mr. Justice Adnan-ul-Karim Memon**  
**Mr. Justice Zulfiqar Ali Sangi.**

**Date of hearing and order:-07-04-2026**

Mr. Inzamam Sharif, Advocate for the Petitioners.  
Mr. Ehsanullah, Advocate for the Respondents in both petitions.

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**ORDER**

**Adnan-ul-Karim Memon, J.** – The petitioner corporation has filed the captioned Constitutional Petitions under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking the following relief(s):-

- “1. *Declare the impugned judgment is unlawful and of no legal effect;*
2. *Set aside the impugned judgment passed by the Labour Appellate Tribunal Karachi.*
3. *During the pendency of the petition under reference, suspend the operation of the impugned judgment.*

2. The case of the Petitioner, M/s Faisal Corporation, is that it is a sole proprietorship concern engaged in the manufacture of export-based textile products and enjoys a reputable standing in the industry. It is submitted that the private respondents in both petitions were engaged by the Petitioner as a helper/trainee and worked on a shift basis. It is urged that their employment was never regular or permanent, and since 15.03.2021, they have remained inconsistent in attendance and performance. The Respondent frequently absented themselves from duty and failed to maintain continuity in service, thereby falling outside the scope of a permanent employee under the applicable labour laws. Due to their unsatisfactory performance, the Respondents were transferred from the sampling department to the production department. However, instead of complying with the transfer, they stopped reporting to work altogether and effectively abandoned the employment of their own accord. Despite being informed to collect his dues, including salary for September 2022, the Respondent failed to do so. Subsequently, the private Respondents issued the grievance notice dated 06.10.2022, seeking reinstatement along with full back benefits. Thereafter, they instituted grievance proceedings under the Sindh Industrial Relations Act, 2013, before the Labour Court No. II, Karachi, alleging illegal termination through oral gate stoppage dated 30.09.2022. The Petitioner contested the claim by filing a detailed written statement, denying all allegations and asserting that the Respondent had voluntarily abandoned employment. Both parties led evidence

and were cross-examined. After the conclusion of the trial, the Labor Court, vide judgment dated 07.08.2024, allowed the grievance petitions in disregard of the material available on record. Being aggrieved, the Petitioner preferred the appeals before the Labor Appellate Tribunal, which were dismissed through the impugned separate judgments dated 31.01.2025.

3. Learned counsel for the petitioner in CP No. 1139 of 2025 contended that the impugned judgment suffers from misreading and non-reading of evidence and failure to appreciate the factual matrix of the case. It was argued that the Courts below erroneously treated the Respondent as a permanent employee despite clear evidence showing that he was merely a temporary/trainee worker with irregular attendance. The finding of illegal termination is stated to be contrary to the record, as the Respondent had voluntarily abandoned his employment. It was further submitted that the burden to prove unlawful termination was not discharged by the Respondent. Learned counsel emphasized that habitual absence constitutes misconduct, disentitling the Respondent from relief, and that the impugned judgment, being non-speaking and based on conjectures, is unsustainable in law. The stance of the learned counsel for the petitioner in CP No. 1140 of 2025 is the same, and submitted that the Respondent, Muhammad Aftab, was engaged as a helper/trainee and was never a permanent employee, his service being irregular and marked by frequent absenteeism. Due to unsatisfactory performance, he was transferred to another department but failed to report for duty and voluntarily abandoned employment. Despite being asked to collect his dues, he did not do so and instead issued a grievance notice seeking reinstatement with back benefits. He subsequently filed a grievance petition, which was contested by the Petitioner through a written statement. After recording evidence, the Labour Court allowed the claim, and the appeals filed by the Petitioner were dismissed by the Labour Appellate Tribunal vide separate judgments dated 31.01.2025. It is contended that both Courts failed to properly appreciate the evidence on record.

4. The learned counsel for the private respondents submitted that the petitioner challenged the Sindh Labour Court No. II, Karachi's judgment dated 07.08.2024, which directed reinstatement of the respondents with full back benefits. However, the respondents claimed to be permanent workers employed since 28.10.2019, unlawfully terminated on 22.07.2022 without written notice or lawful justification, and with their grievance notice ignored. He submitted that the petitioner denied the claim, alleging the respondents were temporary employees who voluntarily abandoned service. However, the Labour Court, after recording evidence, held the respondents to be permanent workers illegally terminated. The Appellate Tribunal upheld this, noting admissions by the petitioner's witness regarding continuous employment. The Tribunal observed

that no written termination, show-cause notice, or disciplinary inquiry was conducted as required under the Sindh Terms of Employment (Standing Orders) Act, 2015. The claim of voluntary abandonment was unsupported, and failure to respond to the statutory grievance notice reinforced the existence of the employment relationship. Relying on evidence and settled legal principles, the Tribunal found the Labour Court's findings correct and dismissed the appeals as meritless. The Rs. 350,000/- deposited as partial back benefits was ordered to be released to the respondents upon verification. He prayed to dismiss both the petitions.

5. After reviewing the record, we have noticed that the Petitioner treated the Respondents as temporary/trainee employees, alleging irregular attendance and voluntary abandonment. However, the Labour Court and Appellate Tribunal correctly relied on documented employment showing continuous service since 28.10.2019 in work of a permanent nature. Under the Sindh Industrial Relations Act, 2013, and related laws, such continuous engagement confers permanent employee status, irrespective of labels like "trainee" or "helper."

6. The Petitioner's claims of misconduct and voluntary abandonment were unsupported: no show-cause notice, disciplinary inquiry, or written resignation was produced, and the statutory grievance notice dated 06.10.2022 remained unanswered. Termination without due process, including failure to issue a written order, renders it unlawful. Admissions by the Petitioner's own witness confirmed continuous service, establishing entitlement to reinstatement and back benefits. Consequently, the learned courts' decisions were based on proper appreciation of evidence and settled legal principles. The Respondents' reinstatement with full back benefits is legally justified, and the Petitioner's appeals are devoid of merit.

7. The Petitioner's contentions are unsustainable. The Respondents were permanent employees; voluntary abandonment is unproven, and termination without due process was illegal. The Labour Court and Appellate Tribunal properly applied the law and appreciated the evidence. Their judgments are sound, and the Respondents' reinstatement with full back benefits is fully justified.

8. In view of the above, these petitions are dismissed along with pending application(s).

JUDGE

JUDGE