

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-4494 of 2026
(Muhammad Irfan Shaikh versus 3rd Sindh Labour Court at Karachi & another)

Date	Order with signature of Judge
	Mr. Justice Adnan-ul-Karim Memon Mr. Justice Muhammad Jaffer Raza

Date of hearing and decision 11.8.2026

Mr. Anayat Hussain Shah advocate for the petitioner

ORDER

Adnan-ul-Karim Memon, J. Petitioner has fled this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer: -

- a. *To set aside the judgments of lower fora, i.e. order dated: 22-11-2025, of Labour Court and judgment dated: 05-05-2026, and may be please after perusal of record, this Hon'ble Court may be pleased for interest of justice to set aside the order dated: 22-11-2025, which is a Suo Moto order, and judgment dated: 05-05-2026, which are illegal, without jurisdiction, without applying judicial mind, and having no force at all.*
- b. *To suspend the Judgment dated: 05.05.2026, of the Labour Appellant Tribunal, till next date of hearing and further may be pleased to direct lower court do not take any coercive action against the petitioner, till finalization of instant matter for interest of justice.*

2. The Petitioner is a member and representative of the Karachi Labour Federation, an NGO registered for the welfare of poor workers for the last about 20 years. He represents workers and unions affiliated with the Federation before the competent labour forums and assists them in their cases and litigation through duly executed authority letters. Some workers, namely Mohsin Karim and seven others, filed Grievance Application No.27/2023 before Respondent No.1 against J.B. Industries, challenging their alleged verbal termination. The establishment appeared and filed its reply, whereafter the workers submitted their affidavits in evidence and were cross-examined by the company’s counsel. Subsequently, the company also filed the affidavit of its authorized representative. When the matter was fixed for cross-examination of the company’s witness, Respondent No.1, Labour Court No.3, passed an order dated 22.11.2025 against the workers’ representative. Aggrieved by the said order, the Petitioner challenged it before the Sindh Labour Appellate Tribunal through Revision Petition No.127/2025. The Appellate Tribunal, however, dismissed the revision and upheld the Labour Court’s order through judgment dated 05.05.2026. Thereafter, on the basis of the said judgment, further orders were passed in the Petitioner’s diary sheets dated

11.05.2026 and 14.05.2026, compelling the Petitioner to invoke the constitutional jurisdiction of this Court.

3. The Petitioner's counsel contends that the order dated 22.11.2025 was passed suo motu by the Labour Court without any application, objection or proper proceedings initiated by the parties, and therefore was without lawful jurisdiction. It is further contended that the Appellate Tribunal upheld the order without properly examining whether the Labour Court possessed any suo motu power in the circumstances, despite the legal principle recognized in 2021 PLC 148. The Petitioner's counsel further submits that the Appellate Tribunal proceeded to decide the matter adversely to him without providing proper notice or an opportunity of hearing, thereby violating the principles of natural justice and the constitutional right of fair hearing. According to the Petitioner, the workers were legally entitled to appoint a representative through an authority letter, and the Labour Court was required to consider the scope of such representation under Section 61(1) of the Sindh Industrial Relations Act, 2013. It is therefore prayed that the order dated 22.11.2025 passed by Labour Court No.3, Karachi, the judgment dated 05.05.2026 passed by the Sindh Labour Appellate Tribunal, and the consequential diary orders dated 11.05.2026 and 14.05.2026 be set aside as being without jurisdiction, contrary to law and principles of natural justice. The Petitioner further seeks suspension of the judgment dated 05.05.2026 and protection against any coercive action during pendency of the constitutional petition.

4. We have heard the learned counsel for the petitioner on the maintainability of the petition and examined the impugned order dated 22.11.2025 passed by the Labour Court No.3, Karachi, the judgment dated 05.05.2026 passed by the Sindh Labour Appellate Tribunal, and the relevant provisions of the Sindh Industrial Relations Act, 2013 on the subject issue.

5. The principal dispute concerns the petitioner's entitlement to represent the workmen before the Labour Court. Section 61 of the Sindh Industrial Relations Act, 2013 regulates representation and does not confer an unrestricted right of audience upon every labour federation office-bearer, labour leader, NGO representative or person holding an authority letter. The authority letter executed by a workman, by itself, cannot enlarge the statutory class of persons entitled to appear before the Labour Court. The Tribunal recorded a specific finding that the petitioner was neither an enrolled advocate nor an office-bearer of the certified Collective Bargaining Agent of J.B. Industries and had failed to establish the statutory qualification necessary to represent the concerned workmen. Such finding is founded upon the statutory scheme and does not disclose any lack or excess of jurisdiction as portrayed by the counsel for the petitioner.

6. The contention that the Labour Court's order dated 22.11.2025 was passed suo motu is also without substance. The Labour Court was already seized of Grievance Application No.27/2023 and was entitled, in the course of those proceedings, to determine whether the person appearing for the workmen possessed the statutory right of audience. Prima facie, determination of such an issue cannot be treated as initiation of independent suo motu proceedings without jurisdiction, therefore, the plea is discarded.

7. The reliance upon 2021 PLC 148 does not advance the petitioner's case, as the principle that a Labour Court cannot exercise powers beyond the statute equally requires the Court to regulate representation strictly in accordance with Section 61. Likewise, the Tribunal's disagreement with the interpretation adopted in 2000 PLC 438 does not, by itself, constitute a jurisdictional error, particularly when the Tribunal considered the statutory language and assigned reasons for its conclusion.

8. Prima facie, no violation of natural justice has been established. The petitioner himself invoked the jurisdiction of the Appellate Tribunal through the revision petition, and the Tribunal adjudicated the precise question raised regarding his right of representation. An adverse decision, without proof of denial of notice or opportunity of hearing, does not amount to violation of natural justice.

9. We, therefore, find that the petitioner has failed to establish any patent illegality, jurisdictional defect, perversity or violation of natural justice warranting interference under Article 199 of the Constitution. The impugned order dated 22.11.2025 and judgment dated 05.05.2026 are within the statutory framework and call for no interference. The consequential diary orders dated 11.05.2026 and 14.05.2026 likewise require no interference.

10. Accordingly, the Constitutional Petition, being devoid of merit, is dismissed in limine.

JUDGE

JUDGE