

HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P No.D-237 of 1998

[Silver Cotton Mills Workers Union vs. Silver Cotton Mills Ltd & Ors.]

Before:

Justice Muhammad Saleem Jessar

Justice Nisar Ahmed Bhanbhro

For hearing of M.A No.2502/2017

Petitioners

Silver Cotton Mills Worker Union

Azhar Muhammad

Gen Secretary of Union

Through Mr. Ghulam Sarwar
Chandio advocate

M/S Silver Cotton Mills

Province of Sindh

Nemo

Mr. Muhammad Ismail Bhutto,
Additional A.G Sindh

Date of hearing 14.10.2025

Date of Judgment 21.10.2025

ORDER

MUHAMMAD SALEEM JESSAR, J: Through listed application [M.A No.2502 of 2017] the petitioner seeks implementation of Order dated 01.06.1999, whereby the petition was allowed by directing the official respondents to proceed against the properties of the respondent No.1 according to law for recovery of arrears of wages of workmen.

2. Perusal of record reflects that by a subsequent Order dated 27.01.2022 the alleged contemnor(s) were directed to recover the amount of workers. For the sake of convenience the operative part of Order dated 27.01.2022 is reproduced below:

Needless to mention that by above referred order, this petition was disposed of, categorical directions were issued for recovery of wages of the workers and Deputy Commissioner Hyderabad was required to execute the same. Accordingly, issue notices to alleged contemnors No.5, 6 & 7 for the next date. Besides, Deputy Commissioner Hyderabad shall ensure compliance of above referred order. Office shall transmit the same to Deputy Commissioner Hyderabad and he would be competent to take all coercive measures provided under the Land Revenue Act with regard to recovery of workers' payments.

3. Pursuant to the aforesaid directions, the compliance report was furnished by the Assistant Commissioner Taluka Latifabad, perusal of which reveals that one Muhammad Azhar and others, while claiming themselves as employees of Silver Cotton Mills Limited preferred a Labour Appeal bearing No.62 of 2006 before this Court, which was dismissed vide Order dated 13.02.2007, which reads as under:

"In this background, a bare perusal of Clause VIII of Section 2 of IRO 1969 would reveal that the employer is not the factory, mill or an establishment but the person or body of persons whether incorporated or not who employ the workers in the establishment, and the successor means the successor of a person, or body of persons incorporated or 'not, who employ the workers. In the instant case since it is not the case of the appellant that the present management / owners of the respondent are the successor of the management/owner/ employer of M/s Silver Cotton Mills Ltd, therefore, the respondent cannot be saddled with liabilities of M/s Silver Cotton Mills Ltd.

The appeals consequently are dismissed."

4. It transpires from the record that the employer viz. management of M/s Silver Cotton Mills Limited was responsible to pay salaries to its employees. The order reproduced above clearly states that the employer is not a Factory, Mill or an establishment but the person or body of persons whether incorporated or not, those who employed the workers in the establishment. Since the petitioners were employees of the management of Silver Cotton Mills Limited, therefore, they are responsible to pay the outstanding dues of the petitioners.

5. In view of the aforesaid circumstances, the respondents No.2 to 6 are directed to ensure the whereabouts of Employers / management of Respondent No 1 and further to trace out the details of their properties, if any, so that the amount payable to the workers/employees can be recovered. The Deputy Commissioner Hyderabad shall supervise the recovery

proceedings in collaboration with the respondents No.3 to 6 and shall furnish a report before this Court within 60 days through Additional Registrar from the date of receipt of a copy of this Order. The Petitioners shall also cooperate with the Respondents No 2 to 6, if so required. Let Copy of this order be sent to the respondents/ alleged contemnors and office of Learned Additional Advocate General for compliance.

To come up on 24.12.2025.

J U D G E

J U D G E

Sajjad Ali Jessar

Approved for reporting

Hyderabad

Dated 21.10.2025