

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Before:

Mr. Amjad Ali Bohio, J.

Mr. Khalid Hussain Shahani, J.

Constitutional Petition No.D – 775 of 2025

(Engro Powergen Qadirpur Limited and 05 others v. Peer Bux & 02 others)

Constitutional Petition No.D – 777 of 2025

(Engro Powergen Qadirpur Limited and 05 others v. Ghulam Rasool & 02 others)

Constitutional Petition No.D – 778 of 2025

(Engro Powergen Qadirpur Limited and 05 others v. Nadeem Muhammad & 02 others)

Constitutional Petition No.D – 779 of 2025

(Engro Powergen Qadirpur Limited and 05 others v. Ramzan Ali & 02 others)

Constitutional Petition No.D – 780 of 2025

(Engro Powergen Qadirpur Limited and 05 others v. Muhammad Nadeem & 02 others)

Constitutional Petition No.D – 781 of 2025

(Engro Powergen Qadirpur Limited and 05 others v. Ali Nawaz & 02 others)

Constitutional Petition No.D – 782 of 2025

(Engro Powergen Qadirpur Limited and 05 others v. Munawar Elahi & 02 others)

Constitutional Petition No.D – 783 of 2025

(Engro Powergen Qadirpur Limited and 05 others v. Bhago Ji & 02 others)

Constitutional Petition No.D – 784 of 2025

(Engro Powergen Qadirpur Limited and 05 others v. Majid Hussain & 02 others)

Constitutional Petition No.D – 785 of 2025

(Engro Powergen Qadirpur Limited and 05 others v. Muhammad Aslam & 02 others)

Constitutional Petition No.D – 786 of 2025

(Engro Powergen Qadirpur Limited and 05 others v. Gul Hassan & 02 others)

Date of Hearing : 05.11.2025

Date of Decision : 12.11.2025

PRESENT

M/s Ahmed Masood and Shariq A. Razzak, Advocates for petitioners

Mr. Jamshed Ahmed Faiz, Advocate for private respondents

Mr. Shaharyar Imdad Awan, Assistant Advocate General, Sindh

JUDGMENT

KHALID HUSSAIN SHAHANI, J.— These Constitutional Petitions have been filed by Engro Powergen Qadirpur Limited and five others against various respondents, namely Peer Bux, Ghulam Rasool, Nadeem Muhammad, Ramzan Ali, Muhammad Nadeem, Ali Nawaz, Munawar Elahi,

Bhago Ji, Majid Hussain, Muhammad Aslam, and Gul Hassan, through Constitutional Petition Nos. D-775, D-777 to D-786 of 2025, under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, being aggrieved and dissatisfied by the common order dated 30.04.2025 (hereinafter referred to as the 'Impugned Order') passed by Respondent No.3, Learned Presiding Officer of the Sindh Labor Appellate Tribunal, Karachi in Revision Applications filed under Section 48(5) of the Sindh Industrial Relation Act, 2013, whereby the Applications filed by the Petitioners were dismissed.

2. Notices were extended to the respondents. Respondent No.1 in each petition filed objections.

3. Learned counsel for the petitioners mainly argued, the Labor Court (Respondent No.2) had no legal authority to issue contempt notices or initiate contempt proceedings against the petitioners. Under Section 48(8) of the Sindh Industrial Relations Act, 2013, only the Labor Appellate Tribunal is/was vested with powers to punish for contempt of its own orders or of any Labor Court subordinate to it; therefore, issuance of contempt notices to Petitioners No.2 to 6 by the Labor Court is without jurisdiction, illegal, and void. He further emphasized that the Labor Court has acted in excess of its authority and exercised powers reserved exclusively for the Tribunal or the High Court under Article 204 of the Constitution and the Contempt of Court Ordinance, 2003. He further argued that the petitioners have consistently pleaded that Respondent No.1 is not an employee of Petitioner No.1. The Labor Court has not yet determined the status of employment through evidence. Without deciding whether Respondent No.1 is a workman of the company, no interim relief or contempt proceedings can legally arise; therefore, any allegation of restraining duties or stopping salary is premature

and baseless. Learned counsel further emphasized that Respondent No.1 never received any salary or appointment letter from Petitioner No.1. The company's policy requires a formal appointment letter for employment, which Respondent No.1 never received. Thus, salary could not have been "stopped" because it was never paid in the first place; therefore, contempt allegations are fabricated, mala fide, and legally unsustainable. He further argued that in the impugned order Respondent No.3 (Labor Appellate Tribunal) failed to address the fundamental issue of jurisdiction, and incorrectly held that the Labor Court was competent to initiate contempt proceedings, hence the impugned order is unconstitutional, without lawful authority, and liable to be set aside. Learned counsel relied upon the cases reported as upon case of *Rehmatullah & others v. A. Hameedullah & others* (PLD 2013 Balochistan 52), *Meer Afzal v. Muhammad Fareed & 14 others* (2019 MLD 238) and *Said Muhammad v. Sultan Ahmed & 7 others* (2000 CLC238).

4. Learned counsel for the respondent No.1 conversely argued that the impugned order (dated 30.04.2025) was passed by the Sindh Labor Appellate Tribunal, which is the highest forum under SIRA, 2013. A tribunal's decision in revision functions as a certiorari itself; therefore, a constitutional petition is not maintainable against such an order. It was emphasized that labor laws are beneficial legislations meant to protect workers. Section 34 of SIRA mandates that grievance petitions be decided within 7 days, but the company is filing revision, writs, and interim applications only to delay proceedings. Such conduct frustrates legislative intent and harms the weaker party (the worker). In response to arguments, only the Labor Appellate Tribunal can exercise contempt powers under Section 48(8) SIRA. Learned counsel argued that it is settled law that

whoever has the power to pass an order has implied power to enforce it ("*Quando lex aliquid alicui concedit...*" maxim). Section 46(2) makes Labor Courts equivalent to Civil Courts while adjudicating disputes. Thus, they have powers under Order XXXIX Rule 2(3) and Section 94 CPC to enforce interim orders and punish disobedience. He further argued that the interim order dated 14.02.2024 explicitly restrained the employer from, taking adverse action, and stopping the salary of Respondent No.1. Instead of obeying or applying for vacation/modification of the order, the petitioner company chose to disobey it, thereby inviting contempt consequences. Whether Respondent No.1 is an employee or not is a question of fact under trial, until then, the interim order must be respected. He further argued that the High Court, while exercising Article 199 jurisdiction, cannot adjudicate on disputed facts. He relied upon the cases reported as (2005 SCMR 100), (2012 PLC 1025) and (PLD 1996 AJK 29).

5. We have gone through the entire material available on the record. Respondent No. 1's grievance raised before the SLC VII Sukkur was that he had been continuously working with the respondent company for several years, performing manual and permanent nature duties under the direct supervision and control of the company, and therefore qualifies as a permanent workman under the Standing Orders. Although he had been rendering uninterrupted service, the company unlawfully showed him as an employee of a third-party contractor to avoid statutory liabilities, despite issuing him company gate passes, deducting social security contributions, and including him in Workers Profit Participation Fund distributions. Despite his long service, the company failed to issue him an appointment letter or regulate his services, violating labor laws and his constitutional right to security of employment. He served a Grievance Notice upon the company,

demanding regularization, issuance of appointment letter, and payment of all benefits; however, the respondent refused to receive the notice and did not redress his grievance. Hence, he seeks a declaration that he is/was a permanent employee of the company, not of any contractor, and prays for issuance of an appointment order with retrospective effect, back benefits, and any other relief deemed appropriate by the Court.

6. The petitioner Company in written statement emphatically denied that the applicant was ever employed by the company, claiming that all company employees receive written appointment letters and their salaries are paid through bank transfers, while the applicant was never issued any such letter or paid through company payroll. They deny issuing a gate pass, deducting EOBI or SESSI contributions, or having any direct employment relationship with the respondent no 1, contending that any union membership relates to contractor workers and not company employees. The petitioners also filed legal objections which were decided by the Labor Court vide order dated 13.06.2024 by dismissing all objections. On 14.02.2024 Labor Court passed following interim order:

“ORDER
14.02.2024

Heard arguments and perused the available record.

The respondents are directed not to take any adverse actions against the applicant in terms of his service. They are further restrained from stopping of salary or illegal lockout. This order shall stand vacated on expiry of 20 days and vacated. When for reasons to be recorded in writing, it is from time to time for a period not exceeding 20 days extended. Issue notice.

*Announced in open court, This 14th day of February 2024
Given under my hand and seal of this court.*

--Sd--

*Presiding Officer
Sindh Labour Court No. VII. Sukkr”*

7. The order was not complied with. The respondent No. 1 filed Contempt Application before the Labor Court on which petitioners filed objections. The Labor Court issued Contempt of Court Notice dated 10.09.2024 to the petitioners. The petitioners filed Revision Application No. SUK-107 Of 2024 before the Sindh Labor Appellate Tribunal Karachi but it was dismissed through the impugned order dated 30.04.2025. The Tribunal observed that the respondents had filed grievance applications before the Labor Court claiming that they were workers performing permanent and continuous duties in the establishment and were entitled to employment documents and regularization of service. The Labor Court, after considering the interim applications, restrained the employer from taking any adverse action against the workers, including stopping their wages or imposing any illegal lockout. Despite this interim protection, the employer restricted the workers from performing their jobs and discontinued their salaries, which led the workers to file contempt applications. The employer opposed the contempt notices primarily on the ground that the Labor Court lacked jurisdiction under Section 48(8) of the Sindh Industrial Relations Act, 2013, to initiate contempt proceedings, as such power vested only with the Labor Appellate Tribunal. The Tribunal rejected these objections and held that once a court issues an interim order, it remains valid and binding unless vacated or suspended by a higher forum, and that jurisdiction to pass an order necessarily includes the power to enforce it. It further held that under Section 46(2) of SIRA the Labor Court, for adjudicating industrial disputes, is deemed to be a civil court and therefore possesses inherent powers to ensure compliance with its orders and to act against willful disobedience. The Tribunal noted that the interim order dated 14 February 2024 was never challenged by the employer and thus remained operative and enforceable. It

relied upon established legal principles and case law affirming that disobedience of a lawful court order amounts to contempt, and no party can ignore or defy such orders on the pretext of disputing jurisdiction. Consequently, it concluded that issuance of contempt notices by the Labor Court was lawful, justified, and within jurisdiction, and therefore dismissed all revision applications, holding that no interference was warranted in revisional jurisdiction.

8. The authority to punish for contempt is not an incidental or implied power, it is an extraordinary judicial function, constitutional in its nature and penal in its consequences. This power cannot be assumed by inference or convenience; rather, it must be expressly conferred by statute or the Constitution. In our constitutional framework, contempt jurisdiction is vested primarily in the Supreme Court and the High Courts under Article 204 of the Constitution, and secondarily in only those tribunals to which such authority is explicitly delegated. The Sindh Industrial Relations Act, 2013 does not grant contempt powers to the Labor Court. Instead, Section 48(8) of SIRA vests this power solely in the Labor Appellate Tribunal, authorizing it to punish for contempt of its own authority or that of any Labor Court under its appellate domain “as if it were a High Court.” This phrasing is deliberate and exclusionary. The maxim *expressio unius est exclusio alterius* applies with full force, when the legislature grants contempt jurisdiction to the Tribunal, it simultaneously withholds it from the Labor Court.

9. A Labor Court, even though "deemed to be a Civil Court" under Section 46(2) of SIRA, does not thereby acquire inherent contempt powers. The deeming clause only extends procedural machinery of the Civil Procedure Code (CPC) for adjudication and execution of labor disputes, not the punitive jurisdiction of constitutional courts. The Labor Court may

enforce interim orders using Order XXXIX Rule 2-A CPC or Section 94 CPC by adopting civil coercive measures such as attachment of property or striking of defense. However, what the Labor Court has done in this case, issuing contempt notices, threatening coercive arrest, summoning company officials in criminal liability terms, falls squarely within criminal contempt jurisdiction, a domain reserved for the High Court (Article 204), Supreme Court, or the Labor Appellate Tribunal under Section 48(8).

10. It is a settled constitutional principle that tribunals lacking explicit constitutional or statutory empowerment cannot punish for contempt, and any such attempt is an “action coram non iudice and void.” Thus, when the Labor Court initiated contempt-like proceedings against the employer for alleged non-compliance of an interim injunction, without making a reference to the Tribunal, it crossed the boundary of its statutory powers and violated the constitutional separation of judicial tiers.

11. The Labor Appellate Tribunal is a statutory forum created under the Sindh Industrial Relations Act, 2013. While it exercises appellate powers, it is still bound by the limits placed by the Act and the Constitution. In the impugned order dated 30.04.2025, the Tribunal failed to appreciate core jurisdictional defects affecting the labor court’s interim order and resulting coercive proceedings. *First*, the Tribunal overlooked that the Labor Court’s interim order had lapsed automatically under Section 45(5) of SIRA, 2013, after 20 days, as no reasoned extension order was passed. An expired or non est order cannot be enforced, nor can disobedience of such an order give rise to contempt. Instead of addressing this statutory mandate, the Tribunal treated the order as perpetually enforceable, thereby neutralizing Section 45(5) altogether. *Second*, the Tribunal failed to determine whether the Labor Court, in the first place, possessed jurisdiction to issue coercive or contempt-

like orders, despite the absence of any express contempt power in Section 45 or 46. Section 48(8) of SIRA confers contempt jurisdiction only upon the Labor Appellate Tribunal, not the Labor Court. The Tribunal's failure to correct this excess of authority by the Labor Court amounts to abdication of supervisory jurisdiction vested in it by statute. This error is more than procedural, it strikes at the competence of the very forum initiating contempt, and therefore falls within the scope of judicial review under Article 199. *Lastly*, by treating contempt proceedings arising from an interim order as a mere procedural irregularity rather than a jurisdictional defect, the Tribunal failed to exercise its corrective duty. This is why the case now warrants constitutional scrutiny, as there is no further adequate or efficacious remedy available under the statutory hierarchy, and fundamental judicial errors have been permitted to subsist.

12. The maintainability of the constitutional petition hinges on whether the controversy transcends mere factual adjudication and concerns a pure question of law involving jurisdiction, statutory interpretation, and constitutional limits on judicial power. In the present case, the dispute squarely falls within this category. The core challenge does not pertain to the merits of the employment dispute itself, but rather to whether a Labor Court, constituted under SIRA 2013, possesses the jurisdiction to initiate contempt/coercive action for violation of its interim orders, and enforce an order that has lapsed under Section 45(5). These questions are not evidentiary, they are questions of jurisdiction and constitutional structure, falling squarely within the supervisory power of the High Court under Article 199(1)(a)(ii).

13. *In Asma Hafeez v. City Police Officer*, 2012 PLC (C.S.) 1025 case, the Lahore High Court held: "Where a statute confers jurisdiction

upon a tribunal, it also confers by necessary implication the power to do all such acts as are essential for its execution, *Quado lex aliquid alicui concedit... sine quo res ipsa esse non potest.*” If a tribunal has jurisdiction to decide a matter, it must also have the inherent/implicit power to ensure compliance with its orders. If the Labor Court has jurisdiction under Section 45(4)(g) SIRA to pass interim orders restraining adverse actions or salary stoppage, then by implication it has the power to ensure compliance, not merely issue hollow orders. Section 46(2) of the Sindh Industrial Relations Act, 2013 occupies a delicate interpretive space. It lies at the intersection of two procedural regimes; one based on summary, expeditious adjudication inherent to labor jurisprudence, and the other grounded in the technical rigor of the Code of Civil Procedure, 1908. A proper understanding requires appreciating both the text of the statute and the object and spirit of labor adjudication. This provision is wider in principle, but limited in operational application. It is wider because it deems the Labor Court a “Civil Court” and confers all CPC powers, not only those listed in clauses (a), (b), and (c). The use of the term “including” makes it clear that these three clauses are illustrative, not exhaustive. They clarify, not confine. It is limited because the conferment of CPC powers does not mean that labor proceedings must follow the entire CPC framework. Labor laws exist to secure swift, equitable resolution of disputes; if every provision of CPC were mechanically imposed, it would defeat the summary, worker-friendly object of SIRA. The Labor Courts have to exercise powers of Civil Court under CPC not to apply procedural technicalities of CPC. The powers of Civil Court include the powers under Order XXXIX Rule 2(3) CPC which provides

that “*In case of disobedience, or of breach of any such terms, the Court granting an injunction may order the property of the person guilty of such disobedience or breach to be attached, and may also order such person to be detained in prison for a term not exceeding six months, unless in the meantime the Court directs his release.*” Therefore, the Labor Court being a Civil Court under section 46(2) can exercise the powers under section 94 or Order XXXIX Rule 2(3) CPC for implementing its interim orders. In case the Labor Court chooses to initiate contempt proceedings against the disobedient party or a person it can only send such reference under section 47(8) of SIRA, 2013 to the Labor Appellate Tribunal to punish for contempt of its authority. In the case of *Rehmatullah v. A. Hameedullah* (PLD 2013 Balochistan 52), the Court held that subordinate courts do not possess inherent contempt jurisdiction except to the limited extent expressly provided by law, and that any exercise of contempt powers beyond statutory authorization renders the proceedings coram non iudice and void ab initio. The Court further observed that only superior courts, namely the High Courts and the Supreme Court, possess plenary contempt jurisdiction under Article 204 of the Constitution. This principle becomes directly applicable in the present dispute where the Labor Court has issued Contempt of Court Notice to the petitioners. In the case of *Mir Afzal v. Mohammad Fareed* (2019 MLD 238), the Peshawar High Court directly supports the legal contention that subordinate courts do not possess inherent or independent contempt jurisdiction to punish non-compliance of their own decrees, orders, or interim injunctions. In this judgment, the Court held that while civil courts are fully empowered under

Sections 36 to 74 and Order XXI of the Code of Civil Procedure to execute their decrees through mechanisms such as arrest, attachment of property, or civil imprisonment of the judgment debtor, they cannot initiate contempt proceedings for disobedience of their orders. In the case of *Said Muhammad v. Sultan Ahmad* (2000 CLC 387) Lahore High Court clarifies a fundamental principle that subordinate courts do not possess inherent contempt jurisdiction to punish for disobedience of their orders or undertakings unless such contempt is committed in the face of the court (i.e., direct, visible contempt under Section 228 PPC).

14. In view of the foregoing reasons, these Constitutional Petitions are allowed. The impugned common order dated 30.04.2025 passed by the learned Sindh Labor Appellate Tribunal, Karachi, is set aside to the extent it affirms the jurisdiction of the Labor Court to issue contempt notices and initiate contempt proceedings against the petitioners. Consequently, the contempt notices dated 10.09.2024 issued by the Labor Court No. VII, Sukkur, are declared to be without lawful authority and of no legal effect. It is clarified, however, that this judgment shall not prejudice the continuation of the original grievance applications pending before the learned Labor Court, nor shall it preclude the parties from leading evidence and obtaining a final adjudication on the question of employer–employee relationship and any relief consequential thereto in accordance with law. The learned Labor Court shall proceed expeditiously with the main grievance applications strictly in terms of SIRA, 2013. No order as to costs.

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