

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P No.D- 5019 of 2013

Date	Order with signature of Judge
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Present

Mr. Justice Muhammad Ali Mazhar

Mr. Justice Abdul Ghani Soomro

Democratic Workers Union, (CBA).....

Petitioner

V E R S U S

State Bank of Pakistan & others

Respondents

Date of hearing 24.08.2016

Mr. Mohammad Atiq Qureshi advocate for the petitioner .

Mr. Abdul Ghaffar advocate for the Respondent No. 3

Shaikh Liaqat Hussain Standing Counsel

Muhammad Ali Mazhar, J: The Petitioner has challenged a letter dated 24.07.2013 issued by the Joint Director Labour South Division, Karachi, Directorate of Labour in favour of Employees Union State Bank of Pakistan with reference to the change of office bearers and allowing amendments in Union's Constitution. Through this letter, intimation was given that Registrar of Trade Union Sindh has approved the amendment in the Union's constitution and accepted the change of office bearers.

2. Learned counsel for the petitioner argued that the Respondent No. 3 is not a registered Trade Union, therefore, neither any amendment could be allowed nor the change of

office bearers. He pointed out page 93 which is a complaint filed to the Registrar Trade Union by another Union namely United Labour Union State Bank of Pakistan. However, one more complaint is available dated 02.09.2013 which was filed to the Director Labour Government of Sindh by the Petitioner's Union.

3. Learned counsel for the Respondent No. 3 argued that under Section 12 of Sindh Industrial Relation Act, 2013 the proper mechanism for cancellation of registration is provided and upon the complaint in writing made by the Registrar, the registration of Trade Union may be cancelled by the Labour Court. He further argued that no application was filed to the Registrar Trade Union by the present Petitioner.

4. Since disputed question of facts are involved and it is well settled proposition that factual controversy cannot be decided in the writ jurisdiction. It is also matter of record that the petitioner has adequate remedy to challenge the registration by making proper application to the Registrar including the plea that Respondent No. 3 does not exist despite that their request for the change of office bearers has been accepted and they were allowed to amend the constitution, therefore, in our view before filing this writ petition, the petitioner should have availed an appropriate remedy provided under the law for which it is necessary to file an application to the Registrar Trade Union rather than Director Labour. Learned counsel for the petitioner agrees to file proper application to the concerned

Registrar. This petition is disposed of accordingly. However, it is clarified that if any such application is filed to the concerned Registrar by the Petitioner the same shall be decided in accordance with law within a period of three (03) months after providing ample opportunity of hearing to all stakeholders.

JUDGE

JUDGE

Aadil Arab

