

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-2949/2015

Date

Order with signature of Judge

Present

Mr. Justice Muhammad Ali Mazhar
Mr. Justice Arshad Hussain Khan

Abdul Rehman.....Petitioner

V E R S U S

The Member,
Sindh Labour Appellate Tribunal
& others.....Respondents

Date of hearing: 04.10.2016

Mr. M.A.K. Azmati, Advocate a/w Petitioner.
Mr. Bashir Ahmed, Advocate for Respondents No.3 to 5.

Muhammad Ali Mazhar, J: The brief facts of the case are that the petitioner approached to the Labour Court for correction of his date of birth in the record of respondents Nos. 3 to 5. Interim order was passed by the Labour Court against which a revision application was filed by the respondents Nos. 3 to 5 in the Sindh Labour Appellate Tribunal. The revision application was disposed of on 04.05.2015 with the following observation:

“This revision is filed against the stay order granted in favour of respondent and since the respondent was retired w.e.f. 21.08.2014, this revision has served its purpose.”

2. The learned counsel for the petitioner argued that the petitioner was retired from service on the basis of wrong date of birth and since necessary correction was required to be made in the record, therefore, the grievance petition was filed, so the finding of the Sindh Labour Appellate Tribunal that the petitioner was retired from service will seriously prejudice the case of the petitioner before the Labour Court where the matter is pending at the stage of evidence.

3. The learned counsel for the respondents Nos. 3 to 5 confirmed the fact that the matter is pending before the Labour Court and has not been disposed of.

4. This petition is pending since May, 2015 without any progress and since the issue of date of birth is pending before the Labour Court, we direct the learned respondent No.2 to decide the grievance petition of the petitioner on merits after recording evidence and provide ample opportunity of hearing to the parties. While deciding the grievance petition on merits preferably within the period of two months, the learned Labour Court will not be influenced by the finding of the learned Sindh Labour Appellate Tribunal rendered in the Revision Application No.KAR-41/2014 which was disposed of vide order dated 04.05.2015. This petition is disposed of accordingly alongwith the pending application.

Judge

Judge

Asif