

**ORDER SHEET**  
**THE HIGH COURT OF SINDH AT KARACHI**  
**C.P. No.D-1163 of 2016**

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Date \_\_\_\_\_ Order with signature(s) of Judge(s) \_\_\_\_\_

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**Present:**

**Muhammad Ali Mazhar, J.**  
**Abdul Maalik Gaddi, J.**

Dream World Family Resort ..... Petitioner

Versus

Labour Appellate Tribunal Sindh  
& others ..... Respondents

**21.10.2016.**

Mr. Ghazanfar Ali Jatoi Advocate for the Petitioner.

Mr. Abdul Jaleel A.A.G.

None present for Respondents No.2 to 16.

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**Muhammad Ali Mazhar, J.** – The Respondents No.2 to 16 filed their individual grievance petitions in the First Sindh Labour Court, Karachi under Section 46 of IRO 2002. The petitioner had filed some legal objections to the maintainability of the petitions and after providing opportunity of hearing to the parties, the Presiding Officer, Sindh Labour Court-I, Karachi dismissed the grievance petitions vide order dated 22.08.2009 on the ground that Labour Court has no jurisdiction, as the petitioner establishment does not come within the ambit of commercial establishment definition.

2. Being aggrieved, respondents No.2 to 16 challenged this order in the Sindh Labour Court Appellate Tribunal and vide order dated 18.12.2015, the impugned orders passed by the Labour Court were set-aside and the cases were remanded back to the Labour Court for decision on merits after recording evidence of both the parties.

3. Learned counsel for the petitioner in support of this petition argued that the Labour Court Appellate Tribunal entertained time barred appeals, but we have examined the impugned order in which

this objection was considered properly with the reasoning that the impugned order was passed by the Labour Court on 22.08.2009, the appellants (respondents No.2 to 16) applied for certified true copy on same date, but the copy was delivered to them on 01.09.2009 and then they filed appeals on 30.09.2009 which was within time. After visualizing this chronological order, we are not convinced that the appeals were time barred and we do not find any other illegality in the impugned order which may be interfered by this court. However, one more contention was raised by the learned counsel for the petitioner, which is mentioned in paragraph 7 of the prayer clause that the remand order has the tendency to influence the mind of the Presiding Officer of the Labour Court. Since the remand order has already been passed and according to the learned counsel the Labour Court is proceeding the cases, therefore, we would like to observe that while deciding the grievance petitions by the Labour Court, the learned Presiding Officer shall not be influenced by the findings rendered by the Appellate Court, if any, on merits of the case.

The petition stands disposed of accordingly with pending application.

JUDGE

JUDGE

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