

ORDER SHEET
HIGH COURT OF SINDH, KARACHI

C.P. No.D-1986 of 2016

Date	Order with signature of Judge
-------------	--------------------------------------

Present

Mr. Justice Muhammad Ali Mazhar.

Mr. Justice Agha Faisal.

Workers Union of Port Qasim CBA.....Petitioner

Versus

Federation of Pakistan & others.....Respondents

Date of hearing 20.09.2019

Mr. Khalid Imran advocate for the petitioner.

Mr. M.A. Isani advocate for the respondent No.4

Mr. Jawad Dero, Addl. A.G.

Mr. Ishrat Alvi, Assistant Attorney General.

Muhammad Ali Mazhar, J: Learned counsel for the petitioner submits that petitioner was certified CBA but during pendency of this petition, the Collective Bargaining Agent certificate has been issued to Insaf Workers Union. Precisely, the petitioner in this petition has prayed that the decision of the respondent No.1 for inviting bids for conversion of berth No. 3 & 4 at Port Qasim is without lawful authority and having no legal effect. This petition was presented on 08.04.2016 but the learned counsel for the Port Qasim has submitted a copy of Implementation Agreement executed on 10.10.2016 between Port Qasim Authority and M/s. Huaneng Fuyun Port & Shipping Pvt. Ltd. for establishing a state of the art dedicated Coal Terminal by

converting berth No. 3 & 4 of marginal wharf, Port Qasim on build operate and transfer basis for self use for which purpose PQA invited proposals from bidders and issued guidelines for preparation of proposals. The implementation agreement has already been signed and according to the learned counsel for the PQA the berths have been established and operating.

2. Since learned counsel for the petitioner himself recused to argue on the ground that at the moment a different union has attained the status of CBA, therefore, on this statement this petition is disposed of. It is a matter of record that during pendency of this petition, the implementation agreement has been signed which is not under challenge in this petition. However, if the current CBA has any grievance, they may file their separate petition which will be considered on its own merits.

JUDGE

JUDGE

Aadil Arab