

ORDER SHEET

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD.**

C.P. No. D — 2803 of 2022  
C.P. No. D — 2804 of 2022

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DATE ORDER WITH SIGNATURE OF JUDGE[s]

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**05.09.2023.**

Mr. Mumtaz Alam Leghari Advocate for petitioner[s].  
Mr. Muhammad Humayoon Advocate for the respondents 2 & 3 in  
C.P. No.D-2804 of 2022.  
Mr. Naseer Ahmed Samo Advocate for respondents 1 & 2 in C.P.  
No.D-2803 of 2022.  
Mr. Ghulam Abbass Sangi Assistant Attorney General for  
Pakistan.  
Mr. Rafique Ahmed Dahri Assistant A.G.

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Being aggrieved of certain action petitioner invoked the jurisdiction of Labour Court and consequently private establishment being aggrieved of the order of the Labour Court filed appeal before Tribunal. The Tribunal set-aside the order of the Labour Court and observed that the Labour Court had no jurisdiction in view of the employer being trans-provincial. The Tribunal relied upon the definition of the trans-provincial entity provided in Section 2(xxxii) of Industrial Relation Act of 2012. Some certificates of registration have been produced of branches of respondent in terms of para-11 of the order impugned and no exception to this could be taken as we are not sitting in appeal. Prima facie it is apparently a trans-provincial entity in view of the registration certificates to which no challenge was made. We, therefore, deem it appropriate to dispose of this petition, as there is no reason to interfere in the findings of facts and the conclusion drawn by the Tribunal. The petitioner may if it is so deemed proper and advised avail the jurisdiction of NIRC for the redressal of their grievances.

The time spent in availing the remedy before the Labour Court and Tribunal may be considered by the NIRC in view of the Section 14 of the Limitation Act if so pleaded.

With this understanding the petitions stands disposed of.

JUDGE

JUDGE