

**IN THE HIGH COURT OF SINDH AT KARACHI**

Present:  
Mr. Justice Salahuddin Panhwar  
Mr. Justice Omar Sial

**Constitution Petitions No.D-5025 to D-5034 of 2022**

<b>Zeeshan Fabrics</b>	.....	<b>Petitioner</b>
<b>versus</b>		
<b>Sindh Labour Appellate Tribunal &amp; another</b>	.....	<b>Respondents</b>

Mr. Umair Nisar, Advocate for petitioner in all petitions.  
Syed Anayat Hussain Shah Bukhari, Advocate for Respondent No.2 in all petitions.  
Mr. Rajinder Kumar, Assistant Advocate General, Sindh.

Date of hearing	:	21-08-2024
Date of short order	:	21-08-2024
Date of reasons	:	06-09-2024

**JUDGMENT**

**Omar Sial, J:** Zeeshan Fabrics was a registered partnership. The word “was” is used as out of the two partners who set up the partnership, one, namely Mohammad Arshad died in 2021. A factory, for the manufacture and export of textile, ran under the banner of Zeeshan Fabric. Admittedly, 20 odd persons were employed in the factory whereas another 50 odd persons were temporary workers.

2. In 2021, some of the temporary workers of the factory filed applications under section 34 of the Sindh Industrial Relations Act, 2013 read with Section 16(3) of the Standing Order Act, 2015 before the learned Sindh Labour Court No. II at Karachi. In their respective applications, the workers claimed that on 20.04.2021, they had been unlawfully and illegally terminated. They therefore prayed that they be reinstated. In the proceedings before the Labour Court, Zeeshan Fabric

chose to not effect an appearance and therefore was proceeded against ex-parte.

3. The Labour Court announced its decision on 21.02.2022. The Labour Court concluded that as the workers had not shown any evidence that they were employees of Zeeshan Fabrics, the applications filed by them were dismissed. The workers preferred an appeal under section 48(3) of the Sindh Industrial Relation Act, 2013 before the learned Sindh Labour Appellate Tribunal. The Tribunal, on 16.05.2022 set aside the decision of 21.02.2022 passed by the Labour Court and Zeeshan Fabrics was ordered to reinstate the workers and pay them their accrued benefits. Zeeshan Fabric after filing its initial reply in the Tribunal chose not to appear in the Tribunal as well.

4. Zeeshan Fabrics, through the captioned petitions, has now approached this Court in its writ jurisdiction. We have heard the learned counsels and perused the record. Our findings and observations are as follows.

5. Learned counsel for Zeeshan Fabrics completely failed to provide even one reason for the company's non-appearance before the Labour Court or the Labour Appellate Tribunal, even though the record reflects that they were well aware of these proceedings.

6. Learned counsel admitted that the workmen all worked at Zeeshan Fabrics but justified the non-payment of their dues on the grounds that their services had been terminated earlier. He, however, conceded that no notice of termination was issued to any of the workers according to the requirement of Section 16(1) of the Sindh Terms of Employment (Standing Orders) Act, 2015. He, however, attempted to justify the non-issuance of notice because the workers were terminated as they were found sleeping in the factory. He could, however, provide only supposed undated, untimed, and blurred CCTV footage captures of some persons sleeping to support his contention.

7. It is clear from the non-appearance of Zeeshan Fabrics before the Joint Director, Labour, the Labour Court and the Labour Appellate Tribunal that it has intentionally attempted to delay satisfaction of its obligations at the expense of the poor labour employed at the factory. It had ample opportunities to prove its defence, which it deliberately did not avail. In the writ jurisdiction of this court Zeeshan Fabrics has attempted to raise questions of fact by challenging the date, manner and mode of termination; agitating grounds that the factory had stopped working due to COVID (though apart from the factory, as admitted by learned counsel, other businesses of Zeeshan are still operating on the same premises); that the workers were dismissed due to misconduct; challenging the computation of the wages and other benefits due to the workers. It is now well settled that factual questions cannot be decided in the writ jurisdiction of the High Court.

8. Above are the reasons for the short order dated 21.08.2024, whereby all the petitions were dismissed.

JUDGE

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