

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**  
**Constitution Petition No. D-1733 of 2023**

*(Asif Ali Vs. Chairman Sindh Labour Appellate Tribunal Karachi & others)*

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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1. For Orders on office objection.
2. For Orders on CMA No. 7465/2023 (Ex./A)
3. For Orders on CMA No. 7466/2023 (Stay)
4. For Orders on CMA No. 7467/2023 (151 CPC)
5. For hearing of main case.

**17-04-2024.**

Mr. Muhammad Nasir Malik, advocate for the petitioner.

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1. Over ruled.
  2. Granted subject to all just legal exceptions.
- 3 to 5. The facts in brief necessary for disposal of instant petition are that the petitioner was General Secretary of Staff Workers' Union Sukkur Municipal Corporation Sukkur, on his promotion as Administrative Officer BS-17 declared and ceased to be General Secretary of the said Union by the Registrar Trade Union Hyderabad Region Hyderabad vide order dated 24-01-2020. On preference of appeal, such order was set aside by learned Presiding Officer, Labour Court No. VII Sukkur directing the Registrar Trade Union Hyderabad Region Hyderabad to pass the same afresh, it was passed accordingly again holding that the petitioner on his promotion as an Administrative Officer has ceased to be General Secretary of said Union vide order dated 05-12-2022, it was challenged by the petitioner by preferring an appeal, it was dismissed by learned Presiding Officer Sindh Labour Court No. VII Sukkur vide order dated 08-05-2023, it was impugned by the petitioner by preferring a second appeal (though was incompetent) before learned Chairman Sindh Labour Appellate

Tribunal Karachi, it was dismissed vide order dated 03-10-2023, which is impugned by the petitioner before this Court by way of instant petition.

It is contended by learned counsel for the petitioner that the petitioner is a worker; therefore, he to be reinstated as General Secretary of said Union or alternatively he to be declared entitled and eligible to participate in incoming referendum of said Union as per constitution of APCA 2001 and IRA 2013 Sindh.

Heard arguments and perused the record.

Apparently, the case of the petitioner is governed by SIRA law. A person employed in managerial capacity is expressly excluded from definition of worker, provided under section 2(xxxii) of the SIRA. As such, the petitioner on his promotion as an Administrative Officer in BS-17 has ceased to be a worker to be reinstated as General Secretary of the said Union. Admittedly the petitioner was not elected on 20% quota reserved for outsiders; therefore, he cannot be reinstated on such score too as General Secretary of said Union on such quota basis even after his retirement. If the petitioner is having a feeling that he is entitled and eligible to participate in incoming referendum of the said Union, then subject to law he has to prove his such entitlement and eligibility before the authority which is going to conduct such referendum. No declaration in such respect is called for by this Court involving factual controversy. No illegality is apparent, which may justify this Court to interfere with the impugned order by way of instant petition; it is dismissed in limine together with listed applications.

**Judge**

**Judge**