

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
CP No. D-6202 of 2021

(Al Asad Security Services (Pvt) Ltd & Another v. Province of Sindh & Others)

DATE: **ORDER WITH SIGNATURE(s) OF JUDGE(s)**

1. For Orders on CMA No. 2426 / 2024 (Urgent App)
2. For Hearing of Main Case

13-3-2025

Mr. Muhammad Kamran Khan, Advocate for Petitioners
Ms. Saima Imdad Mangi, AAG

1) Since the requested date for fixation (i.e. 5.2.2024) has already lapsed, the application is rendered infructuous and, therefore, dismissed.

2) Through this Petition, the Petitioner No.1, a security service provider, seeks recovery of unpaid salaries allegedly due to its guards (totalling Rs.6,174,342/- for the period from March 2015 to September 2020). Learned Counsel for the Petitioners submits that their guards were deployed to protect the land of Respondent No.3 Society (viz. *Pakistan Audit Department Employees Cooperative Housing Society Limited*), under a contract dated 1.7.2012 (**Court File Pg. 19, Annex A**) executed by the Society's elected management before it was superseded.

Counsel avers that, initially, the salaries of the guards continued to be paid despite the Society's supersession and its placement under the administration of Respondent No.2 (Administrator). However, payments ceased following the freezing of the Society's bank accounts pursuant to this Court's order dated 19.2.2015 (**Court File Pg.33**) in CP No.D-6205/2014 (*Mushtaq Ahmed Kamali & Others v. Province of Sindh & Others*), which has since been disposed of, compelling the Petitioners to institute this Petition.

For reasons best known to the Petitioners, they opted not to actively assert their claims or pursue their belated impleadment application (CMA No.10971/2021) in CP No.D-6205/2014 while it was pending adjudication. Despite having the opportunity to raise their concerns at the appropriate stage at the relevant time, they remained passive and refrained from availing the legal remedies available to them at the time to protect their alleged interests. Instead, they have now chosen to initiate the present Petition, raising issues that could have been addressed in the earlier proceedings. This delayed approach not only raises questions about the Petitioners'

conduct but also undermines the maintainability of their claim in the current proceedings.

Additionally, the Petitioners' claim pertains to the enforcement of a contractual obligation and the recovery of unpaid wages along with periodic enhancements, all of which require a factual determination regarding the existence and execution of the contract, as well as the liability of the Respondents. Likewise, the Petitioners' claim that, despite the non-payment of salaries due to the freezing of accounts since February 2015, they continued to provide services until September 2020, instead of mitigating their loss, requires a factual inquiry. Such an inquiry falls beyond the scope of constitutional jurisdiction under Article 199 of the *Constitution of Pakistan, 1973*, and necessitates adjudication before a competent civil court.

In view of the foregoing, the present Petition does not merit consideration under constitutional jurisdiction and is, therefore, **dismissed**, leaving the Petitioners at liberty to pursue their claim before the appropriate civil forum in conformity with law.

JUDGE

JUDGE