

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. S-1034/2015

Date

Order with signature of Judge

16.06.2015

Mr. Ghulam Murtaza Suryo, advocate for the Petitioner.

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I dictated certain order after hearing counsel for petitioner, however, while re-examine the file at the time of correction of my earlier order, I noticed that the petition should have been placed before Division Bench and to ascertain whether this is a case for Single Bench or Division Bench, I call Deputy Registrar (Writ) who has shown me notification dated 21.02.2014. Prima facie according to the said circular/notification the following prayers:

1. Hold and declare that IRA, 2012 being applicable to the petitioner trans-provincial Establishment, the impugned Certificate of Registration dated 25.11.1956 issued by the Provincial Registrar of Trade Unions, Sindh to the respondent No. 3 and the conciliation proceedings initiated by the respondent No. 2 are illegal, unlawful and of no legal effect.

appears to be placed before the Division Bench since applicability of IRO 2012 to the establishment of the petitioner is the main prayer. The other prayers are interim/consequential relief(s), are as follows:

2. Quash Certificate of Registration of Trade Union dated 25.11.1956.
3. Restrain the respondent No. 1 to 3 not to proceed or act any further till final decision/outcome of this Constitution petition;
4. Grant such other relief as this Hon;ble court may deem fit and proper in the circumstances of the case.

Prayer-1 is admittedly relating to applicability of IRA 2012 and in Para-2 of the ground the petitioner himself has relied upon a larger bench judgment and a judgment of Division Bench, therefore, Prayer-1 is not supposed to place before Single Bench.

In view of above factual and legal position I restrain myself from taking cognizance and before placing this petition before any Bench for order, learned counsel for the petitioner is directed to appear before the Deputy Registrar (Writ) and explain him circumstances in which he has filed petition with intend to place the same before Single Bench though he should have filed two copies of the memo of petition for presentation before Division Bench.

J U D G E