

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

CP NO.D-3657/2021

Date	Order with signature of Judge
------	-------------------------------

1. For hearing of CMA No.15265/2021
2. For hearing of main case.

20.09.2021

Mr. Jahangir advocate for petitioners.
Associate of Mr. Muhammad Bilal Bhatti advocate for respondents.
Mr. Muhammad Nishat Warsi, DAG.
Mr. Tabish, Law Officer, EOBI.

.....

Heard and perused record. Through instant petition,
petitioner has invoked the constitutional jurisdiction with following
prayer:-

- a) Declare the recovery proceedings against impugned order to be illegal, void and suspend its operation till finalization of adjudication of appeal pending with respondent No.2.
 - b) Direct the respondent No.4 to immediately restrain its action of harassing to seize the premises of deputation, for freezing and attaching bank accounts until pending decision by appellant forum
 - c) Direct respondent No.2 to decide/adjudicate the appeal within any suitable time which this honourable court deems fit.
 - d) Permanently and pending disposal of the main petition direct the respondents, their officers not to press for undue recovery of EOBI demand in the light of impugned order and do not freeze any bank account of the petitioner and restrain the said respondents their officers from taking any adverse action in any manner whatsoever until case is fully decided by adjudicating forums.
 - e) More and further relief may be granted as this honourable court may deem fit in the circumstances of the case.
2. Pursuant to earlier order dated 15.09.2021 learned counsel for petitioner has filed plethora of documents, such

statement is taken on record containing therein the salaries employees and contributions paid to the EOBI. Beside that counsel for petitioners contends that although they filed application No.114-A/NBD/20-21 with adjudicating authority and matter is pending with the adjudicating authority with regard to payment to EOBI, According to counsel for petitioner, the demand as raised by the EOBI is illegal, improper and petitioner has paid all the dues as required by law.

3. Since matter is pending before the adjudicating authority therefore in writ jurisdiction this court cannot examine the factual aspect with regard to quantum of amount to be paid to the EOBI and adjudicating authority is required to decide the same hence petition being not maintainable is hereby dismissed. Adjudicating Authority-I shall decide the case of the petitioner as referred above within one month. Office shall communicate this order to the concerned quarter.

4. Petitioner would be a liberty to challenge the proceedings of the Adjudicating Authority in accordance with law, if any order is passed. EOBI shall be competent to take coercive action under the law.

J U D G E

J U D G E