

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P No. D-4050 of 2021

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

Priority :

1. For hearing of CMA No.10731/2021:
2. For hearing of main case.

20.08.2021

Mr. M. Tariq Mansoor advocate for the petitioner.
Mr. Faheem Baloch advocate for EOBI.
Mr. Abraiz law officer of EOBI.
Mr. Muhammad Nishat Warsi, DAG.
Mr. Ali Safdar Depar, AAG.

Through this notification, a warning notice (page 23) issued by respondent No.4 has been impugned. Counsel for the petitioner, by referring to (page 35) states that after enactment of the Sindh Employees Old Age Benefits Act 2014; in pursuance of 18th amendment in the Constitution, the EOBI institution was devolved to the provinces, thus the jurisdiction of EOBI Institution governed under the Federal statute of 1976 has lost its competency to receive contribution from institutions within the province of Sindh. Counsel by referring to Section 16 of the EOBI Act 2014 contends that since 1st January 2016 through an arrangement made between the Federal EOBI and Provincial EOBI, the Federal EOBI has stopped registration of establishments and to insure persons and to receive any contributions in this regard from the establishment in Sindh. Per learned counsel, in pursuance of the said legislative development, through a notification dated 02.07.2018, even the provincial government has appointed Chairman EOBI Sindh. Per learned counsel the petitioner company is ready and willing to deposit the contributions for its employees with the Nazir of this Court within 45 days in respect of 30 outlets of the petitioner's company operating within province of Sindh.

Learned DAG and other counsel for the respondents seek time to file comments.

Let detail statement tabulating the sums be submitted by the petitioners with the Nazir of this Court, within six weeks, showing amount duly payable to EOBI Sindh. In the meanwhile, operation of the impugned notice dated 10.07.2021 is hereby suspended till the next date of hearing, being payable to EOBI with the Nazir of this Court within stipulated time.

To come up on 04.10.2021.

JUDGE

JUDGE