

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
SUIT No.292 of 2017 a/w Suits No.1173, 1174 of 2017, 2070,  
929 of 2018, 2248 of 2016, 1064, 1065, 1066 and 1460 of 2017

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Date	Order With Signature Of Judge
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For Final Arguments

25.08.2021.

M/s. Aitzaz Manzoor Ahmed Malik and Saimur Rehman, advocates for plaintiffs in Suit Nos.292, 1064, 1065, 1066 of 2017, 2248 of 2016 & 2070 of 2018.

Mr. Ovais Ali Shah, advocate for plaintiff in Suit No. 1460 of 2017.

Mr. Bahar Khan, advocate holding brief for Mr. Irfan Mir Halepota, advocate for defendant in Suit No. 929 of 2018.

Mr. Awadh Khan, advocate for Sindh Revenue Board.

Counsel for the plaintiffs in Suit No.1065 of 2017 and Suit No.2070 of 2018 files statement, which is taken on record.

At the outset learned counsel for SRB points out this Court's order dated 14.01.2021 where, in compliance of the judgment passed by the Hon'ble Supreme Court in the case of **SEARLE IV SOLUTION (PVT.) LTD. and others v. FEDERATION OF PAKISTAN and others** reported as **2018 SCMR 1444**, the interim orders passed in these bunch of cases were continued to be enjoyed by the plaintiffs making up to date 50% payment to the official/defendants or having the same deposited with the Nazir of this Court and to file a receipt thereof. Learned counsel further submits that no such payments have been made to the Department or the Nazir of this Court, at which learned counsel for the plaintiff (Mr. Ovais Ali Shah) points out that the matters of payment of Workers Participation Funds for trans provincial entities is yet to be decided, and in compliance of a demand raised under the Federal Act of 1968, WWF has already been paid in the Federal Treasury. He refers to annexures attached at pages 91 to 99 in support of these contentions. When his attention was drawn towards page 101 to show that the very

cause of action for filing of these suits was that a demand was raised by SRB for the payment of WPPF in the Provincial Treasury in compliance of the Enactment No. XVIII of 2016, counsel confirms that in fact, through these proceedings the said demand has been challenged but his understanding is that his clients having paid their liability under the Federal Statute are not bound to pay any such contribution to the Province.

In my humble view such assertion is tangently offsetted as the dispute and the very cause of action for which these suits have been filed and the intent of the order dated 14.01.2021, as derived from the **SEARLE IV SOLUTION (PVT.) LTD. and others** is to let the defendants (who have demand the contribution) have access to at least 50% funds payable by the plaintiffs while the latter enjoy the stay order. Admittedly, the cause of action arose for the plaintiff upon receipt of the notice at page 101 and admittedly no payment has been made to the SRB till date. Thus in my humble view neither the ratio set by the Supreme Court in the case of **SEARLE IV SOLUTION (PVT.) LTD. and others** has been satisfied nor compliance of order dated 14.01.2021 has been made. Learned counsel for the Department also points out that in the same order the plaintiffs were directed to file up to date statement of making payment of WPPF in respect of the workers, and no such statement has also been filed. Counsel seeks time to file the same.

In the given circumstances, while the plaintiffs are directed to file the requisite statements on or before the next date of hearing this Court very hesitantly is extending the interim orders passed in these matters till the next date of hearing on which date the learned counsel to proceed with these cases without fail.

To come up on 13.09.2021. Office to place copy of this order in the connected suits listed above.

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JUDGE