

ORDER SHEET  
THE HIGH COURT OF SINDH AT KARACHI  
CP No.S-326 of 2022

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Date: Order with signature(s) of the Judge(s)  
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For orders as to maintainability of petition

**14.10.2022**

Mr. Muhammad Humayun, advocate for respondent No.4  
Mr. Rafiq Ahmed Rajori, Addl: AG Sindh  
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None present for the petitioner. Learned counsel for the respondent contends that this matter pertains to wages and on query the learned counsel contends that yet Province of Sindh has not established Social Security Courts though two Labour Courts are notified to hear the matter with regard to Social Security. In C.P. No.D-6712/2020 [Re. M/s. Telenor Microfinance Bank Limited vs. Province of Sindh and others] Division Bench of this Court vide judgment dated 07.10.2021 directed Province of Sindh to establish Social Security courts within the Province. It would be conducive to reproduce relevant paragraphs No. 24 & 25 which are that:

24. While parting, it has also come on record that normally the **Social Security Institution** was/is reluctant in resorting to available procedure for penal action against the guilty as no single precedent was/is referred rather all burden was attempted to be shifted upon the **establishment**, which, as discussed above, was a wrong plea. The **institution** though claims to be functioning at different place(s) but all such place (s) have not been claimed having the **Social Security Courts** which, per section 2(30) of the Act, is defined as:-

“**Social Security Courts**” means a court, constituted under section 60;”

The availability of **Social Security Courts** at all places was/is necessary so as to file complaint(s) for all purposes of the Act, including collection of **the contribution**.

25. Therefore, the Government of Sindh shall establish Social Security Courts at all places wherever such Courts are not notified/constituted. It has come on record that in whole province there is not a single court under Social Security Act, however, Government has notified two Labour Courts as Social Security Court. We feel that the Government has not taken serious efforts in favour of workers (Labours), admittedly Labour Courts are already small in number and overburdened, hence, in all divisions at least one Social Security Court and in Karachi at least four courts are the

need of the time. The same, hopefully, shall help in determining the issues of the most unprivileged class i.e **workers/labours** hence same should be established without much loss of time. This process shall be completed within least practicable period. The report in this regard shall be submitted through MIT within a period of two (02) months.

Perusal of above reflects that two months' directions were issued to establish at least one Social Security Court in all divisions and four courts in Karachi Division with compliance report through MIT. Accordingly, MIT-II shall submit detailed report with regard to compliance as well as he shall communicate above referred judgment to the Chief Secretary, Secretary Labour, Secretary Law and Home Secretary, Government of Sindh with further directions that positive compliance report shall be submitted within 15 days. To come up on 02.11.2022 at 09:30 a.m.

J U D G E