

**ORDER SHEET****IN THE HIGH COURT OF SINDH BENCH AT SUKKUR****C. P. No. D – 159 of 2022**

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

**Hearing of case**

- 1.For orders on office objection
- 2.For hearing of main case

**27-09-2022**

Mr. Ghulam Murtaza Korai, Advocate for the Petitioner.  
 Mr. Sundar Khan Chachar, Advocate for the respondent No.4.  
 Mr. Muhammad Aslam Jatoi, Assistant Attorney General.  
 Liaquat Ali Mahesar, Director / Regional Head, EOBI, Sukkur  
 (respondent No.4) is in attendance.

.....

It is the case of the petitioner that his father Ali Mardan was appointed on 19.12.1995 as Semi Skilled Worker in PSO Company and expired on 27.01.2011, and being minor son, he was entitled for survivor pension under Section 22B(3) of the EOB Act, 1976.

In response to the petition, comments have been filed by the respondent No.4, wherein it has been pleaded that the application of the petitioner under Section 22B(3) of the EOB Act, 1976 ( **“the Application”** ) was considered and declined by the EOBI vide order dated 31.01.2022 on the ground that the petitioner is not entitled for any benefit under the said act, as he is 23 years of age.

We are afraid, the provision of Section 22B(3) of the EOB Act has not been properly interpreted and understood by the respondent No.4 while passing order dated 31.01.2022. The petitioner has admittedly attained the age of 23 years at the time of filing of the Application, yet he remained minor from the day of death of his father i.e. 27.01.2011 till attaining the age of his majority age i.e 18 years, hence for the intervening period, he was entitled for alleged service benefits.

When this legal position was brought into the knowledge of learned counsel appearing on behalf of respondents-EOBI and respondent No.4, who is present in Court, they seek time to consult the issue with the respondent No.2 (the Chairman, EOBI, Karachi).

Adjourned to **12.10.2022**.

J U D G E

J U D G E

Ahmad