

ORDER SHEET
**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.**

C.P No.D-2858 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE(s)
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24.09.2024.

Mrs. Rehana Siddiqui, Advocate for petitioner.

Mr. Ghulam Muhammad Soomro, Advocate for respondents Nos. 2 & 3 along with Abdul Hameed (Regional Head EOBI).

Mr. Bashir Ahmed Almani, Asst. Attorney General for Pakistan.

Mr. Muhammad Ismail Bhutto, Addl. Advocate General, Sindh.

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The petitioner was an “insured person” as defined under Section 2(i) of the Employees’ Old-Age Benefits Institutions Act, 1976 (**the Act**). He has filed this petition seeking directions to the respondents/EOBI to release his pension under the Old-Age Benefits. It is claim of the petitioner that he worked in Private Limited Companies with effect from his joining service in Silver Cotton Mills on 09.06.1975 and lastly he worked in Fateh Apparel Limited. It is case of the petitioner that he is an old man of 82 years of age and he has been deprived from his legal right of Old-Age Pension being insurable employment under the Act, as his contribution as insurable employment is above 15 years.

As per the response filed by the respondents/EOBI, the period from 06.01.1994 to 30.12.1999 claimed by the petitioner towards his service in Fateh Apparel Limited is bogus.

It is matter of record that in this regard, on 19.05.2011, the petitioner filed a complaint under Section 33 of the Act for the adjustment of his said period i.e. 06.01.1994 to 30.12.1999, which was dismissed by the Adjudicating Authority vide decision dated 21.05.2011; thereafter he preferred review under Section 34 of the Act on 23.01.2012 which also met with the same fate vide

order dated 30.01.2012 passed by the Adjudicating Authority; then the petitioner by invoking Section 35 of the Act, preferred an appeal to Appellate Board on 03.04.2012, which was too decided against him on 16.04.2012. The petitioner did not impugn the said decisions before any forum; hence, the same have attained finality. After excluding of aforesaid period, the insured service of the petitioner with paid up contribution comes to 10 years and 2 months, which is less than 15 years. Hence, under Section 22-A of the Act, the petitioner is entitled to an old-age grant in a lump sum equal to his one month's average monthly wages for every completed year of insurable employment or part thereof in excess of six months, which has already been calculated by the respondents/EOBI at Rs.30,000/-.

Learned counsel for the respondents/EOBI has submitted a copy of the letter, dated 01.04.2022, addressed to petitioner for approval of aforementioned grant of Rs.30,000/-, which as per learned counsel for the respondents/EOBI, the petitioner has not received till date.

We, therefore, do not find any merit in petitioner's claim for old-aged pension under the Act; hence, we dismiss this petition leaving him at liberty to receive his aforementioned lump sum grant from respondents/EOBI.

JUDGE

JUDGE

Hafiz Fahad