

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C P No. D- 1144 of 2002 along with
C.P Nos. D- 1450 of 2001, D- 531 of 2005 & D-637 of 2009.

DATE

ORDER WITH SIGNATURE OF JUDGE

Priority.

1. For hearing of CMA No. 2841/2022.
2. For hearing of main case.

13.02.2024.

Mr. Abdul Ghaffar Khan, Advocate for Petitioner in C.P No. D-1144/2002.

Mr. Moiz Ahmed, Advocate for EOBI along with Abdul Ahad Memon, Authorized Representative of EOBI.

Waseem Hashim Employee of Baqai University.

Mr. Imran Memon, Advocate.

Mr. Kashif Nazeer, Assistant Attorney General.

In all these petitions, the Petitioners have challenged their Registration under Section 11 of the Employees Old Age Benefit Act, 1976; and or the Recovery / Demand Notices issued pursuant to such Registration. It is their case that being Statutory Bodies provision of EOBI Act does not apply and they are not liable to be registered as such. Today in response to Order passed on 16.01.2024, learned Counsel for EOBI has referred to Order dated 07.06.2021 passed by the Supreme Court in the case of ***Abasyn University Vs. Federation of Islamic Republic of Pakistan*** reported as **2017 PLC 34** whereby, CPLA filed by EOBI against Judgment dated 30.06.2016 passed by the learned Peshawar High Court in W.P No.3210/2011 (*M/s. Abasyn University Vs. Federation of Pakistan etc.*) has been dismissed and judgment has been upheld, through which the learned Peshawar High Court was pleased to hold that such statutory bodies are not required to be registered under Section 11 of the EOBI Act, 1976. It was further held that any demand so raised pursuant to such registration is also illegal. As to the claim of any excess contribution it was further held that for such purposes alternate remedy as may be available has to be resorted to.

Since the controversy has been put to rest by the Supreme Court, all these petitions are allowed / disposed of by

holding that the Registration of the Petitioners under Section 11 of the Act is without lawful authority as the provisions of the EOBI Act do not apply to the petitioners under Section 47(f) *ibid*. As a consequence, thereof, all impugned demand notices are found to be without lawful authority. As to the claim of any refund, the Petitioners are required to avail remedy in accordance with law.

With these observations Petitions are disposed of with pending applications. Office to place copy of this order in the connected Petitions.

Judge Judge