

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.

Constitutional Petition No.D- 732 of 2024.

(*Muhammad Bux v. Chairman EOBI & Ors*)

DATE OF HEARING ORDER WITH SIGNATURE OF HON'BLE JUDGE

Present:

Mr. Justice Muhammad Saleem Jessar.
Mr. Justice Adnan ul Karim Memon.

28.02.2025

Mr. Javed Ahmed Soomro, advocate a/w the petitioner.

Mr. Abdul Rehman Bhutto, advocate for the respondents no. 1 to 4.

Mr. Abid Hussain Qadri, advocate for the respondents No.5 to 8 assisted by Arslan Harjah, Deputy Manager, Legal (L&EM) SSGCL Regional office, Larkana.

Mr. Oshaque Ali Sangi, Assistant Attorney General

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ORDER

ADNAN UL KARIM MEMON-J.:- The petitioner asserts that he began employment with Sui Southern Gas Company Limited on February 20, 1995. He was terminated on October 3, 1999, but subsequently reinstated effective May 20, 1995, following a Supreme Court judgment on May 2, 2003. He retired upon reaching superannuation on March 31, 2021, having completed over 21 years of contributory service, exceeding the 15-year minimum for EOBI pension eligibility. However, his EOBI pension application was denied on April 10, 2022. He appealed this decision to the Chairperson of the Employees Old Age Benefits Institution (EOBI) under Section 35, but with no favorable result.

2. At the outset, the petitioner's counsel presented a copy of the SSGC order confirming the petitioner's service absorption, as mandated by the Supreme Court judgment in Managing Director, Sui Southern Gas Company Ltd. Karachi v. Ghulam Abbas and others (PLD 2003 SC 724). The counsel argued that the petitioner, reinstated by Supreme Court directives after his initial termination, served for 21 years before retirement. He therefore meets the 15-year minimum service requirement for EOBI pension and all associated benefits. However, the respondents have denied him these entitlements,

which should be granted retroactively to his reinstatement date, per the aforementioned Supreme Court ruling.

3. Counsel for respondents 5-8, along with the Assistant Attorney General and an SSGCL representative, stated that SSGCL has settled all dues and has no outstanding obligations. However, they consented to remanding the case to EOBI for a fresh decision on the EOBI pension, with SSGCL agreeing to contribute the necessary funds for the intervening period if permissible under the law. Advocate Abdul Rehman Bhutto, representing respondents 1-4, did not object to this proposal for a decision fresh by the competent authority.

4. Hence, the respondents are directed to re-evaluate the petitioner's case, including the intervening service period and contributions, within one month of receiving this order. A faxed copy will be sent today for immediate compliance.

5. In the circumstances and in view of joint proposal, instant petition is hereby disposed of.