HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-2185 of 2025
[Qasim Versus Province of Sindh & others]

Before:
Justice Adnan-Ul-Karim Memon
Justice Muhammad Jaffer Raza

Petitioner:	Through Mr. Muhammad Jameel Khatri, Advocate.
Official Respondents:	Through Mr. Allah Bachayo Soomro, Additional Advocate General, Sindh. Mr. Gul Hassan Panhwar, Advocate. Mr. Shamsuddin Rajper, Deputy Attorney General.
Date of hearing	10.11.2026
Date of Order	10.11.2026

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ADNAN-UL-KARIM MEMON, J.- The petitioner mainly seeks directions to the respondents to forward his complete service record to EOBI for processing his pension claim and to release pensionary benefits under EOBI Registration No. 1100D080197.

2. Learned counsel for the petitioner submits that the petitioner served in various sugar mills for approximately 25 years, including Sindh Abadgar's Sugar Mills Limited, where he served for about 15 years and regularly contributed to the EOBI scheme under Registration No. 1100D080197; that, despite fulfilling the requisite service and contribution requirements, the EOBI has offered him a one-time cash grant of Rs.91,000/- instead of pensionary benefits upon his retirement at the age of 60 years; that the employer has failed to forward his complete service record to EOBI for processing his pension claim. Hence, the petitioner seeks directions for transmission of his service record and grant of the EOBI pension in accordance with law.

3. Learned counsel for EOBI submits that the petitioner is not entitled to old-age pension, as his qualifying insurable employment with M/s TMK Sugar Mills and M/s Ansari Sugar Mills aggregates to only 7 years, whereas the required contribution period is fifteen years. He contends that the petitioner's service with M/s Sindh Abadgar Sugar Mills cannot be counted due to non-payment of the requisite contributions by the employer under Sections 9 and 9-B of the EOBI Act, 1976. Consequently, the petitioner is entitled only to an old-age grant under Section 22-A of the Act, which is ready for collection. He further submits that the dispute involves factual questions falling within Sections 33, 34 and 35 of

the Act, providing an adequate statutory remedy, which the petitioner has failed to exhaust. Hence, the petition is liable to be dismissed.

4. When confronted with the legal position of the case that it was the duty of the EOBI to ensure that contribution is received from the concerned establishments and prima facie there was/is no fault of the petitioner, as he admittedly served the concerned Mills and is entitled to the service benefits

5. After arguing the matter at some length, both learned counsel agreed that the issue needs to be adjudicated by the competent authority of the EOBI and the petitioner may approach the competent EOBI authority by filing first an application and Appeal if aggrieved under Sections 33, 34 and 35 of the EOBI Act and the decision shall be made within one month.

6. We have heard learned counsel for the parties and examined the available record. The controversy essentially concerns the petitioner's entitlement to old-age pension under the Employees' Old-Age Benefits Act, 1976, particularly whether his previous periods of employment qualify as insurable employment and whether the requisite contributions were duly payable and deposited. Section 22 of the Act prescribes the conditions for entitlement to old-age pension, including the prescribed age and qualifying contribution period, whereas Section 22-A provides for an old-age grant where an insured person does not fulfil the conditions for pension but satisfies the statutory requirements for such grant.

7. It is pertinent to observe that under Sections 9 and 9-B of the Act, the liability regarding payment of contributions rests upon the employer and the insured person in the manner prescribed by law. Prima facie, an employee cannot be deprived of his legitimate statutory benefits merely on account of the employer's failure to discharge its statutory obligation regarding payment of contributions, particularly where the employment itself is not disputed. Nevertheless, the actual periods of insurable employment, contribution record and the petitioner's eligibility require examination by the competent authority on the basis of the relevant employment and contribution records.

8. The Act provides a specific mechanism for resolving such disputes. Under Section 33, the Institution is empowered to determine questions relating to the status of an insured person, contributions payable and entitlement to benefits. Section 34 provides for review of its decision upon the prescribed grounds, while Section 35 provides a right of appeal to the Board against a decision under Section 33 or an order passed in review under Section 34. Thus, an adequate statutory remedy is available to the petitioner, which ought to be exhausted before invoking the constitutional jurisdiction of this Court.

9. In view of the above legal position, and as both learned counsel have agreed that the controversy may appropriately be examined by the competent EOBI authority, we deem

it appropriate to dispose of this petition, without touching its merits, with the following directions:

(i) The petitioner shall approach the competent authority of EOBI by filing an application under Section 33 of the Act, along with all relevant employment and contribution records, within fifteen days.

(ii) The competent authority shall afford an opportunity of hearing to the petitioner, examine the contribution record of all concerned establishments, and determine his entitlement to old-age pension or old-age grant, as the case may be, through a reasoned and speaking order in accordance with law, within one month of receipt of the application.

(iii) In case the petitioner is aggrieved by such determination, he shall be at liberty to avail the remedies of review under Section 34 and appeal under Section 35 of the Act, as permissible under law.

10. Needless to observe that the competent authority shall independently examine the petitioner's claim, including the periods of employment with M/s Sindh Abadgar Sugar Mills Limited, and shall not reject the same merely on account of non-payment of contributions by the employer without examining the statutory liability and relevant record.

11. The petition stands disposed of in the above terms, with no order as to costs.

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