

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI
C.P.No.D-2655 of 2014

DATE

ORDER WITH SIGNATURE(S) OF JUDGE(S)

Present:

Mr.Justice Muhammad Ali Mazhar

Mr.Justice Abdul Maalik Gaddi

F.G. International (Private) Ltd.....Petitioner

V/s.

Mr.Noor Muhammad Leghari

Secretary Labour & others.....Respondents

18-10-2016

Ms.Hira, Advocate for the Petitioner

Mr.Ameeruddin, Advocate for the Respondent (SESSI)

Mr.Abdul Jalil Zubedi, AAG

Muhammad Ali Mazhar,J. It is inter alia contended that the petitioner is engaged in the business of Import and Supply of Material Handling Equipments, Air Compressors, Pneumatic Tools and Spray Painting Systems. Basically, the petitioner has challenged the Demand Notice dated 7.5.2014 issued by Director & Assistant Collector Grade-I, SESSI, West Wharf Directorate, under Section 81 of the Land Revenue Act, for the payment of Social Security Dues amounting to Rs.614,232/-.

2. Learned counsel for the petitioner argued that without verifying the record and the strength of the employees this final notice for payment of dues was issued, which is impugned through this petition. Learned counsel for the SESSI referred to an order dated 24.8.2016 passed by this court in **C.P.No.D-4375/2016 (M/s.Mehran**

Industries vs. Government of Sindh & others). He argued that Sindh Employees Social Security Act, 2016 has already been promulgated in which Section 61 is relevant to the decision of compliant, questions and disputes which is corresponding to Section 57 of the repealed Ordinance, 1965. He further argued that the petitioner has directly approached this court against the demand notice whereas under the provisions of Sindh Employees Social Security Act, 2016, the petitioner should have filed a complaint under Section 61 of Sindh Employees Social Security Act, 2016, wherein proviso has also been added that for deciding the question or dispute relates to demand or assessment of social security contribution, the complainant shall deposit 25% of the demand or assessment to the institution at the time of filing complaint.

3. After arguing at some length, learned counsel for the petitioner agreed to move an application/complaint under Section 61 of the Sindh Employees Social Security Act, 2016. Learned counsel for the respondent (SESSI) submits that if any such application is filed the same shall be decided within three months and on depositing 25% of the amount mentioned in the demand notice dated 7.5.2014 (copy of which available at page-15 (Annexure-B) of the court file), no action shall be taken by the respondents till the decision of the application/complaint of the petitioner. The petition along with listed application is disposed of in the above terms.

Judge

Judge

