

Order Sheet
IN THE HIGH COURT OF SINDH KARACHI

Before:

Mr. Justice Nadeem Akhtar

Mr. Justice Adnan-ul-Karim Memon

Constitutional Petition No. D –3263 of 2016

Muhammad Hanif

Versus

Pakistan Telecommunication Company Limited and another

Constitutional Petition No. D –3264 of 2016

Mukhtair Ali

Versus

Pakistan Telecommunication Company Limited and another

Constitutional Petition No. D –3265 of 2016

Jan Muhammad

Versus

Pakistan Telecommunication Company Limited and another

Constitutional Petition No. D –3266 of 2016

Ghulam Sarwer

Versus

Pakistan Telecommunication Company Limited and another

Constitutional Petition No. D –3267 of 2016

Muhammad Imamuddin

Versus

Pakistan Telecommunication Company Limited and another

Constitutional Petition No. D –4521 of 2016

Liaquat Ali

Versus

Pakistan Telecommunication Company Limited and another

Constitutional Petition No. D –4522 of 2016

Muhammad Alam

Versus

Pakistan Telecommunication Company Limited and another

Constitutional Petition No. D –4523 of 2016

Bashir Ahmed Abro

Versus

Pakistan Telecommunication Company Limited and another

Constitutional Petition No. D –4524 of 2016

Mushtaq Ali

Versus

Pakistan Telecommunication Company Limited and another

Constitutional Petition No. D –4525 of 2016

Syed Razi Ahmed

Versus

Pakistan Telecommunication Company Limited and another

Constitutional Petition No. D –4526 of 2016

Aziz Ullah

Versus

Pakistan Telecommunication Company Limited and another

Constitutional Petition No. D –4527 of 2016

Muhammad Rafique

Versus

EOBI Employees Old Age Benefit Institution and another

Constitutional Petition No. D –4528 of 2016

Abdul Ghafoor

Versus

Pakistan Telecommunication Company Limited and another

Constitutional Petition No. D –4529 of 2016

Muhammad Saleem

Versus

Pakistan Telecommunication Company Limited and another

Constitutional Petition No. D –4530 of 2016

Ghulam Hussain

Versus

Pakistan Telecommunication Company Limited and another

Constitutional Petition No. D –4531 of 2016

Muhammad Aslam

Versus

Pakistan Telecommunication Company Limited and another

Constitutional Petition No. D –4532 of 2016

Imtiaz Ali

Versus

Pakistan Telecommunication Company Limited and another

Constitutional Petition No. D –4533 of 2016

Mehboob Ali Kartio

Versus

Pakistan Telecommunication Company Limited and another

Constitutional Petition No. D –4534 of 2016

Abdul Waheed

Versus

Pakistan Telecommunication Company Limited and another

Constitutional Petition No. D –4535 of 2016

Abdul Wahab

Versus

Pakistan Telecommunication Company Limited and another

Constitutional Petition No. D –6527 of 2016

Abdul Jalil Arain

Versus

Pakistan Telecommunication Company Limited and another

Constitutional Petition No. D –6528 of 2016

Akhtar Hussain

Versus

EOBI Employees Old Age Benefit Institution and another

Constitutional Petition No. D –6529 of 2016

Shahzad Aslam

Versus

Pakistan Telecommunication Company Limited and another

Constitutional Petition No. D –6530 of 2016

Abdul Jabbar Lashari

Versus

EOBI Employees Old Age Benefit Institution and another

Constitutional Petition No. D –6531 of 2016

Nisar Ahmed

Versus

Pakistan Telecommunication Company Limited and another

Constitutional Petition No. D –6532 of 2016

Gul Muhammad

Versus

Pakistan Telecommunication Company Limited and another

Constitutional Petition No. D –6533 of 2016

Manzoor Hussain

Versus

Pakistan Telecommunication Company Limited and another

Constitutional Petition No. D –6534 of 2016

Muhammad Saleem Kiyani

Versus

Pakistan Telecommunication Company Limited and another

Constitutional Petition No. D –6535 of 2016

Rifaqat Ali Chohan

Versus

EOBI Employees Old Age Benefit Institution and another

Constitutional Petition No. D –6536 of 2016

Ghulam Hussain

Versus

Pakistan Telecommunication Company Limited and another

Constitutional Petition No. D –6537 of 2016

Khawaja Haider Ali

Versus

Pakistan Telecommunication Company Limited and another

Constitutional Petition No. D –6538 of 2016

Miandad Unar

Versus

EOBI Employees Old Age Benefit Institution and another

Constitutional Petition No. D –6539 of 2016

Nisar Ahmed Junejo

Versus

EOBI Employees Old Age Benefit Institution and another

Constitutional Petition No. D –6549 of 2016

Mst. Ayesha

Versus

EOBI Employees Old Age Benefit Institution and another

Constitutional Petition No. D –6541 of 2016

Rashid Rafi

Versus

EOBI Employees Old Age Benefit Institution and another

Constitutional Petition No. D –441 of 2017

Sirajuddin

Versus

EOBI Employees Old Age Benefit Institution and another

Date of hearing & order : 30.11.2020

Syed Ansar Hussain Zaidi, advocate for other petitioners.

M/s Zia-ul-Haq Makhdoom and Muhammad Azhar Mahmood, advocates for the respondent No.1 / PTCL.

Mr. Owais Farooqui, advocate.

Mr. Manzoor Arain, advocate for EOBI.

Mr. Muhammad Nishat Warsi, DAG.

ORDER

ADNAN-UL-KARIM MEMON, J. The above referred constitutional petitions are being disposed of by this common order as the issue raised therein is similar.

2. At the outset, learned counsel for the petitioners concedes that the subject issue involved in these proceedings has already been set at rest by this Court vide common order dated 16.11.2020 passed in C.P. No. D-3026 of 2015 and other connected petitions. For sake of convenience, an excerpt of the order dated 16.11.2020 is reproduced as under:

“12. Adverting to the point raised by the petitioners that the respondent-PTCL deposited the requisite contribution with EOBI as such they are entitled to the benefits. We do not agree with the aforesaid proposition for the reason that the Hon’ble Supreme Court in the case of PTCL as discussed supra directed the respondent-PTCL to pay such contribution under the provision of Employees’ Old-Age Benefits Act, 1976, and as per the statement of the respondent-PTCL such demand of respondent No.2 was fully satisfied from the relevant period, whereas petitioners during their tenure of service never contributed such EOBI amount to respondent No.2 for payment before their voluntarily retirement. However, we may observe that if the petitioners would not have opted for VSS Scheme, the position of the case would have been different for the simple reason that after their option of VSS, they are estopped to claim such benefits.”

13. In view of the above, these petitioners fail to make out their case. Consequently, the petitions are dismissed along with the pending application(s) with no order as to costs.”

3. Since the issue involved in these petitions is akin as decided by this Court in C.P. No. D-3026 of 2015 and other connected petitions vide common order dated 16.11.2020, therefore, these petitions being not maintainable under Article 199 of the Constitution are dismissed accordingly, leaving the petitioners to avail and exhaust their remedy, if any, as provided under the law.

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