

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

C.P. No.D-4243 and 4313 of 2012

M. Sabir Ali & others in CP No. D-4243/12 and
Shahzad in CP No.D-4313/12

Versus

Federation of Pakistan & others

Date	Order with signature of Judge
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BEFORE:

Mr. Justice Faisal Arab

Mr. Justice Muhammad Shafi Siddiqui

Date of hearing: 23.05.2013

Mr. M. Latif Saghar for petitioners in CP No.4243 of 2012.

Mr. Abdul Ghaffar for petitioner in CP No.D-4313 of 2012.

Mr. Asif Mangi, DAG for Federation of Pakistan

Mr. Muhammad Sabir Sardar for respondents No.2 & 3 in CP No.D-4313 of 2012.

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Muhammad Shafi Siddiqui, J.- These petitions involve the question of distribution/release of the benefits/amount for the year 2011 to the eligible workers in compliance of the provisions of Companies Profit (Workers Participation) Act 1968.

Earlier a petition bearing No.C.P. D-260 of 2008 was filed challenging the amendment made in the Companies Profit (Workers Participation) Act, 1968 through Finance Act, 2007 which was approved by the Federal Government. In the said petition this Court vide judgment dated 26.2.2011 held the subject amendment to be ultra vires. Subsequently, respondent No.2 addressed letter dated 27.09.2012

to the Federal Government for clarification of the categories of the workers for distribution of shares in the light of the judgment passed in aforesaid CP No.D-260 of 2008 which was clarified by the respondent No.4 in terms of letter dated 09.10.2012. The operative part of the said letter is as follows:

“You are therefore, advised to implement the above mentioned Honourable Sindh High Court decision in letter and spirit and distribute the WPPF amount among the eligible workers as were due prior to the impugned amendment through Finance Act, 2007 and deposit the left over amount in WWF trust Fund Account G-06304.”

Since the distribution of benefit under Act 1968 for the year 2011 were due upon the respondents, the petitioners filed the instant petitions for the distribution and release of the said benefit in accordance with law as it was being held illegally by respondents No.2 and 3.

Respondents No.2 and 3 have filed comments to the petitions and have categorically taken a stance that not a single penny goes back to respondent No.2 and all eligible workers would not only get their respective share from the allocated fund but interest amount accrued on the whole amount will be distributed amongst the said eligible workers and the left over amount will be transferred to the Workers Welfare Fund. They have further stated that the respondent No.2 is neither beneficiary of the said amount nor it can retain it after distribution of the workers share.

With the consent of both the sides, we disposed of the above petitions along with pending applications with direction that the share of the employees of category 1 and 2 shall be disbursed by the Trust to the employees in accordance with law whereas the share of the workers falling in the category 3, until through the legislation their right is

determined, the same shall be retained by the Trust along with interest accrued thereon.

Above are reasons of our short order dated 23.05.2013 whereby the petitions were disposed of with the above direction.

Dated:

Judge

Judge