

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

**Constitutional Petition No. D – 7006 of 2016**

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**Order with signature of Judge(s)**

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1. For hearing of Misc. No.33761/2016
2. For hearing of main case

**21.09.2021**

None present for the petitioner

Mr. Ali Safdar Depar, AAG.

Mr. Manzoor Hameed Arain, advocate for EOBI

Mr. Abraiz, advocate for EOBI along with Mr. Qadeer Ahmed, Director (Law)  
EOBI

Mr. Muhammad Nishat Warsi, DAG.

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At the outset, it would be conducive to refer paragraph 7 of the order passed in Constitutional Petition No. D – 4668/2015, which is reproduced as under: -

*“7. Under these circumstances, until the issue is resolved, without commenting on the ultra vires of enactment of the federal law we deem it fit that **priority must be given to the employees as the Old Age Benefit law is a beneficial law, aimed for the benefit of the employees therefore in case contribution amount is not received by the EOBI ultimately it is the employees who will suffer.** Hence these petitions are disposed of in terms that petitioners shall deposit the contributions and other dues according to EOBI Act 1976; all amount deposited with the Nazir shall be returned in favour of the EOBI established under the EOBI Act 1976. Petitioner shall continue old practice while depositing contribution with the Federal EOBI until issue is resolved between the Federation and the Province and legislation is being implemented and departments are functional, however, Provincial EOBI will not claim that amount from the employer (petitioners). It is pertinent to mention that if Province feel that they have any claim with regard to contribution deposited with the federal EOBI, they would be at liberty to sue that remedy against the Federal EOBI and will not drag the employer for that controversy.”*

Issue with regard to rise in contribution can be adjudicated by the forum under the EOBI; hence this petition is disposed of along with listed application with direction to the petitioner to approach the concerned adjudication authority.

JUDGE

JUDGE