

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 2436 of 2016

C. P. No. D – 352 of 2023

Date of hearing	Order with signature of Judge
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Hearing of case (priority)

1. For hearing of CMA No.6609/2016
2. For hearing of main case

21-11-2023

Mr. Ghulam Shabbeer Shar, Advocate for petitioner in C.P. No. D-2436 of 2016.

Mr. Sohail Ahmed Khoso, Advocate for petitioner in C.P. No. D-352 of 2023.

Mr. Muhammad Farhat Soomro, Law Officer, Sindh Workers Welfare Board.

Mr. Ali Raza Baloch, Assistant Advocate General Sindh a/w Dr. Sikandar Memon, Focal Person on behalf of Health Department and Muhammad Saleem Raza, Commissioner, SESSI.

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Barrister Syed Ali Ahmed Zaidi, Advocate has filed power on behalf of Secretary, Sindh Workers Welfare Board, Government of Sindh.

In compliance of order dated 18.10.2023, reports have been filed. The Sindh Workers Welfare Board has also filed a comprehensive report along with a list of students enrolled for scholarship from the Board, which is taken on record and a copy whereof has been provided to other side to assist the Court on the next date of hearing.

Regarding handing over of the building under use of NICVD by the Government of Sindh to the Board, it has been informed that it has been agreed that in NICVD, 10 percent quota would be allocated for registered workers and for them a separate counter would be established to facilitate them to get immediate attention and medical aid. Reports of Civil Judges, who were directed to visit three schools i.e. (i) Workers Model School, Sukkur, (ii) Primary School situated at Labour Colony, Daharki, District Ghotki, and (iii) Primary School, Khairpur, have been receive. A perusal of these reports shows that the condition of these schools is alarming. Teaching and non-teaching staff were found absent. The lab was found in a pathetic condition and not functioning. A copy of

reports has been supplied to learned counsel appearing on behalf of Sindh Workers Welfare Board with a warning that in the next visit by the Civil Judges, if the things are found to have not been improved, an action in accordance with law would be taken against those who are responsible.

The Commissioner, SESSI is present and submits that in compliance, a digital portal application in the name of 'Mazdoor Registration Portal' has been launched. In order to sensitize the labourers to get registration through this portal, an awareness programme has been initiated through all possible mediums including print and electronic media. However, the Commissioner submits that benefit of this application would not be realized until and unless the employer, under whom, the workers are working, is not registered. He further submits that although in the SESSI's laws, registration of employer is mandatory, but the employers are resisting such a move whenever notice is issued to them. The Commissioner is reminded that if it is provided in the law, it is their duty to ensure compliance by registering the employer first in order to register workers. If there is any resistance mounted by the employer, the action in accordance with law shall be taken against them. He has undertaken that henceforth fresh notices would be issued to the employers for registration and if any one refuses to comply with, he would launch an action in accordance with law against them and report would be submitted.

The reports submitted today have been exchanged between the parties who seek time to file their reply on the same on the next date of hearing. Learned AAG has further informed that the Sindh Employees Social Security (Amendment) Act, 2018 has been passed by Provincial Assembly and assented by the Governor of Sindh on 12.05.2018, but in compliance, Social Security Courts, defined in section 4, sub-section vii of sub-section 30, constituted under section 64, have not been notified by the Law Department.

Adjourned to **16.01.2024**, when the Law Department, Government of Sindh shall file a report as to why these Courts have not so far been notified despite lapse of five years. Personal attendance of Focal Person, Health department and Commissioner, SESSI is dispensed with for the time being. Let a copy of this order

be faxed to all concerned and office of AAG Sindh for a perusal and compliance. *Office to place a signed copy of this order in the captioned connected matter.*

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Ahmad