



## DECISION

POS/3468/2021/ Adv-Z

Complaint No.:

Name and address  
of the complainant :

Mr. Abdul Aziz Usmani,  
R-83-A (Ground Floor), Street # 19,  
Sector 14-B, Shadman Town, Karachi.

Name of the Agency  
Complained against :

Social Welfare Department

Name & Designation of  
Investigating Officer :

Fasihuddin Khan,  
Advisor 'Z'

Subject :-

**COMPLAINT REGARDING NON PAYMENT  
OF MEDICAL BILL BY THE IDA RIEU  
WELFARE ASSOCIATION (IRWA)**

### THE COMPLAINT

Mr. Abdul Aziz Usmani filed a complaint on 28.06.2021 against the Social Welfare Department, Government of Sindh regarding non payment of his medical bills. He stated that he was working as an Accountant cum-Administrator since 25.10.2010 at IDA RIEU Welfare Association (for Deaf and Blind) (IRWA) which is registered as a charitable organization by the Sindh Social Welfare Department. During his duty hours on 07.03.2020 after experiencing severe chest pain he was taken to the Jinnah Hospital where he was diagnosed as having had an heart attack. Subsequently, he was admitted in Tabba Hospital and went through an Open Heart Surgery on 19.03.2020. He has stated that an amount of Rs.587,629/- was spent by him on his treatment. He approached the Director General, Sindh Social Welfare Department for reimbursement of his aforementioned medical bill but they paid no attention. He, therefore, solicited our intervention for redressal of his grievance.

### PROCEEDINGS

2. The complaint was admitted u/s 10 of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991, (amended up to date), by condoning the delay and after completion of mandatory requirement. The matter was referred to the Secretary, Social Welfare Department, Government of Sindh, Karachi, for a preliminary report. In response, the Agency submitted letter dated 25.11.2021 alongwith an enquiry report from the

office of the DG Social Welfare Department Sindh stating therein that the complainant was an employee of IRWA since 2010 under a contract, which is renewed each year with the approval of management of the Association. A copy of his contract of appointment dated 22.11.2010 as Accountant-cum-Administrator, mentioning all terms and conditions of his service, was also enclosed.

Under this contract, the complainant was not entitled to any paid leave or medical expenses. The Inquiry Committee further reported that the complainant was responsible to undertake all accounting and related works, including the payment of EOBI contribution, but he failed to do so, and the IRWA started to pay the outstanding dues of EOBI from July 2021. On expiry of contract of the complainant, which was not renewed after the year 2020 by the management of the association, he had received the final settlement amount of Rs.66,000/- on 26.10.2020. Since the complainant accepted all the dues, according to his contract, willingly he was not entitled to any other amount including his said medical bill.

3. A copy of the Agency's report was sent to the complainant for his rejoinder which he submitted on 17.12.2021 stating that his final settlement of accounts with the IRWA as mentioned in the enquiry report has not taken place. In fact the Association had stopped his salary for the month of April 2020, which was paid to him after several reminders alongwith the arrears for 14 days of May 2020, on 26.10.2020. The expenses incurred on 19.03.2020 for his bypass surgery were yet to be reimbursed by the Association.

4. In order to resolve the issue, hearings were held on 07.02.2022 and 20.12.2022, attended by both the sides. During discussions it was pointed out that the social security scheme of the Government of Sindh takes care of such sick, injured and deceased employees of all the organizations registered with the Social Welfare Department, who fulfill the criteria of the SESSI under its Act VI of 2016. However, the list of such employees registered with SESSI as provided by IRWA did not include the name of the complainant. The representative of the Agency clarified that the salary paid to the complainant was higher than the minimum wage, therefore he did not qualify to get the benefit of the social security scheme.

5. In view of the above contention of the Agency, the Commissioner SESSI was requested vide this office letter dated 22.12.2022 to clarify the legal position in the matter. After several reminders and constant follow up the Focal Person/Director, SESSI and Director City-1 attended the hearing held in this office on 05.09.2023. According to them it is the statutory obligation of an employer to pay necessary contribution in respect of employees who fall within the ambit of wages threshold as enumerated in Section 75 of SESSI Act 2016. As defined in the said Act, the lower wage limit shall be equivalent to the minimum wages determined by the Government under the Sindh Minimum Wages Act 2015, whereas the upper wage limit shall be Rs.5000/- plus the minimum wage, prevailing at the time of payment of contribution by an employer under the Act. All such employees and workers as specified by the respective organizations are registered by the SESSI and C-1 scheduled cards mentioning their particulars are issued to them for availing benefits under the law.

6. However, the complainant's name was neither included in the list of employees provided by the IRWA nor registered by the SESSI so as to entitle him for medical treatment at the organization's cost. In response to a question as to why the complainant's name was not enlisted with the SESSI, it was informed that throughout his service from the year 2010 to 2020 his monthly salary was higher than the upper wage limit fixed by the Government during this period. Moreover, as pointed out by the Agency, the lists of employees sent to the EOBI or SESSI were actually compiled and issued by the complainant himself in his capacity as the Accountant cum Administrator of the organization. It is, therefore, evident that he did not qualify to be included in the said list.

The complainant, who was present throughout the proceedings, could not rebut the above contention of the Agency but still requested for sometime to submit his rejoinder in writing to justify his claim. But he failed to avail the opportunity and could not add anything further to substantiate his request despite notices and telephone calls to him by this office.

#### FINDINGS

7. After scrutiny of the documents and going through the discussions in the matter, it transpires that :-

- (i) The complainant's salary throughout the period from 2010 to 2020 was much higher than the minimum wage limit determined by the Government of Sindh for contribution by the employer as per statement submitted by IRWA on 29.10.2024.

- (ii) The complainant was not entitled to avail the facilities including medical treatment offered by the SESSI under its Act of 2016.
- (iii) The complainant was not entitled to get reimbursement of his medical expenses from his employer IRWA as per terms of his employment contract signed with them.
- (iv) No mal administration is established on the part of the Agency.

DECISION

8. In view of the above and in exercise of powers vested in me u/s 11 of The Act, 1991, the complaint is hereby dismissed and consigned to record.

**Given under my hand and seal of office.**

SD/-

(MUHAMMAD SOHAIL RAJPUT)  
Sitara-e-Imtiaz - PAS  
Ombudsman, Sindh

Karachi, dated 25 November, 2024

