OFFICE OF THE FEDERAL OMBUDSPERSON

FOR PROTECTION AGAINST HARASSMENT OF WOMEN AT THE WORKPLACE, ISLAMABAD

FORM OF ORDER SHEET

Complaint No**. FOH-HQR-H/0651/2025**

Date of Institution: 08-12-2025

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<tr><td>TITLE:</td><td>Ms. Sameena Akhter Nazir</td><td>VS</td><td>PODA & EOBI</td></tr>
<tr><td colspan="4">Department:</td></tr>
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<tr><td>06</td><td>10-02-2026</td><td colspan="4">Subject: Final Order
1. Ms. Sameena Akhter Nazir (hereinafter referred to as the “Complainant”) has been employed with Potohar Organization for Development Advocacy (PODA) since 2007 and has remained an insured person under the Employees’ Old-Age Benefits Institution (EOBI), bearing Registration No. 4700H258530. Throughout her service, the Complainant has regularly contributed to the EOBI fund in accordance with law, including for periods prior to and subsequent to temporary interruption in employment, as reflected in the record annexed with the complaint.
2. The Complainant attained the age of fifty-five (55) years on 19-11-2021. As per the contribution record, her aggregate qualifying contribution period was completed to fifteen (15) years in the year 2024. Notwithstanding her continued employment, EOBI issued a letter dated 10-11-2025 offering her a lump-sum old-age grant in lieu of monthly pension.</td></tr>
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		3. Aggrieved by the said communication, the Complainant instituted the present complaint, contending that she continued in lawful insurable employment beyond the age of fifty-five (55) years and that the impugned action of EOBI neither mandated cessation of employment nor extinguished her insured status. She expressly declined the lump-sum grant and asserted her entitlement to monthly old-age pension under Section 22(1) of the Employees' Old-Age Benefits Act, 1976 ("the Act"), upon completion of the requisite contribution period. 4. The Complainant further assailed the statutory differentiation and its administrative implementation whereby female employees are treated as having attained pensionable age at fifty-five (55) years, while male employees are permitted to continue contributions and complete qualifying service up to sixty (60) years of age. She contended that the said differentiation, as interpreted and implemented by EOBI, amounts to discriminatory treatment against women and squarely falls within the ambit of Section 2(h)(ii) of the Protection Against Harassment of Women at the Workplace Act, 2010, inasmuch as it entails gender-based discrimination affecting terms, conditions, and privileges of employment. She further asserted that such differentiation is violative of Articles 25 and 27 of the Constitution of the Islamic Republic of Pakistan, which guarantee equality before law and prohibit discrimination on the basis of sex in matters relating to employment and public benefits. 5. It was specifically urged that the provision prescribing fifty-five (55) years as pensionable age for women was enacted as a protective and enabling measure — conferring upon women the option of earlier retirement —

and not as a disabling provision extinguishing their right to continue employment and contribution. However, by refusing to recognize contributions made beyond fifty-five (55) years, EOBI has converted a statutory privilege into a substantive disadvantage.

6. The practical effect of EOBI’s interpretation is that women who continue to work beyond fifty-five (55) years are denied the opportunity to complete or enhance their qualifying service, whereas similarly situated male employees may continue contributions until sixty (60) years. Such treatment places women at a structural disadvantage and results in unequal accrual of social security benefits.

7. PODA, in its written reply, confirmed that the Complainant contributed to EOBI from 01-06-2008 to 31-12-2016; that she rejoined employment on 01-01-2019; and that contributions were regularly deposited on her behalf up to April 2024. PODA categorically stated that contributions were accepted through EOBI’s online system without objection.

8. PODA further clarified that EOBI officials subsequently conveyed, verbally, that contributions for female employees beyond fifty-five (55) years would not be recognized. Consequently, despite lawful employment and accepted deposits, EOBI declined to reckon the period from November 2021 to April 2024 — amounting to two years, five months and eleven days — for purposes of qualifying service.

9. EOBI in its reply, relied upon Section 22(a) of the Act, asserting that female employees are eligible for pension at fifty-five (55) years and that, absent statutory

amendment, it is constrained to process claims strictly in accordance with the existing provision.

10. The relevant portion of **Section 22(a)** of the Employees' Old-Age Benefits Act, 1976, reads as under:

    "An insured person shall be entitled to a monthly old age pension at the rates specified in the Schedule:
    Provided that —
    (a) he is over 60 years of age, or 55 years in the case of a woman; and
    (b) contributions in respect of him were paid for not less than fifteen years.
    Provided further that the age may be reduced in the case of certain miners."

11. The language of the said provision is entitlement-based and facilitative in nature, and does not contain any prohibitory command mandating retirement, cessation of insured status, or invalidation of contributions upon attainment of pensionable age.
12. A holistic examination of the Act reveals no provision which prescribes fifty-five (55) years as a maximum age for women's contributions, nor any clause which extinguishes insured status or bars acceptance of contributions where insurable employment continues beyond that age.
13. The definition of **"insured person"** under **Section 2** of the Act is linked to employment and contribution and does not prescribe any upper age limit. Likewise, the contribution mechanism under the Act is wage-based and employment-based, not age-based.
14. In the absence of an express statutory prohibition, no restriction can be read into the law by implication,

		particularly where such implication would curtail accrued social security rights under a beneficial statute. 15. Eligibility to claim pension upon attainment of a specified age cannot be conflated with compulsory cessation of coverage or termination of the obligation and entitlement to contribute, unless the statute expressly so provides. 16. The Employees’ Old-Age Benefits Act, 1976, being a social welfare legislation, must be construed liberally so as to advance its protective object and to expand, rather than restrict, access to social security benefits. 17. The interpretation adopted by EOBI, whereby contributions made on behalf of women after attaining the age of fifty-five (55) years are rendered ineffective despite acceptance, defeats the purpose of the Act and results in arbitrary deprivation of accrued rights. 18. Such an interpretation also raises serious constitutional concerns under Articles 25 and 27 of the Constitution of the Islamic Republic of Pakistan, which not only prohibit discrimination on the basis of sex and guarantee equality before the law, they place a responsibility on the State to take special measures for empowerment of women. 19. The Principles of Policy contained in Articles 37 (e) and 38 (a) of the Constitution further obligate the State to ensure just conditions of work and to secure social security and economic well-being irrespective of gender, thereby supporting an interpretation that does not read unwarranted restrictions into welfare legislation. 20. The **Islamabad High Court**, while examining pension entitlement under the EOBI regime in **W.P. No. 41/2020** and connected matters, has emphasized that provisions governing pension eligibility are not to be construed as implying a prohibition on continuation of employment or insured status upon attainment of pensionable age.

		21. In view of the foregoing analysis, it is held that attainment of the age of fifty-five (55) years by a female employee under the Employees' Old-Age Benefits Act, 1976 confers a statutory right to claim pension, but does not impose a mandatory retirement, nor does it operate as a bar against continuation of insured employment or contribution where such employment lawfully continues. The legislative prescription of fifty-five (55) years for women is facilitative and protective in character — granting an option of earlier retirement — and cannot be construed in a manner that converts such privilege into a disadvantage by extinguishing valid contributions or curtailing social security benefits. 22. It is further held that any interpretation whereby women are denied recognition of contributions beyond the age of fifty-five (55) years, while male employees are permitted to continue contributions until sixty (60) years, results in unequal treatment and offends the constitutional guarantees of equality. Where a female employee elects to continue working beyond fifty-five (55) years, she shall be treated at par with male employees for purposes of continued insured status and contribution recognition up to the age of sixty (60) years, subject to lawful employment. 23. Accordingly, the refusal of EOBI to reckon contributions deposited and duly accepted on behalf of the Complainant from November 2021 to April 2024 is declared to be lawful and valid for purposes of computing qualifying service. 24. Consequently, EOBI is directed to: I. acknowledge and reckon the Complainant's entire contribution period, including the period

		subsequent to attainment of fifty-five (55) years of age; II. permit submission of any contributions that may have remained unpaid or unrecognized due to the impugned interpretation, in accordance with law; III. accept and process all prospective contributions in respect of the Complainant in accordance with the policy and directions contained herein, for so long as she remains in lawful employment, up to the age of sixty (60) years; IV. determine and calculate her qualifying service accordingly and to process and grant her monthly old-age pension upon retirement, along with all admissible arrears, strictly in accordance with law. The complaint is accordingly allowed in the above terms. **FEDERAL OMBUDSPERSON**