

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Constitutional Petition No. D-5156 of 2026
(Omer Ahmed Shaikh & another versus Federation of Pakistan & others)

Date	Order with signature of Judge
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Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing and order: 20.8.2026

Mr. Yousuf Makda advocate and Mr. Sajjad Ahmed advocate for the petitioners
Ms. Wajiha Mehdi, Assistant Attorney General
Malik Muhamad Asif, Deputy Manager, Trading Corporation of Pakistan,
Ministry of Commerce, Government of Pakistan
Ms. Noureen Malik, Secretary General, M/s Pakistan Yarn Merchants Association
(PYMA)
Mr. Zeeshan Ahmed, Advocate for respondents No.5 to 55

ORDER

Adnan-ul-Karim Memon, J. Petitioners have filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking the following relief: -

- a. *Declare that Order No. 30 of 2026 dated 03.08.2026 passed by Respondent No. 2, to the extent that it suspends, restrains, conditions or otherwise impedes finalization/issuance of the voters' list and progression of the election process of Respondent No. 3 for the term 2026-2028, is void, without lawful authority, in excess of jurisdiction and of no legal effect;*
- b. *Declare that Respondent No. 2, in passing Order No. 30 of 2026 dated 03.08.2026, acted without lawful jurisdiction, coram non judice and in excess of the appellate power conferred under Section 14(3)(e) of the Act, in the absence of any complaint properly instituted under Rule 18(4), 18(6) or 18(7) of the Rules;*
- c. *Set aside and/or suspend the operative directions contained in Order No. 30 of 2026 to the extent that they operate as an impediment to finalization of the voters' list and continuation of the approved election schedule, including the direction styled as "Interim Electoral Protection";*
- d. *Declare that disputes concerning inclusion or exclusion of entries from the voters' list during the pre-election process are required to proceed through the statutory hierarchy prescribed under Rule 18 of the Trade Organizations Rules, 2013, namely before the Secretary General in the first instance, thereafter before the Election Commission, and ultimately before Respondent No. 2 in its appellate jurisdiction under Rule 18(7) read with section 14(3)(e) of the Trade Organizations Act, 2013;*
- e. *Direct Respondent Nos. 3 and 4 to proceed with and complete the election process for the term 2026-2028 strictly in accordance with the Trade Organizations Act, 2013, the Trade Organizations Rules, 2013, the applicable Memorandum and Articles of Association and the duly approved Election Schedule, including finalization/issuance of the voters' list and commencement of the nomination process, without avoidable interruption;*
- f. *Restrain the Respondent No. 2 from interfering with, arresting or substituting the ongoing election process otherwise than through the jurisdiction and procedure expressly conferred upon it under the Act and*

Rules, without prejudice to the lawful right of any aggrieved member to avail the remedies prescribed by law;

- g. Pending final disposal of the instant Petition, suspend the operation of Order No. 30 of 2026 only to the extent that it prevents or impedes finalization/issuance of the voters' list and continuation of the 2026-2028 election schedule and permit/direct Respondent Nos. 3 and 4 to continue the election process in accordance with law.*

2. The case of the Petitioners is that they are bona fide businessmen and duly registered members of Respondent No.3, Pakistan Yarn Merchant Association (PYMA), with subsisting membership rights and intend to contest the forthcoming Executive Committee elections for the term 2026-2028. PYMA is a duly licensed trade organization governed by the Trade Organizations Act, 2013, the Trade Organizations Rules, 2013 and its approved Memorandum and Articles of Association. The Petitioners contend that, although the membership renewal process and subsequent de-notification of certain members were undertaken by PYMA in accordance with the applicable framework, Respondent No.2, Director General Trade Organizations (DGTO), through impugned Order No.30 of 2026 dated 03.08.2026, entertained a complaint by 51 persons under Rule 11 concerning their membership, suspended the de-notification notices relating to 320 General Body Members and 11 Office Bearers/Executive Committee Members, remanded the matter to the Secretary General for individual speaking orders, and directed that the final voters' list not be finalized in a manner excluding the remanded members. The Petitioners do not seek adjudication of the individual membership claims of the complainants; rather, their grievance is that Respondent No.2 bypassed the specific electoral mechanism prescribed under Rule 18, whereby objections to the voters' list are to be considered first by the Secretary General, thereafter by the Election Commission, and ultimately by the Regulator in appeal, and instead assumed de facto original/appellate control over an ongoing election process. According to the Petitioners, such intervention has unlawfully obstructed finalization of the voters' list and may delay the issuance of nomination papers, scrutiny and polling, despite the election being time-bound and required to conclude by 30.09.2026. They therefore challenge the impugned order to the extent it restrains or impedes continuation of the electoral process, contending that the same is without lawful authority, in excess of jurisdiction and contrary to the statutory election hierarchy, and seek appropriate constitutional relief for continuation of the duly commenced election process in accordance with law.

3. Learned counsel for the Petitioners submitted that the impugned order is without lawful authority and in excess of jurisdiction, as Respondent No.2, by invoking Rule 11(6), has bypassed the specific and sequential mechanism prescribed under Rule 18 for objections to the voters' list, which requires recourse to the Secretary General, thereafter the Election Commission, and ultimately an appeal before the Regulator. He contended that Section 14(3)(e) of the Trade Organizations Act, 2013 designates the Regulator as the final forum of appeal in

pre-election matters and does not confer original electoral jurisdiction upon Respondent No.2. It was argued that the impugned order, passed on a complaint by 51 persons but extended to 320 de-notified members and 11 office bearers, effectively introduced an unauthorized additional stage by restraining finalization of the voters' list for the election scheduled on 19.09.2026, thereby directly prejudicing the Petitioners' candidature. Counsel emphasized that the Petitioners do not challenge the merits of individual membership-renewal claims but only the assumption of jurisdiction and bypassing of the statutory electoral hierarchy. He maintained that the impugned order is, therefore, *coram non judice*, a nullity and of no legal effect, and prayed that the election process be permitted to proceed strictly in accordance with the Act, Rules, Memorandum, Articles of Association and approved election schedule.

4. Today, the officers present in Court has submitted election schedule 2026-2028 (Revised) and the same needs to be culminated to its logical conclusion before 26.9.2026.

5. When confronted, learned counsel for the petitioner agreed for disposal of this petition in terms of the election schedule so set forth by the Pakistan Yarn Merchants Association.

6. We have heard learned counsel for the parties and have carefully examined the record, including the revised election schedule placed before the Court by the officers of the Pakistan Yarn Merchants Association.

7. It is apparent that the election process for the term 2026–2028 is already substantially underway and is required to be completed within a definite statutory and organizational timeframe. The revised schedule provides for finalization of the electoral process, election of the Executive Committee and office bearers, and announcement of the election results by 26.09.2026.

8. The grievance raised by the Petitioners principally concerns the effect of the impugned Order No.30 of 2026 dated 03.08.2026 upon the continuation of the electoral process, particularly finalization of the voters' list. However, during the course of proceedings, the officers of the Pakistan Yarn Merchants Association placed before the Court the revised election schedule for 2026–2028, whereby definite dates have been prescribed for completion of each stage of the electoral process, including nomination, scrutiny, objections, appeals, finalization of candidates, polling and election of office bearers.

9. It is a settled principle that where an election process has commenced and a complete statutory mechanism exists for raising and adjudicating electoral grievances, the Court ordinarily ought not to interrupt or derail the election process except where a clear case of lack of jurisdiction, violation of a mandatory statutory provision or infringement of a fundamental legal right is established. The object of such restraint is to ensure that elections, which are inherently time-

bound, are brought to their logical conclusion and that individual disputes do not result in paralysis of the entire electoral process.

10. In the present case, the Petitioners themselves have ultimately agreed to the disposal of the Petition in terms of the revised election schedule placed before this Court. Such statement substantially resolves the immediate controversy concerning continuation and completion of the election process. Consequently, no useful purpose would be served by entering into a detailed adjudication, at this stage, upon the individual membership claims or upon the respective merits of the proceedings initiated before Respondent No.2, particularly when the Petitioners have not sought adjudication of those individual claims in the present proceedings.

11. At the same time, the disposal of the Petition in terms of the revised election schedule shall not be construed as an adjudication or affirmation of the legality, correctness or otherwise of the individual membership claims, nor shall it be taken as approval of any action of the Respondents which may otherwise be subject to a remedy available under the Trade Organizations Act, 2013 or the Trade Organizations Rules, 2013. All such questions, if otherwise lawfully available, shall remain open to be dealt with by the competent forum in accordance with law.

12. The paramount consideration before the Court at this stage is that the electoral process should not remain indefinitely suspended or be rendered incapable of completion merely because of disputes relating to individual membership or electoral entries. The statutory scheme contemplates resolution of such disputes through the prescribed hierarchy, while the election itself must proceed within the prescribed timeframe. Accordingly, the Association and all concerned authorities are required to adhere strictly to the revised election schedule and to complete the electoral process within the dates specified therein, subject to any lawful order passed by a competent forum.

13. It is further clarified that the revised election schedule shall be implemented strictly in accordance with the Trade Organizations Act, 2013, the Trade Organizations Rules, 2013, the approved Memorandum and Articles of Association and other applicable provisions of law. The authorities concerned shall ensure that every eligible member is dealt with in accordance with law and that no person is deprived of a lawful electoral remedy merely by reason of the present disposal.

14. Since learned counsel for the Petitioners, when confronted with the revised schedule, expressly agreed to the disposal of the Petition in terms thereof, no further determination on the disputed questions of fact or law is presently warranted.

15. Accordingly, with the consent of the parties present in Court and without touching the merits of the case, the instant Constitutional Petition is disposed of alongwith listed / pending application(s) in terms of the revised election schedule submitted by the Pakistan Yarn Merchants Association, which shall be brought to its logical conclusion on or before 26.09.2026, strictly in accordance with law and observation recorded hereinabove. The Respondents shall proceed with the election process without unnecessary interruption and in accordance with the dates and stages contained in the revised schedule.

JUDGE

JUDGE

Zahid/*