

ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA
Const. Petition No. D- 1157 of 2015

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For Katcha Peshi.

2. For Hearing of M.A No.4983/2015

15.10.2015

Mr. Habibullah G. Ghouri, advocate for the petitioners.

Mr. Mushtaque Ahmed Korejo, Standing Counsel.

Mr. Abdul Hamid Bhurgri, Addl. A.G Sindh a/w Masood Bhutto RO Larkana.

Through instant petition, petitioners seek change of symbol from the Suitcase to Bat on the plea that PTI issued ticket in their favour to contest election. Accordingly, they filed nomination forms, that were accepted and symbol of Bat was allotted. But, subsequently, symbol was changed from Bat to Suitcase, such act of Returning Officer is against the guidelines provided by Election Commission of Pakistan as per Sub para (iii) of Para-2 which is as under:-

- (iii) if any person in Government Service misuses his official position in any manner in order to influence results of the elections, he shall be liable to be proceeded against under Section 61 of the Punjab Local Government Act, 2013.

2. Learned Addl. A.G Sindh to the extent of guidelines admits that party cannot change the ticket already issued but he contends that letter was received by Returning Officer by the District party head with the plea that the petitioners have misused such certificates as those certificates were missing. Further, it is matter of record that no notice was issued to the petitioners for change of symbol.

3. In view of guidelines as provided by Election authority, Returning Officer was not competent to change the allotted symbol of petitioners. Accordingly, instant petition is allowed and Returning Officer shall allot the same symbol as already allotted to them.

Abid H. Qazi/**