

A

ORDER SHEET  
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA  
Const. Petition No. D- 1071 of 2015

DATE

ORDER WITH SIGNATURE OF JUDGE

1. For orders on office objection 'A'
2. For Katcha Peshi.

15.10.2015

Mr. Ashfaque Hussain Abro and Mr. Athar Abbas Solangi, advocates for the petitioner.

Mr. Muhammad Imran Abbasi, and Mr. Mutee Ali Abbasi advocates for Respondent No.5

Mr. Mushtaque Ahmed Korejo, Standing Counsel.  
Mr. Abdul Hamid Bhurgri, Addl. A.G Sindh.

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Heard learned counsel for respective parties.

2. It is matter of record that nomination form of petitioner was accepted by the Returning Officer and such order was challenged by respondent No.5 in Election Appeal No.03/2015 before Election Authority/District Judge, Larkana. Relevant portion of such order is reproduced herewith:-

"There is no denial to the fact that; the respondent No.2 is government contractor. Whether he being government contractor is qualified to contest the election? Reply to it is provided by Section 99 (1A) (P) (i) (ii) of the Representation of Peoples Act, 1976, which says that a person shall be disqualified from being elected as member, if he is having interest in a contract for the supply of goods, execution of work to the government or local authority or an autonomous body, such provision of law is applicable to Sindh Local Council Election, as is proved by Section 71 of the Sindh Local Government Act, 2013, in that situation, the Returning Officer ought not to have accepted the nomination paper of the respondent No.2, his order as such is set aside."

3. At this juncture, it would be conducive to refer the relevant proviso to Section 36 of Sindh Local Government Act, 2013, which is for disqualification for candidates as member, which is as under:-

**Section 36. Disqualification for Candidate as Member.** (1) A person shall be disqualified from being elected or chosen as and for being a member of the Council, if -

(a) , (b), (c), (d), (e), (f), (g), (h)

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(i) he is under contract for work to be done or goods to be supplied to a Council or has otherwise any contract pecuniary interest in its affairs;

4. Bare perusal of above section and record appended with petition, it reflects that contract completed by petitioner was not assigned by any Union Council. Further, he is ready to furnish an affidavit to the extent that he will not get any contract within the limits of Municipal Corporation where he is contesting elections or he will not assist any person for assigning any contract in his Union Council and all his acts would not be in conflict with the affairs of that Union Council.

5. In view of above, impugned order dated 22.09.2015 passed by Appellate Authority/District Judge, Larkana is hereby set aside and the order of Returning Officer is maintained.

  
Judge

  
Judge