

DATE	ORDER WITH SIGNATURE OF JUDGE
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For Katcha Peshi.

15.10.2015

Mr. Athar Abbas Solangi, advocate for the petitioner.
Mr. Muhammad Imran Abbasi, advocate for the respondent No.5.
Mr. Mushtaque Ahmed Korejo, Standing Counsel.
Mr. Abdul Hamid Bhurgri, Addl. A.G Sindh.

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.13/2015 before Election Authority/District Judge, Larkana. Relevant portion of such order is reproduced herewith:-

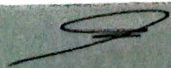
“The documentary proof which is produced by the appellant, prima facie indicates that; he has done rehabilitation/beautification of public park and missing facilities of toilet in Larkana City, which it is said as part of Union Council No.2 of City Larkana, he in that situation, was not qualified to contest the Election as per Section 99 (1A) (P) (i) (ii) of the Representation of Peoples Act, 1976 and Section 36 (A) (i) of the Sindh Local Government Act, 2013, in that situation, his nomination paper ought not to have been accepted by the Returning Officer, the impugned order of the Returning Officer accepting the nomination paper 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 -

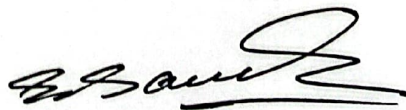
(a) , (b), (c),(d),(e),(f),(g),(h)

(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