

**IN THE HIGH COURT OF SINDH AT KARACHI**

Before:  
Ahmed Ali M. Shaikh, CJ  
Yousuf Ali Sayeed, J

CP No.D-6204 of 2021

For hearing main case.

Date of hearing 22.10.2021.

Petitioner Raju through Mr. Mian Tasadduq Nadeem, Advocate.  
Respondent No.2 the Returning Officer (CEO), Ward No.1, Karachi  
Cantonment Board, Karachi through Mr. Muhammad Aslam, Advocate.  
Respondent No.3 Syed Sultan Ali Zaidi, through Mr. Muhammad Akbar  
Khan, Advocate.

**ORDER**

**AHMED ALI M. SHAIKH, CJ**.- Petition in hand impugns the order dated 11.10.2021 delivered by the learned District and Sessions Judge, Karachi South/Election Appellate Authority, whereby he allowed Election Appeal No.16 of 2021, rejecting the nomination form of the petitioner contesting the election on a special interest seat reserved for non-Muslims scheduled in the Karachi Cantonment Board.

2. Briefly stated facts of the case as pleaded in the Petition are that against acceptance of nomination papers of Petitioner, Respondent No.3 filed Election Appeal No.61 of 2021 solely on the ground of violation of Rule 79(5) of the Cantonments Local Government (Election) Rules, 2015, (the “**Rules**”) as respondent No.4 proposed the Petitioner in category of reserved seat and respondent No.3 for category of worker and labour.

3. Learned counsel for the Petitioner submits that the impugned order is unsustainable in law as the proposer-respondent No.4 proposed two persons from two different categories i.e. reserved seats for non-muslim and worker/labour, thus, the Respondent No.2 has rightly accepted the nomination papers of the Petitioner.

4. Conversely, learned counsel for the Respondents No.2 and 3 supported the impugned order on the ground that the Rule 79(5) of the Rules provides that no person shall subscribe to more than one nomination paper as a proposer and if any person did so all such nomination papers except the first one received by the Returning Officer shall be void. They pray that the petition be dismissed.

5. We have heard the learned counsel for the Petitioner, Respondents No.2 and 3 and perused the material available on record. Admittedly, the Petitioner filed nomination papers for election to the seat reserved for non-muslim and Respondent No.4 subscribed to his nomination paper as well as that of Respondent No.3, who contested elections to the seat of Workers. In instant case the controversy revolves around election of the members on special interest seats. In this context, sub-rules (2) and (5) to Rule 79 under Chapter-VII "Elections to the seats of Peasants, Youths, Workers and Non-Muslim", are relevant, contents of which for ready reference are reproduced hereunder:-

*"(2) Any member mentioned in rule 77 may on the date fixed by the Returning Officer propose the name of any person, who is duly qualified to be elected as member, to be the candidate for election on any of the special interest seats.*

*(5) No person shall subscribe to more than one nomination paper as a proposer and if any person subscribes to more than one nomination paper, all such nomination papers except the first one received by the Returning Officer shall be void."*

From combined reading of the two sub-rules to Rule 79 of the Rules, reproduced hereinabove, it is apparent that any member may propose the name of any person, who is duly qualified to be elected as member, for election on any of the special interest seats and there is no concept of multiple nomination by a person subscribing as proposer across the various categories comprising such special interest seats. As such we are unable to subscribe to the arguments that any person could propose more than one candidate for elections against reserved special interest seats. As such we did not find any merit in the instant petition and had dismissed the same by a short order dated 22.10.2021

Chief Justice

Judge

Dated: 10.11.2021