

BEFORE THE ELECTION COMMISSION OF PAKISTAN

PRESENT:

MR. SIKANDAR SULTAN RAJA, CHAIRMAN
MR. NISAR AHMED DURRANI, MEMBER

Case No. 23(20)/2022-Law

In Ref: REVIEW PETITION UNDER RULE 8(B) READ WITH RULE 47(5) A OF
THE KPK CONDUCT OF ELECTION RULES AGAINST ORDER OF
RO DATED 14.02.2022, TEHSIL KHADU KHEL, DISTRICT BUNER

Gulzar Hussain s/o Mustaqeem Khan (late) Returned candidate, Tehsil Khadu Khel,
District Buner r/o Totalali Tehsil Khadu Khel District Buner

Vs.

DRO, Tehsil Khadu Khel, Buner & others

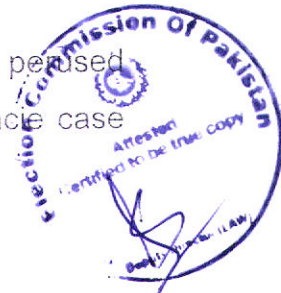
For the petitioner : Mr. Khushdil, Advocate alongwith the petitioner

Date of Hearing : 16.02.2022

ORDER

Sikandar Sultan Raja, Chairman.- The present petition has been filed with the contention that the petitioner contested the election for the seat of Chairman Tehsil Khadu Khel District, Buner on the ticket of Awami National Party held on 13.02.2022 wherein he was declared as successful candidate. On 15.02.2022, the petitioner came to know about the recounting of valid and invalid votes being undertaken by the Returning Officer on the application of respondent No. 3 & 4, on 16.02.2022. The counsel argued that margin of victory between him and the runner-up candidate is of 162 votes. Under Rule 47(5)(a) of the KP Local Councils (Conduct of Elections) Rules, 2021, the RO has discretion to conduct recount but only in free and fair manner and is not empowered to count valid votes. The applications moved to the RO are without any substance and same is the situation with the order of the RO being unreasonable and having been passed in a slipshod manner. The RO in order to favour the ruling party has ordered for recount which is not justified. As per the counsel, the process of recounting is underway and has to finalize yet.

2. We have heard the learned counsel for the petitioner and have perused the record with his able assistance. From perusal of the record, a prima facie case



has been made out for the intervention of this Commission. As per the learned Counsel consolidation process has yet to take place. The office has informed that the RO has completed recounting of votes of five polling stations only. Office is directed to issue notice to the RO of the subject constituency for his report in the matter as well as notice to all the contesting candidates of the subject constituency for 21.02.2022. In the meanwhile, process of recount being undertaken by the RO shall remain stayed till further orders of the Commission in the matter. The Returning Officer be informed telephonically without any delay as well as via other quickest means.

So Sdl-
Sikandar Sultan Raja
Chairman

Sdl- Sdl-
(Nisar Ahmed Durrani)
Member

