

**BEFORE THE ELECTION COMMISSION OF PAKISTAN**

**PRESENT:**

**MR. SIKANDAR SULTAN RAJA, CHAIRMAN**  
**MR. NISAR AHMED DURRANI, MEMBER**  
**MR. SHAH MOHAMMAD JATOI, MEMBER**  
**MR. BABAR HASSAN BHARWANA, MEMBER**  
**MR. JUSTICE (R) IKRAM ULLAH KHAN, MEMBER**

**Case No. F.6(123)/2023-Law**

**Subject APPLICATION UNDER SECTION 25-1 (A) OF SINDH LOCAL GOVERNMENT ACT 2013 R/W ARTICLE 62 AND 63 OF CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973**

Asad Ahmed S/o Khan Muhammad Khan, R/o House No. B-66A Mohallah Zahid Town Sangar.

**.... Petitioner**

**VERSUS**

Abdul Latif S/o Wali Muhammad, R/o House No. C-181 Mohallah Al-Mansoorah Colony Sanghar General Member Ward No. 12 Municipal Committee Sanghar.

**...Respondent (s)**

For the Petitioner : Asad Ahmed (in person), Sher Ali Behan AHC

For Respondent : Faiz Baloch Adv.

Date of Hearing : 1<sup>st</sup> August, 2023

**ORDER**

**Justice (R) Ikram Ullah Khan, Member:-** Through the instant application filed Under Section 25 (1) (a) of Sindh Local Government Act, 2013, Asad Ahmed (Petitioner), being a registered voter within the territorial jurisdiction of Municipal Committee Sanghar, has challenged



the qualification/candidature of Abdul Latif (Respondent). Whereby the petitioner has raised objections over respondent that, respondent is a Government Contractor and had participated in contracts of:-

- i. **Cattle Piri**
- ii. ***Parking Fee, (30 Pat Pir Fee and Dirty Water) of TMA Sanghar under auction notice dated 6.6.2012; that the auction proceeding were confirm and the respondent was also awarded fruit and vegetable fee TC Kandhari and parking fee of TC Kandhari for the year 2012-2013; that respondent failed to deposit the contract amount of cattle piri for the year 2012-2013 amounting to Rs. 1,16,04400/- that the name of the respondent appeared in a defaulter list for the year 1970-1971 to 2018-2019 at Sr. No. 80 wherein the amount of Rs. 1,38,00400/- is due towards the respondent towards cattle piri fee for the year 2012-2013.***

2. In order to remove a member in term of Section 25 of Sindh Local Government Act. 2013, a member shall be removed if he has been found to be not qualified or disqualified from being elected or chosen or from being a member under the Act, meaning thereby that without first declaring a member of the Council to be either not qualified or disqualified, he could not be removed. However in term of Section 35 and 36 of Sindh Local Government Act. 2013 a person shall be disqualified from being elected or chosen as and from being of a member of the Council, if he is under contract for work to be done or goods to be supplied to a Council or has otherwise any direct pecuniary interest in its affairs, keeping in view the above mentioned provision of Section 36 of the Sindh Local Government Act, 2013 and to determine as to whether the respondent has still any pecuniary interest attached thereto the affairs of the Municipal Committee Sanghar. There shall be a summary inquiry, in regard to the



photostats copies provided by the petitioner, in order to enable the Commission for arriving to just and fair conclusion.

3. The photocopies provided by the petitioner in respect of his allegation is not sufficient for deciding the issue in hand without proper inquiry and report therefrom the concern authorities.

4. Therefore the Chairman, Municipal Committee Sanghar is directed to inquire about the documents annex herewith and to give his finding as to whether the respondent is still holding a valid license of contractor and as to whether as per allegation of the petitioner he is still defaulter, the concern officer shall after due inquiry and keeping in view his record, apprise the Commission through written report in respect of the allegations mentioned herein. The report shall be submitted positively within 15 working days. On receipt of the inquiry report, this petition will be finally decided in light of arguments of Learned Counsel, law and available record.

*Sd-*  
(Sikandar Sultan Raja)  
Chairman

*Sd-*  
(Nisar Ahmed Durrani)  
Member

*Sd-*  
(Shah Muhammad Jatoi)  
Member

*Sd-*  
(Babar Hassan Bharwana)  
Member

*Sd-*  
(Justice (R) Ikram Ullah Khan)  
Member

Islamabad, the 1<sup>st</sup> August, 2023

