

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.3(37)/2022-Law

In Re: W.P No. 4075/2022

(CORRIGENDUM OF ORDER DATED 21ST JUNE, 2023

1. Ghulam Yasin s/o Makhno Khan and another r/o Mohallah Marwar near Degree College, Sukkur, contesting candidate for the seat of Chairman, UC -10, Jeay Shah (TMC-II, Sukkur; &
 2. Dawa Khan s/o Sahib Zar Khan, r/o Pathan Colony, New Pind Sukkur, district Sukkur (Candidate for the seat of Vice Chairman, UC No. 10, Jeay Shah, (TMC-II, Sukkur)
- ...Petitioner (s)

VERSUS

Election Commission of Pakistan

...Respondent (s)

For the Petitioner : Umer Ijaz Gillani Advocate
Shafique Ahmed
Muhammad Ayub Khan (Candidate for
post of Chairman and vice Chairman)

For the Respondent: Mr. Mehfooz Ahmed Awan, Adv. On
behalf of Respondent No. 16 and 17.
Mr. Majid Ali Makhno (R.O)
Ghulam Yasin
Dawa Khan
Amin Bashir ali
Prof. M Muqeem Rajpoot (P.O)
Mr. Farasat Khan in person

Date of Hearing : 12-09-2023



ORDER

Justice (R) Ikram Ullah Khan, Member: The PEC, Sindh has submitted the instant application, wherein, he is identified some typographical errors, occasioned therein, order dated 21st June, 2023. Wherein in paragraph 28, 29 and 31, instead of "polling station No. 5 Sir Syed Elementary School Pathan Colony (Combined) of U.C' 10 Golimar, due to typographical mistake and inadvertently the name of polling station is typed and inserted as "TMC-II, Jeay Shah, Sukkar, which require clarification and correction.

Therefore, the order dated 21st June 2023 is clarified and corrected accordingly which is reads as:

28. Keeping in view, the conduct of the Returning Officer and anomalies detected therein form-XI and form XIV, we are of the considered view, and fully satisfied that, the consolidation process and result thereof, on form XIV, was result of grave illegalities and sheer violations of provisions of law and rules, envisaged in Election Act, 2017 and rules, 2017 and such illegalities have materially affected the result of the poll at polling station No. 5 fully elaborated by newly appointed Returning Officer, therefore, we declare the election at **"Polling Station No. 5 Sir Syed Elementary School Pathan Colony (Combined) of UC-10 Golimar, TMC-II Jeay Shah Sukkur"** for reasons of illegalities committed by Ex-Returning Officer Mr. Majid Ali Makho, Assistant Commissioner against the law and declared it is void.

29. Therefore, in exercise of the power, conferred upon this Commission under section 9 of the Election Act, 2017 we direct and call upon the voters of **"Polling Station No. 5 Sir Syed Elementary School Pathan Colony (Combined) of UC-10 Golimar, TMC-II Jeay Shah**



Sukkur to recast their votes in the same manner and mode as prescribed / determined for bye-election of the kind.

31. As the Ex-Returning Officer, Mr. Majid Ali Makho, Assistant Commissioner has failed to perform his legal duties, in accordance with law, therefore concern District Election officer is directed to lodge a complaint against him under relevant provision of Election Act, 2017. The Commission in term of Section 6 of the Election Act 2017, authorize, the District Election Officer Sukkur in term of section 190 of the Election Act, 2017 to initiate proceeding against the Mr. Majid Ali Makho for corrupt and illegal practices committed by him during the process of re-counting of votes of **"Polling Station No. 5 Sir Syed Elementary School Pathan Colony (Combined) of UC-10 Golimar, TMC-II Jeay Shah Sukkur"** to make a complaint before the Learned Session Judge, District, Sukkur under relevant provision of Election Act, 2017.

-Sd-

Sikandar Sultan Raja
Chairman

-Sd-

Nisar Ahmea Durrani
Member

-Sd-

Shah Mohammad Jatoi
Member

-Sd-

Babar Hassan Bharwana,
Member

-Sd-

Justice (R) Ikram Ullah Khan
Member

