

ORDER SHEET

THE HIGH COURT OF SINDH AT KARACHI

C.P. No.D-1065 of 2021

Date Order with Signature(s) of Judge(s)

Present

Mr. Justice Muhammad Ali Mazhar.

Mr. Justice Amjad Ali Sahito.

Zain Ul Abedin Kolachi Petitioner

Versus

Chairman E.C.P.

Election Commission of Pakistan

Islamabad and others Respondents

15.02.2021

M/s. Muhammad Asif Qureshi and Mumtaz M. Gorang,
Advocates for the Petitioner

Mr. Hussain Bohra, Assistant Attorney General

Mr. Sheharyar Mehar, Assistant Advocate General

Mr. Abdullah Hanjrah, Senior Law Officer, Office of the
Provincial Election Commissioner (Sindh) alongwith

Mr. Abdul Razzak, Law Officer

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Muhammad Ali Mazhar, J. Mr. Irshad Ali Shar, Advocate

has filed vakalatnama for respondents No.18 & 22. The petitioner has prayed that the ECP may be directed to change the schedule of bye-election of PS-88 Malir-II on any holiday other than working day. According to him, the elections are scheduled to be held on 16.02.2021 (tomorrow). The Senior Law Officer of Election Commission of Pakistan has filed the comments as well as he has also submitted the comments of District Election Commissioner/Returning Officer for Bye-Election PS-88, Malir-II respondent No.3. The relevant portions of the reply are reproduced as under:

“It is submitted that:

- a) That in order to facilitate the voters of the said constituency to exercise their right of vote on the poll day, the Government of Sindh has also been declared Tuesday, 16th February, 2021, as **Closed Holiday** in the Constituency PS-88, Malir-II, Vide Government of

Sindh's Notification No.CTC/(SGA&CD) 08(2)/2012 dated 12.02.2021 **(copy closed)**.

b) That change of schedule of bye-election to PS-88, Malir-II is not possible at this juncture.

c) All Presiding Officers alongwith their staff have been informed to report at the office of Returning Officer on 15th February, 2021 at 11:00 am.

d) Hiring of vehicles for transportation has been arranged and the concerned has been bound to spare their vehicle from 15.02.2021 to 16.02.2021. They have made all the arrangements to reach alongwith their vehicles at the office of the undersigned on 15.02.2021 at 10:00 am.

e) All security measures and Polling day activities regarding transportation and communication have been communicated as well as discussed in detail from quarter concerned.

f) The Contingency Plan have been prepared by the SSP Malir, finalizing therein No. of Police Personnel, No. of Police Escort, route assigned to the security personnel etc.

g) 33 polling stations have been declared as Highly Sensitive Polling Station in the whole constituency, resultantly, CCTV cameras have also been installed at the polling stations declared as highly sensitive.

h) All necessary arrangements have been made for the conduct of Bye-Election PS-88, Malir-II, hence the Stage is set for poll.”

Since it is very clearly articulated that Government of Sindh has already declared public holiday on 16.02.2021 in the constituency of PS-88 Malir-II vide Government of Sindh's notification dated 12.12.2021 therefore the grievance of the petitioner has been ventilated. The petition is disposed of accordingly.

JUDGE

JUDGE

Kamran/PA

