

IN THE HIGH COURT OF SINDH, AT KARACHI

Present:

Ahmed Ali M. Shaikh, CJ
and Yousuf Ali Sayeed, J

C. P. No. D-1339 of 2023

Waseem Akram Minhas.....Petitioner

Versus

Zarin Gul Durrani & others.....Respondents

05.4.2023

Mr. Ghulam Nabi Shar, Advocate for petitioner.

ORDER

1. Urgency Application is granted.
2. Through this Petition, Petitioner has sought following relief(s):-
 - a. To set-aside the impugned letter reference No.COAP/08/01/2022/EC, dated 07.12.2022 and letter dated 12.01.2023.
 - b. To direct the respondent No.3 to appoint the New Chief Election Commissioner for conducting of fair, free & impartial election according to the registered Bye laws of COAP.
 - c. Any other relief which this Honourable Court may deem fit and proper in the circumstances be awarded.”

2. Grievance of the Petitioner is that the Respondent No.1, Ex-General Secretary, Civil Aviation Officers’ Association of Pakistan (“COAP”), in violation of the bye laws of COAP, constituted an Election Commission and appointed himself as the Chief Election Commissioner for election of COAP Office Bearers-2022-24, overlooking the objections raised by the Petitioner and other members of COAP. Left with no option, the Petitioner filed his nomination papers for the post of General Secretary. However, on 12.01.2023 the Respondent No.1 while favoring the Respondents No.5 to 18, issued a letter to all member of the COAP for announcement of election results, malafidely rejecting Petitioner’s nomination paper for not complying with para No.(iv) of 3 of letter dated 16.12.2022.

2. During arguments learned counsel submitted that the Respondent No.1 in violation of the bye laws of the COAP has appointed himself as the Chief Election Commissioner just to achieve ulterior motives as he subsequently get himself elected as Chairman, COAP with the collusion of the Respondents No.5 to 18. To a question posed as to how writ can be issued against a private person, not performing any function in connection with the affairs of the federation, province or local authority, the learned counsel preferred to remain mum. In the circumstances, the Petition is dismissed. However, the Petitioner may agitate his grievance before the Respondent No.3 through a proper representation, who on receipt of the same may do the needful in accordance with the law needless to say after providing opportunity of hearing to all concerned.

Chief Justice

Judge