

BEFORE THE ELECTION APPELLATE TRIBUNAL FOR SINDH AT SUKKUR

Election Appeal No. S- 19 of 2024

Abdul Hameed son of Lal Muhammad by caste Jogi,
r/o Near Noorani Masjid Taluka Thari Mirwah,
District Khairpur ----- Appellant

V E R S U S

1. Federation of Pakistan through Chief Election Commission, Election Commission of Pakistan Islamabad.
2. Provincial Election Commission Sindh, Karachi
3. District Election Commissioner, District Khairpur
4. Returning Officer, PS-28 Khairpur-III, General Election 2024/
Assistant Commissioner Khairpur Thari Mirwah.
5. SDO WAPDA/SEPCO, Sub-Division Setharja, District Khairpur
6. Election Commission of Pakistan, through the Secretary,
Sector G-5/2 Constitution Avenue Islamabad
----- Respondents

Mr. Saifuddin Leghari, Advocate for appellant

Mr. Zeeshan Ahmed, Law Officer, Election Commission of Pakistan

Mr. Dareshani Ali Hyder 'Ada' DAG

Mr. Saleem Hassan Gadani RO PS-28 Khairpur-III

Date of hearing; 05.01.2024

Date of order; 05.01.2024

ORDER

Zulfiqar Ali Sangi J;- Through this Appeal, the appellant has challenged the impugned order dated 29.12.2023 passed by the Returning Officer PS-28 Khairpur-III, whereby his nomination paper were rejected on the ground that he (appellant), his son and father are defaulters of SEPCO authority.

2. Learned counsel for the appellant contended that appellant has no any connection of SEPCO installed at his house and his father has been expired, therefore, he is not liable to clear the dues outstanding against his father. He further contended that his son is not dependant upon him while he is independent therefore, again he is not liable to pay any outstanding against him.

3. Learned DAG and learned Law Officer, Election Commission of Pakistan has supported the impugned order and placed on record list issued by the SEPCO Authorities reflecting the name of appellant being defaulter of Rs. 22,879/- and his father Lal Muhammad is defaulter of Rs. 5,05,968/- The returning officer present in the Court submits that he has given ample chance to the appellant to pay the outstanding amount to which he refused by saying that he is unable to arrange such huge amount to be deposited.

4. Heard learned counsel for the parties and have gone through the material available on record. From the perusal of record it appears that SEPCO Authorities placed on record Electricity Bill in the name of appellant in respect of amount of Rs. 22879/- and he has not paid a single penny in eleven months. Another bill in the name of his father has been produced for amount of Rs. 5,05,968/- to that effect he being his legal heirs and beneficiary of that connection is bound to pay his share which on the calculation exceed the limits provided in Article 63(1)(o) of the Constitution of the Islamic Republic of Pakistan, 1973 which provides that "A person shall be disqualified from being elected or chosen as, and from being, a member of the Majlis-e-Shoora (Parliament), if:- (o) he or his spouse or any of his dependant has defaulter in payment of government dues and utility expenses, including telephone, electricity, gas and water charges in excess of ten thousand rupees, for over six months, at the time of filling his nominated paper; or". Admittedly the appellant at the time of filling the nomination paper himself was defaulter of SEPCO for 11 months and the amount was over ten thousand rupees as specified above and he was given chance by the Returning Officer for clearing such outstanding but he failed to do so. The amount of Rs. 5,05,968/- is also outstanding against his late father for which he is also liable to pay his share.

5. In view of the above discussion, I am of the view that appellant at the time of filling his nomination paper was a defaulter of SEPCO, therefore, he is not eligible to contest the General Elections 2024. The respondent No.4, has rightly rejected the nomination papers of the appellant. Thus the order dated 29.12.2023 passed by respondent No.4,

is hereby maintained and the Election Appeal filed by appellant is hereby dismissed.

J U D G E

M.Ali/steno