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ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No.D-6492/2015

Order with signature of Judge

For hearing of main case.

22.10.2015.

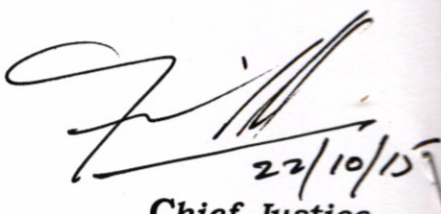
Mr. Mohammad Mansoor Mir, advocate for the Petitioner.

Mr. Saifullah, AAG alongwith Ms. Nasreen Setho, State Council.

Petitioner is aggrieved by acceptance of the nomination papers of Syed Abrar Ali Shah for the reason that vide notification dated 25.08.2014 he was appointed as Coordinator to the Chief Minister Sindh and that the Returning Officer has wrongly accepted the nomination papers. Upon acceptance of nomination papers appeal was filed which too, was dismissed on the ground that the Respondent No.4 was not a civil servant within the meaning of Section 2(b) Sindh Civil Service Act, 1973. Counsel for the Petitioner contends that Respondent No.4 upon his appointment ^{is w} enjoying all the perks and privileges of an employee of Government of Sindh and a copy of notification was also sent to Accountant General Sindh so that he can be paid remunerations. He also referred to Section 36(e) of the Sindh Local Government Act, 2013 which provides that a person shall be disqualified if he is in the service of any statutory body which is owned or controlled by Federal or Provincial government or council. Learned AAG was asked to confirm as to whether Respondent No.4 was still holding the post of Coordinator to Chief Minister Sindh, which he after confirmation from the

concerned office states that he is still in service. In this view of the matter it is clearly apparent that the Respondent No.4 is also holding the public office within the meaning of Section 36(e) therefore, his nomination papers were wrongly accepted. Hence, we reverse the order of Appellate Authority and reject the nomination papers of Respondent No.4. This petition is allowed in above terms.


Judge


22/10/15
Chief Justice


Ayaz/PA