

05.01.2024

Ms. Aster Mehak, Advocate for the appellant.  
Mr. Shehzad Aslam, Assistant Director Law,  
Election Commission of Pakistan (ECP).

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The appellant who is aspiring to contest the election for the constituency of NA-263 Quetta II had filed his nomination papers which were rejected vide impugned order dated 29.12.2023 by the Returning Officer on the ground that the appellant is defaulter of Balochistan House Islamabad in the sum of Rs.23100/-

We have heard the learned counsel for the appellant as well as law officer ECP.

Section 62 of the Election Act, 2017 deals with the scrutiny of nomination papers of the candidate and a safeguard is provided within the meaning of Section 62 (9) (d) (ii) of the Election Act, 2017 as well as under sub-section 10 of Section 62 of the Election Act, 2017 in order to prevent pure technical knockout and it seems that the legislatures intended that proper opportunity be provided to the candidate in case he is found defaulter of any utility bill or any other government dues but the record transpires

that unfortunately no opportunity was provided to the appellant by the Returning Officer and the nomination papers were rejected. Learned counsel for the appellant has placed on record the clearance certificates issued by the S&GAD Department Government of Balochistan to the effect that no outstanding dues are against the appellant in respect of any charges of Balochistan House Islamabad.

In such view of the matter in view of subsection 10 of Section 62 of the Election Act, 2017, the appeal is allowed and the impugned order is set-aside. The nomination papers of the appellant are accepted. The Returning Officer is directed to include the name of the appellant in the list of validly nominated candidates from the constituency of NA-263 Quetta-II.

ELECTION TRIBUNAL