

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No.980/2019

Ch. Sultan Mehmood

Versus

Chief Commissioner Islamabad, etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
(4)	25.06.2019	Raja Inaam Ameen Minhas and Ch. Waqas Zamir, Advocates for petitioner. Mr. Nasim Ahmad Shah, Advocate for respondents No.1 to 4. Mr. Abdul Wahid Qureshi, Advocate for respondent No.6. Mian Muhammad Ashraf, Member Election Commission KRL.

Through the instant writ petition, the petitioner impugns orders dated 18.10.2018, 12.11.2018 and 13.02.2019, passed by the Election Commissioner, the Registrar Cooperative Housing Societies Department, Islamabad and the Director General, Chief Commissioner Office, Islamabad, respectively, whereby nomination papers of petitioner were rejected, appeal whereof was dismissed and eventually revision petition of petitioner was disposed of, correspondingly.

2. Brief facts referred in the instant writ petition are that petitioner being a Member of KRL-Employees Cooperative Housing Society ("***Society***") submitted his nomination papers for the post of President of the said Society, against which respondent No.6 has filed a number of objections, including the one that petitioner has not obtained NOC from his department i.e. NBP. The petitioner in response whereof contended that as per

letter dated 30.12.2015 issued by Ministry of Finance and circular dated 15.01.2016 issued by the NBP, the employees of NBP are not Government/Public/Civil servants, however the Election Commissioner of the Society/respondent No.3 rejected the nomination papers of petitioner vide impugned order dated 18.10.2018 by holding that the petitioner has not obtained an NOC from his department i.e. NBP. The petitioner feeling aggrieved thereby filed appeal before the Registrar Cooperative Housing Societies Department, ICT, Islamabad/respondent No.2, which was dismissed on 12.11.2018. The petitioner for redressal of his grievance filed revision petition under Section 64-A of the Cooperative Societies Act, 1925 against the order of appellate authority before Chief Commissioner, Islamabad/respondent No.1, who entrusted the matter to the Director General of Chief Commissioner Office/respondent No.4 and eventually the revision petition was disposed of vide impugned order dated 13.02.2019 without affording an opportunity of hearing to the petitioner. Hence, the instant writ petition.

3. Learned counsel for the petitioner contends that impugned orders have been passed in a hasty manner without affording an opportunity of hearing to the petitioner; that respondents No.3&4 totally ignored the documentary evidence and failed to appreciate that petitioner for not being a Government, public or civil servant is not required to obtain NOC from his department i.e. NBP; that the impugned orders have

been passed arbitrarily without applying judicial mind and by ignoring the relevant facts and law, hence, the same are liable to be set-aside.

4. Conversely, learned counsel for respondent No.6/objector has referred Rule 26 of the State Bank of Pakistan Staff Regulations, 2001, wherein restriction has been imposed upon the employees of bank, however such restriction has nothing to do with the elections of the Society.

5. Arguments heard, record perused.

6. Perusal of record reveals that the petitioner has been working in National Bank of Pakistan and his nomination papers for the post of President of Society have been rejected mainly on the ground that he has not obtained NOC from his department i.e. National Bank of Pakistan.

7. This Court has gone through the available record and relevant laws, but could not find any such restriction as held in the impugned orders.

8. In view of above, the instant writ petition is hereby **ACCEPTED** and impugned orders dated 18.10.2018, 12.11.2018 and 13.02.2019 are hereby **SET-ASIDE.**

(MOHSIN AKHTAR KAYANI)
JUDGE

Imran