

**JUDGMENT SHEET.**  
**ISLAMABAD HIGH COURT, ISLAMABAD,**  
**JUDICIAL DEPARTMENT.**

**W.P No.2996/2019.**

**Walayat Khan**                      **Vs.**                      **Secretary, Cooperative Societies,  
Islamabad etc.**

**Petitioner by:**    **Mr. Waheed Akhtar, Advocate.**

**Respondents by:**    **M/s Nasim Ahmad Shah, Amanullah,  
Sheikh Muhammad Suleman, Sheikh  
Junaid Nadeem and Abdul Wahid  
Qureshi, Advocates for respondents.**

**Date of Decision:**    **21.08.2019.**

**MOHSIN AKHTAR KAYANI, J:-** Through instant writ petition, the petitioner has assailed acceptance of nomination papers of respondent No.4, who is contesting election for the post of Secretary of Jammu Kashmir Cooperative Housing Society on the ground that respondent No.4 is already holding position of Treasurer in the Ministry of Interior Employees Cooperative Housing Society as such there would be conflict of interest as both the societies have their dispute on different forums.

2.      Learned counsel for the petitioner contends that Jammu Kashmir Cooperative Housing Society and Ministry of Interior Employees Cooperative Housing Society are neighbor in the same area as such Treasurer of Ministry of Interior Employees Cooperative Housing Society if participates in the election of Jammu Kashmir Cooperative Housing Society, it will effect working of the Managing Committee as both the societies are rival and have different sets of dispute pending before different forums.

3.      Conversely, learned counsel for the respondents contend that there is no bar in the bys laws and constitution of the society to place any restriction upon any person, who is already holding office in another society to contest the election in Jammu Kashmir Cooperative Housing Society; that it is fundamental right of an individual to contest an election, however, if respondent No.4 is selected, he will

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have to choose one of his office from both the Managing Committee of different societies.


4. I have heard the arguments and perused the record.

5. Perusal of the record reveals that the petitioner has raised objection on the acceptance of nomination papers of respondent No.4, who is contesting election for the post of Secretary of Jammu Kashmir Cooperative Housing Society. The main objection of the petitioner is on the status of respondent No.4, who is presently holding position of Treasurer in the Ministry of Interior Employees Cooperative Housing Society. As per stance of the petitioner it is conflict of interest as Treasurer of one rival society intends to participate against the main position of Secretary and there is litigation between both the societies as such there is conflict of interest, which has not been considered by the forums below.

6. I have gone through the record as well as order of Secretary Cooperatives, ICT, Islamabad dated 31.07.2019, relevant portion of which is reproduced as under:-

*"8. A careful perusal of Rule 3 of the Islamabad Capital Territory Cooperative Societies (Managing Committee Election) Rules 2014 and Rule 53 of the Islamabad Capital Territory Cooperative Societies Rules, 2018 states that there is no bar on the candidate to contest election already having an elected position in other society. There is nothing available on record that shows the dispute between MOIECHS & JKCHS and the respondent & MOIECHS has a personal interest that it affects or may provide an incentive to affect, the financial interest of the JKCHS & MOIECHS. Furthermore, to stamp out the chances of conflict of interest in case of election of the respondent to MC of JKCHS, the election commission has already obtained an affidavit from the respondent wherein he has undertaken to resign from one of the positions in case of being elected in MC of JKCHS. With regards to pending inquiries, under the existing law no candidate can be banned from contesting election unless he is convicted. There is nothing on record that shows that respondent has been convicted on account of financial irregularities.*

*9. The learned Appellate Court has rightly appreciated the law on the subject and have reached to a just and right conclusion. There is no illegality or material irregularity in the impugned order, which may warrant the interference of this court in its revision jurisdiction."*



7. The above referred order is self explanatory as Secretary Cooperatives, ICT, Islamabad has explained the reasons as well as rules in proper manner as such there is no restriction which disqualifies respondent No.4 to contest the election under the constitution of Jammu Kashmir Cooperative Housing Society as well as in the bye laws or under Islamabad Capital Territory Cooperative Societies (Managing Committees Election) Rules, 2014. Even learned counsel for the petitioner has failed to put any such legal position before this Court. It is trite law that any person can contest on more than one post in any election, however, he will retain only one post at one time.

8. In view of above discussion, the instant writ petition bears no merits, therefore, the same is hereby dismissed. Respondent No.4 will submit his undertaking before the Election Commission of Jammu Kashmir Cooperative Housing Society as well as the Registrar Cooperative Societies that he will hold only one post, if he succeeds in election of Jammu Kashmir Cooperative Housing Society.

  
(MOHSIN AKHTAR KAYANI)  
JUDGE