# ORDER SHEET
# IN THE ISLAMABAD HIGH COURT, ISLAMABAD
# JUDICIAL DEPARTMENT

**W.P.No.3841 of 2020**
**Muhammad Asif**
**Versus**
**Director General Trade Organizations and others**

| S. No. of order / proceedings | Date of order/ Proceedings | Order with signature of Judge and that of parties or counsel where necessary. |
|---|---|---|
| | **16.12.2020** | **M/s Ali Nawaz Kharal and Rana Rashid Javed, Advocates for the petitioner.** |

Through the instant writ petition, the petitioner, Muhammad Asif, impugns the order dated 04.12.2020 passed by the Directorate General of Trade Organizations **("D.G.T.O.")** whereby the appeal filed by the Secretary General, Bajaur Chamber of Commerce and Industry **("B.C.C.I.")** against the order dated 23.11.2020 passed by the Election Commission of the Federation of Pakistan Chamber of Commerce and Industry **("the Election Commission")** was allowed; the said order dated 23.11.2020 was set-aside; and a direction was issued to include the name of Mr. Habib Ullah (respondent No.5) in the voters list as a nominee of the B.C.C.I. for the elections of the Federation of Pakistan Chamber of Commerce and Industry **("F.P.C.C.I.")** for the year 2021.

2. The record shows that the B.C.C.I. had nominated Muhammad Afzal Khan (respondent No.4), the proprietor of Afzal Traders to take part in the elections to the General Body, F.P.C.C.I. On 10.11.2020, the petitioner had filed objections before the Secretary General, F.P.C.C.I. to the nomination of respondent No.4 on the ground that since the latter had remained an office bearer or member of the Executive Committee, F.P.C.C.I. for the year 2020, he was not eligible to contest the election or be co-opted in any representative

capacity for the next one year. On 16.11.2020, the Secretary General, F.P.C.C.I. accepted the said objections by holding that the nomination of respondent No.4 for the General Body, F.P.C.C.I. by the B.C.C.I. was not valid as he had already served as the Executive Member, F.P.C.C.I. for the year 2020. In the appeal filed by the B.C.C.I. against the said order dated 16.11.2020, it was pleaded *inter alia* that respondent No.4's name had been mistakenly sent to the F.P.C.C.I. by the B.C.C.I. and that respondent No.4's name should be replaced with respondent No.5. The appeal filed by the B.C.C.I. was dismissed by the Election Commission vide order dated 23.11.2020. The B.C.C.I. filed an appeal against the said order dated 23.11.2020 before the D.G.T.O. Vide order dated 04.12.2020, the said appeal was allowed and a direction was issued to the F.P.C.C.I. to include respondent No.5's name as a nominee of the B.C.C.I. in the voters list for the F.P.C.C.I.'s elections-2021. The instant writ petition has been filed by the petitioner against the said order dated 04.12.2020.

3. The petitioner was correct in objecting to the nomination of respondent No.4 as a nominee of the B.C.C.I. for the elections to the General Body, F.P.C.C.I. The petitioner's purpose was achieved when respondent No.4 was held by the Secretary General, F.P.C.C.I. and the Election Commission not to be eligible for the said nomination on the ground that he had already served as Executive Member, F.P.C.C.I. for the year 2020. Rule 20(11) of the Trade Organizations Rules, 2013 **("the 2013 Rules")** provides that *"any office-bearer or member of the executive committee of the Federation, on completion of the*

*term or early retirement for any reason, shall not be eligible to contest election or co-option in any representative capacity for the next one year."*

**4. By filing the instant writ petition, the petitioner has shown his ill-motive of depriving the B.C.C.I. from nominating an eligible member to take part in the elections of the F.P.C.C.I. Learned counsel for the petitioner could not point out any violation of the provisions of the Trade Organizations Act, 2013 or the Rules made thereunder in the order issued by the D.G.T.O. to include the name of respondent No.5 as a nominee of the B.C.C.I. in the voters list for the F.P.C.C.I.'s elections-2021. It is not the petitioner's case that respondent No.5 is also not eligible to be nominated by the B.C.C.I. to take part in the F.P.C.C.I.'s elections-2021.**

**5. In view of the above, I do not find any merit in this petition, which is accordingly dismissed in *limine* with no order as to costs.**

**(MIANGUL HASSAN AURANGZEB)**
**JUDGE**

*Sultan**

*Uploaded By: Umer Rasheed Dar*