

JUDGMENT SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P No.1976 of 2019

Raja Wajid Hussain
Vs
Federal Investigation Agency, Islamabad, etc

Petitioners By:	Mr. Khurram Mehmood Qureshi Advocate
Respondents by:	Ch. Abdul Jabbar, Assistant Attorney General. Mr. Qaiser Masood, Additional Director, Law, F.I.A.
Date of Hearing:	02.03.2020

Ghulam Azam Qambrani, J: The petitioner has filed the instant writ petition with the following prayer:-

"In the view of the above circumstances, it is therefore most respectfully prayed that the benefit of order dated 20.02.2019 passed in WP No.125/2019, Order dated 25.04.2019 passed in WP No.877/2019 and office order dated 22.3.2019 may kindly also be extended to the petitioner and enquiry to the extent of present petitioner may kindly also be entrusted to the same enquiry officer appointed in consequences of above orders in the interest of justice.

It is further prayed the respondents may kindly permanently be restrained from imitating any criminal or departmental action against the present petitioner on the grounds mentioned in the instant petition till the finalization of enquiry proceeding conducted by enquiry officer appointed in consequence of above orders.

Any other relief this Court deems fit and proper may be passed in favour of the petitioner in the best interest of justice."

2. Brief facts of the case are that the petitioner was appointed as Inspector (Investigation BPS-16) in the Federal Investigation Agency, Islamabad, on 01.01.2003 through Federal Public Service Commission, Islamabad, that an FIR No. 238, dated 14.01.2014 regarding two incidents of two different days, i.e. 20.09.2014 and 21.09.2014, was registered at Police Station SIU/FIA, Islamabad, under section 420, 468, 471, 472, 109,201 PPC read with Section 17 & 18 of Immigration Ordinance, 1979, Section 14 of Foreigners Act, 1946 read with Section 5 (2) of the Prevention of Corruption Act, 1947 wherein it was alleged that on 21.09.2014, ten Afghan Nationals and one Pakistani were discovered at Heathrow International Airport in possession of counterfeit visas and pages with exit stamps dated 28.09.2014 departing from Islamabad; that the documents recovered from the scene also suggest that a second group also travelled on 20.09.2014 with counterfeit documents.

3. Learned counsel for the petitioner submitted that after registration of the FIR legal action was taken against the accused persons by the concerned FIA authorities and number of accused persons were arrested by F.I.A authorities, incomplete challan were submitted before the court of law, most of the accused were convicted. Further contended that once again the matter was taken up by respondent No.1 and it was decided to reinvestigate the matter. In this regard an enquiry team was constituted in enquiry No.22/14 SIU/F.I.A, Islamabad. The petitioner was summoned by the enquiry team on 26.03.2018 stating therein that "***the petitioner being the group incharge of shift-B was telephonically linked with human smuggler Raja Amir Iqbal***". Next contended that the

inquiry initiated against the petitioner was based on malafide, as the case remained under investigation with different Deputy Director and investigating officers but only the petitioner has been victimized.

4. Mr. Qaiser Masood Additional Director (Law), F.I.A has appeared and has stated that the Director General has instructed him to give a statement on his behalf that the matter may be referred to some other senior officer presently posted in the Federal Investigation Agency.

5. Heard. Record perused.

6. Keeping in view the above facts and circumstances and statement of Mr. Qaiser Mehmood, Additional Director, Law, F.I.A, this petition is disposed of with a direction to the Director General, Federal Investigation Agency, to entrust the enquiry to the most Senior Additional Director General, presently posted in Federal Investigation Agency, who shall submit his report before the Director General, within a period of sixty (60) days from the receiving of certified copy of this order. The petitioner shall join the proceedings as and when required by the Inquiry Officer. Action or proceedings, if any, against the petitioner will be taken or initiated in the light of the enquiry report, which will be submitted by the officer to whom enquiry would be entrusted pursuant to this order.

7. With the above observation, this writ petition stands **disposed of.**

 **Ghulam Azam Qambrani**
Judge

Announced in Open Court, on 12th day of March, 2020.

Judge