

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

**Writ Petition No.2306/2019**

**Ali Shan**

**Versus**

**Ministry of Interior through its Secretary and others**

| S. No. of order / proceedings | Date of order/ Proceedings | Order with signature of Judge and that of parties or counsel where necessary. |
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**04.12.2019**

**Ch. Waseem Bahadur, Advocate for the petitioner.**

**Arshad Mehmood Kiani, learned Deputy Attorney-General for respondent No.1.**

**Malik Shafiullah, Assistant Director (Law) for respondent No.2.**

**Mr. Inam Ellahi, DSP(Special Branch) Rawalpindi.**

This petition has been filed by Taj Bibi, wife of Muhbbath Hussain, praying for a direction to the respondents to issue a machine readable passport to her son Ali Shan, who has submitted an application on 20.10.2015 to the Consulate General of Pakistan at Milan, Italy, for the said purpose.

2. Learned counsel for the petitioner submitted that Ali Shan had joined the Punjab Police as a constable, and in the year 2012, while he was serving in the Elite Force at Rawalpindi, he proceeded abroad and deserted his duty; that on 31.05.2012, Ali Shan was served with a show cause notice and on 18.09.2012 major penalty of dismissal from service was imposed on him; that Ali Shan has settled down in Italy and on 20.10.2015, he submitted an application before the Consulate General of Pakistan at Milan, Italy, for the issuance of a machine readable passport; that it has been more than four years and Ali Shan had not been issued a passport; and that it is Ali Shan's



fundamental right to travel for which purpose the issuance of a passport is necessary. Learned counsel for the petitioner prayed for the writ petition to be allowed in terms of the relief sought therein.

3. On the other hand, learned Deputy Attorney-General submitted that in the year 2012 Ali Shan went with the former Prime Minister of Pakistan, Syed Yousaf Raza Gillani to the United Kingdom as part of an official delegation and did not return to Pakistan; that Ali Shan was proceeded against departmentally and was dismissed from service; that Ali Shan can be issued a travel document enabling him to travel to Pakistan; that once Ali Shan is in Pakistan, he can apply for the issuance of a new passport; that Ali Shan had proceeded abroad on an official passport; that on 25.02.2019 the Directorate General, Immigration and Passports had intimated all passport issuing authorities abroad that ordinarily a passport shall not be issued in lieu of an official passport to an official/officer or any of his family members while he is on posting abroad; and that in view of the said letter dated 25.02.2019 the Consulate General of Pakistan at Milan, Italy, could not have issued a passport to Ali Shan. Learned Deputy Attorney-General prayed for the writ petition to be dismissed.

4. I have heard the learned counsel for the petitioner as well as the learned Deputy Attorney-General and perused the record with their able assistance.



5. It is not disputed that in the year 2012 while Ali Shan was serving in the Elite Force at Rawalpindi, he was a part of the delegation that was sent to the United Kingdom along with the former Prime Minister, Syed Yousaf Raza Gillani. Ali Shan had been given an official passport. It is also not disputed that Ali Shan slipped away and has not returned to Pakistan. Ali Shan has settled down in Italy, and his official passport has expired.

6. On 20.10.2015 Ali Shan applied to Consulate General of Pakistan at Milan, Italy, for the issuance of a machine readable passport. Till date a passport has not been issued to Ali Shan.

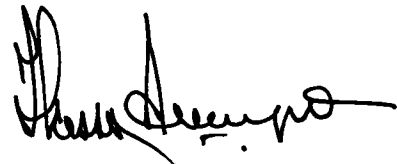
7. It may also be mentioned that Ali Shan was proceeded against departmentally for abandoning his duty. The disciplinary proceedings against him have culminated in the imposition of major penalty of dismissal from service vide order dated 18.09.2012.

8. The position taken by the office of the Inspector General of Police, Security and Administration, Special Branch, Lahore (Respondent No.4) in its written comments is that the said branch has no objection to the issuance of a passport to Ali Shan. However the Directorate General, Immigration and Passports has taken the position that since Ali Shan had slipped away in United Kingdom while on official duty with the Pakistani delegation, he should not be issued a Pakistani passport to Consulate General of Pakistan at Milan, Italy.



9. Since Ali Shan has already been dismissed from service for abandoning his duties, the question of issuing an official passport to him does not arise. There is nothing on the record to show that Ali Shan is residing in Italy with a valid visa. Issuance of passports by Pakistani Embassies/High Commissions/Consulates abroad to illegal immigrants having no valid visa or residence permit is to be deprecated. A direction to the respondents to issue a passport to Ali Shan would be an impetus to public servants to abandon duty while serving abroad. If Ali Shan wants to come to Pakistan, he can be issued a travel document enabling him to come to Pakistan. Once he is in Pakistan, he may apply for the issuance of an ordinary (non-official) Pakistani passport, by the Directorate General, Immigration and Passports in accordance with the law.

10. The instant petition is disposed of in the above terms. There shall be no order as to costs.



**MIANGUL HASSAN AURANGZEB**  
**JUDGE**