

Form No: HCJD/C-121

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD  
(JUDICIAL DEPARTMENT)

W.P No. 4441 of 2019

Muhammad Asad Durrani  
**Vs**  
Federation of Pakistan, etc.

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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04-03-2021.

Mr. Sher Shan Advocate, Vice Counsel for the petitioner.  
Mr. Tariq Mehmood Khokhar Advocate, Additional Attorney General.  
Syed Muhammad Tayyab, DAG.  
Mr. Saqlain Haider Awan Advocate, AAG.  
Lt. (Col) Kafeel, JAG's Department, GHQ, Rawalpindi.

Mr. Muhammad Asad Durrani son of Dost Muhammad Durrani (herein after referred to as the "**Petitioner**") has invoked the jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 (herein after referred to as the "**Constitution**"), seeking a direction to respondent No. 1 for removing his name from the Exit Control List.

2. The Petitioner has assailed order, dated 31.10.2019. The ground for refusal to remove his name from the Exit Control List was an inquiry which was pending against him. The inquiry was subsequently concluded and its findings had led to forfeiture of the Petitioner's pensionary benefits. The respondents have filed written comments.

3. Lt. (Col) Kafeel has appeared alongwith Mr. Tariq Mehmood Khokhar, Additional Attorney General. They were unable to satisfy this Court that after conclusion of the inquiry there exists a valid justification for keeping the name of the petitioner on the Exit Control List.

4. There is no valid ground on the touchstone of the principles and law highlighted in the judgment of this Court titled "*Muhammad Amjad v. Federation of Pakistan*" [**2017 PCrLJ 1266**] to justify keeping the name on the Exit Control List. The Petitioner is retired three-star General of Pakistan Army. He is citizen of Pakistan and,

therefore, entitled to enjoy the constitutional guaranteed rights, particularly under Articles 9 and 15 of the Constitution. At this stage, there is no reason nor a valid ground for keeping the name of the Petitioner on the Exit Control List.

5. For the above reasons the petition is ***allowed*** and respondent No. 1 is directed to forthwith remove his name from the Exit Control List. This order will not prejudice the power of the Federal Government to include the name of the Petitioner in the Exit Control List provided a valid ground exists, having regard to the principles highlighted in this Court's aforementioned judgment.

(CHIEF JUSTICE)

