

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

**W.P. No.3957 of 2019**  
**M/s Gleam International Overseas Consultancy**  
**Versus**  
**Secretary, Ministry of Overseas Pakistanis and Human Resource**  
**Development and others**

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	<b>15.11.2019</b>	<b>Sardar Gul Nawaz Khaliq, Advocate for the petitioner.</b>

Through the instant writ petition, the petitioner, M/s Gleam International Overseas Consultancy, impugns show cause notice dated 18.02.2019 issued by the Bureau of Emigration and Overseas Employment ("B.E.O.E.") under Rule 29(2) of the Emigration Rules, 1979 to show cause as to why action under Section 12(3) of the Emigration Ordinance, 1979 should not be taken against it.

2. The petitioner was alleged to have extracted an amount of Rs.3,60,000/- each from 57 Pakistani emigrants on the pretext of providing them employment as Drivers in Iraq. In the said notice, it was also alleged that the petitioner had failed to provide jobs to the emigrants as per FSA to work with a company in Basra, Iraq as Drivers; and that the required assistance was not provided by the petitioner to 32 emigrants after they joined foreign employment, and were facing miserable conditions.

3. At page 9 of this petition is the petitioner's reply to the said show cause notice. Till date, no order has been passed by the B.E.O.E. pursuant to the impugned show cause notice.

4. Till date, no adverse action has been taken against the petitioner. It is well settled that mere issuance of a show cause notice does not amount

to an adverse action. Reference in this regard may be made to the cases of Mir Nabi Bakhsh Khan Vs. Branch Manager, National Bank of Pakistan, Jhatpat and others (2000 SCMR 1017) and Zaver Petroleum Corporation Limited Vs. Federal Board of Revenue (2016 PTD 2332). It is also well settled that a writ petition against the mere issuance of a show cause notice is not maintainable unless the same is wholly without jurisdiction and in violation of a Statute. Reference in this regard may be made to the cases of Al-Ahram Builders (Pvt.) Ltd. Vs. Income Tax Appellate Tribunal (1993 SCMR 29), Pakistan Tobacco Company Limited Vs. Government of Pakistan (1993 SCMR 493), Deputy Commissioner of Income Tax/Wealth Tax, Faisalabad Vs. Punjab Beverage Company (Pvt.) Ltd. (2007 PTD 1347), Irum Shah Shahadi Vs. Principal School of Nursing, Mayo Hospital, Lahore (2017 PLC (C.S.) 943) and Apna T.V. Channel (Private) Limited Vs. Pakistan Electronic Media Regulatory Authority (2017 CLC 199). In the case at hand, there is no exceptional circumstance which would warrant interference with the impugned show cause notice dated 18.02.2019. In the case of Muhammad Aslam Vs. Federation of Pakistan and others (2017 PTD 803), it has been held *inter alia* that apprehension that under the garb of a show cause notice, coercive action would be taken against the petitioner was nothing but an apprehension, and that the High Court in its Constitutional jurisdiction did not act upon mere apprehensions.

5. Learned counsel for the petitioner could not point out any provision of the law which had been violated by issuing the impugned show cause notice. No submission was made by the learned

counsel for the petitioner as to why the impugned show cause notice is without jurisdiction.

6. In view of the above, this petition is dismissed in limine.

(MIANGUL HASSAN AURANGZEB)  
JUDGE

Ahtesham\*