

Form No: HCJD/C-121.

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD

JUDICIAL DEPARTMENT

Writ Petition No. 966 of 2020

M/s Sunshine Travels & Tours Consultants (Pvt.) Limited
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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<u>06-10-2020.</u>	Mr. Tanveer Iqbal, Advocate for the petitioner. Mr. M. Saifullah Gondal, Assistant Attorney General.
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ATHAR MINALLAH, CJ.- The petitioner company has invoked the jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 assailing orders, dated 10.12.2019 and 27.02.2020, passed by the Complaint Disposal Committee and the Appellate Committee, respectively.

2. The learned counsel for the petitioner has been heard at length. The learned counsel has contended that the appellate authority while deciding the appeal misinterpreted the policy and the agreement executed with the petitioner. He has argued that the appellate authority has not taken into consideration the crucial factor that arrangements in Mina are not within the domain of Hajj Group Organizer. The learned counsel has stated that the policy also does not contemplate the role of the Hajj Group Organizer to the extent of performance of religious rites at Mina. The learned counsel has further

stated that the documentary evidence was placed before the appellate authority regarding sessions of Hajj Training and the same were not taken into consideration.

3. When confronted with the arguments advanced by the learned counsel for the petitioner company, the learned Assistant Attorney General, despite his able assistance, was not able to persuade this Court that the relevant documents referred to by the learned counsel for the petitioner were taken into consideration.

4. In order to meet the ends of justice, this petition is allowed and the impugned order, dated 27.02.2020, passed by the appellate authority is hereby set aside. The appeal of the petitioner shall be treated as pending before the appellate forum. The latter after affording an opportunity of hearing to an authorized representative of the petitioner company, is expected to decide the appeal in accordance with law at the earliest, preferably within ninety days from the date of receiving a/certified copy of this order.

CHIEF JUSTICE

Saeed