

Form No: HCJD/C-121
ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
(JUDICIAL DEPARTMENT)

W.P. No.1716/2019

Al Makkah Sulleman Tours & Travels (Pvt) Ltd.

Versus

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.
03.	13-05-2019	Syed Javed Akbar Shah, Advocate for the applicant. Mr. Muhammad Saif Ullah Gondal, Assistant Attorney General.

C.M.No.02 of 2019

Today the instant C.M was fixed for hearing.
However, on the request of the learned counsel for the petitioner main petition is taken up for hearing, today.

Main Petition

The petitioner Company has assailed the respective orders passed by the Complaint Disposal Committee and the appellate Committee.

2. The learned counsel for the petitioner Company has argued that both the forums have

failed to pass speaking orders indicating application of mind.

3. Perusal of the impugned orders shows that without passing speaking orders the petitioner Company has been permanently blacklisted. When confronted, the learned Deputy Attorney General has stated that the matter may be remanded to the appellate Committee for deciding the matter afresh.

4. The learned counsel for the petitioner Company and the learned Assistant Attorney General have been heard and record perused with their able assistance.

5. It is not denied that speaking orders have not been passed by both the forums. Article 10-A of the Constitution of the Islamic Republic of Pakistan, 1973 guarantees the fundamental right of due process. In the case in hand, the petitioner Company has been permanently blacklisted and, therefore, the competent forums were required to pass speaking orders, indicating application of mind. Admittedly, neither the Complaint Disposal Committee nor the appellate Committee passed speaking orders reflecting that the grounds taken by the petitioner Company were taken into consideration. Permanently blacklisting the

petitioner Company obviously has serious consequences for the fundamental right guaranteed under Article 18 of the Constitution.

6. For the above reasons, the instant petition is allowed and the matter is remanded to the Complaint Disposal Committee. The latter after affording an opportunity of hearing to an authorized representative of the petitioner Company, is expected to pass a speaking order, preferably within thirty (30) days from the date of receiving a certified copy of this order. Moreover, the Ministry of Religious Affairs and Interfaith Harmony is directed to ensure that the judgment, dated 15.03.2018, passed in W.P.No.875 of 2018, titled "Hajj Organizers Association of Pakistan, etc vs. Federation of Pakistan, etc", is implemented in letter and spirit. Needless to mention, that the said judgment was upheld by the august Supreme Court.

(CHIEF JUSTICE)