

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

W.P. No.3763-2018

Tayyab International Travels Pvt. Ltd.

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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03.02.2020	<p>Syed Qamar Hussain Sabzwari, Advocate for petitioner.</p> <p>Raja Khalid Mahmood Khan, Deputy Attorney General for Pakistan with Attiq-o-Abbasi, APS Ministry of Religious Affairs and Interfaith Harmony, Islamabad.</p>
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Through the instant petition, the petitioner has assailed the evaluation conducted by respondent No.1 while scrutinizing its application for enrollment as Hajj Tour Operator.

2. Learned counsel for the petitioner, *inter alia*, contended that petitioner applied for enrollment of Hajj Quota; the relevant criteria for the same was the parameters laid down by the august Apex Court in case reported as 'Dossani Travels Pvt. Ltd. and others Vs. M/s Travel Shop Pvt. Ltd. and others' (PLD 2014 SC 1), which criteria was subsequently changed in the year 2017-2018. It was contended that as per the revised criteria, total marks were 50; 10 marks for lifting

passengers, 10-marks for filing of annual tax returns and 10-marks for filing of returns to SECP. It was submitted that the petitioner is lifting passengers since 1996, however, 20 marks were awarded to it without any justification or basis but subsequently 01 mark was awarded. It was submitted that under the facts and circumstances, the impugned order is non-speaking and not based on record.

3. Learned DAG, *inter alia*, contended that application of petitioner was scrutinized and decided on the basis of available record.

4. Arguments advanced by learned counsels for the parties have been heard and the documents, placed on record, examined with their able assistance.

5. The grievance of petitioner pertains to awarding of lesser marks by the respondents for lifting of passengers and without providing any reason for awarding of said marks, whereas it is lifting passengers since 1996.

6. The documents, appended with the petition, show that total number of passengers lifted by the petitioner are 409, which fact has not been taken into account by the respondents. No reason is provided for ignoring the said figure or awarding less

marks hence in the facts and circumstances, executive power has been exercised unreasonably and irrationally. The respondents were required to give reasons for not awarding full marks or not taking into account actual number of passengers lifted by the petitioner.

7. For the above reasons, instant petition is allowed and impugned evaluation made by the respondents is set aside; consequently, the respondents shall evaluate the application of the petitioner afresh in accordance with law and observations made hereinabove.

**(AAMER FAROOQ)**  
**JUDGE**

Zawar