

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-2860 of 2026

(Muhammad Waheed v Federation of Pakistan & others)

Date	Order with signature of Judge(s)
------	----------------------------------

Before:

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Adnan Iqbal Chaudhary

Date of hearing and Order: 02.07.2026

Petitioner present in person

Ms. Mehreen Ibrahim, DAG

Mr. Amin Ahmed, Assistant Director, Passport.

ORDER

Adnan-ul-Karim Memon, J. – Petitioner Muhammad Waheed has filed this petition under Article 199 of the Constitution with the following prayer(s): -

To Declare that the placement/inclusion/retention of name of the petitioner in the Exit Control List (ECL)/ Stop List/ PCL/ PNIL and/or any other restrictive list by the Respondents, without any judicial order, without following the mandatory provisions of the Exit from Pakistan (Control) Ordinance, 1981 and the Exit from Pakistan (Control) Rules 2010, and without affording the petitioner any notice or opportunity of hearing, is illegal, unlawful, without jurisdiction, without lawful authority malafide ab initio void and of no legal effect;

To direct the Respondents to immediately remove the name of the petitioner from the Exit Control List (ECL) / Stop List/ PCL/ PNIL and/or any other hidden or undisclosed restrictive list maintained by the Respondents;

To direct the Respondent No.5 (Director General, Directorate General of Immigration & Passport to grant the petitioner, upon completion of requisite formalities;

To allow the petitioner to travel abroad free to return to his place of employment in the Qatar Army and for any other lawful purpose;

To grant costs of this petition to the petitioner.

2. The petitioner, appearing in person, submits that he is a citizen of Pakistan and is serving in the Qatar Army. He states that while he was serving abroad, FIR No. 03/2020 was registered against him at FIA Cyber Crime Reporting Centre, Karachi, on the complaint of a private individual. At the relevant time, he was outside Pakistan in connection with his employment. Subsequently, his CNIC was blocked without notice; however, the same was restored pursuant to the order of this Court passed in C.P. No. 6893/2019. The petitioner further submits that after returning to Pakistan, he obtained pre-arrest bail in the aforesaid FIR, which is presently pending confirmation before the competent court. He contends that when he approached the Passport Office for renewal of his expired passport, he was informed for the first time that his name had been placed on the Exit Control

List (ECL)/Stop List/PNIL, due to which his passport could not be renewed and he was prevented from returning to his employment in the Qatar Army. He argues that his name has been placed on the ECL without any judicial order, lawful authority, notice, or opportunity of hearing, in violation of the Exit from Pakistan (Control) Ordinance, 1981, the Exit from Pakistan (Control) Rules, 2010, and the principles of natural justice. According to the petitioner, he does not fall within any of the categories prescribed under the Ordinance warranting placement on the ECL, particularly as he has neither been convicted nor declared an absconder and is regularly appearing before the trial court in compliance with the conditions of his pre-arrest bail. The petitioner further contends that the mandatory procedure prescribed under the Rules, including issuance of notice, constitution of a Review Committee, recording and communication of reasons, and periodic review of the ECL placement, has not been followed. Despite submitting a representation to the competent authority seeking removal of his name from the ECL, no action has been taken. He maintains that the impugned action has deprived him of his constitutional rights guaranteed under Articles 4, 9, 10-A, 14, 15, 18 and 25 of the Constitution, as he has been prevented from renewing his passport and returning to his lawful employment abroad, thereby exposing him to the risk of losing his job and the sole source of livelihood for himself and his family. He, therefore, prays that the respondents be directed to remove his name from the ECL/Stop List and to renew his passport so that he may resume his employment in the Qatar Army.

3. Learned DAG assisted by representative for Respondent No. 5 seeks time to file comments; however, we confronted her that from 11.5.2026 till date DAG office sought time to file comments, and still they are not bothered to submit their point of view; therefore, this court is of the considered view that the matter needs to be heard and decided on the bases of material available on record. However, she referred to the report of Respondent No.5 and submits that the petitioner's name was placed in the Integrated Border Management System (IBMS) under the category of the Provisional National Identification List (PNIL) by the FIA Cyber Crime Wing on 12.09.2024. It is further submitted that the placement, review, and removal of a person's name from the PNIL fall exclusively within the domain and authority of the FIA, and Respondent No. 5 has no role or discretion in the matter. She therefore prays that the petition needs to be dismissed.

4. We have heard the learned counsel for the parties present in court and perused the material available on record.

5. During the course of arguments, the petitioner, appearing in person, submitted that he has already moved a representation/application on 15.6.2026 before the competent authority seeking removal of his name from the PNIL/ECL. He contended that the concerned authority has received the said application on the

same day but has yet to be decided. He therefore requested that the competent authority be directed to consider and decide his pending application strictly in accordance with law within two weeks.

6. We are of the considered view that the petitioner has admittedly submitted a representation/application dated 15.06.2026 before the competent authority seeking removal of his name from the PNIL/ECL, which has been received by the concerned authority but has not yet been decided. Once such representation is pending before the competent authority, it is expected under the law that the same shall be considered and decided expeditiously through a reasoned and speaking order.

7. A statutory or administrative authority vested with the power to determine the rights of a citizen is under a corresponding legal obligation to exercise such power fairly, objectively and within a reasonable time. Failure to decide a pending representation amounts to inaction, which is amenable to judicial review under Article 199 of the Constitution.

8. It is a settled principle that where the law provides a forum or authority to examine the grievance of an aggrieved person, such authority must first discharge its statutory obligation before the Constitutional Court undertakes an examination of the merits of the controversy.

9. The constitutional jurisdiction is primarily intended to ensure that public functionaries perform their legal duties in accordance with law and do not defeat the rights of citizens by remaining inactive. We emphasize that executive authorities must act fairly, reasonably and strictly in accordance with law, while arbitrary exercise or non-exercise of statutory powers is open to judicial review. Likewise, every administrative authority exercising statutory powers is obliged to pass a reasoned order after affording due consideration to the matter before it. The right to be treated in accordance with law guaranteed by Article 4 and the guarantee of due process under Article 10-A of the Constitution require that representations affecting valuable civil rights be decided fairly, objectively and without unnecessary delay.

10. Since the petitioner's representation is admittedly pending before the competent authority, we do not consider it appropriate, at this stage, to express any opinion on the merits of the petitioner's claim regarding the legality or otherwise of the inclusion of his name in the PNIL/ECL, lest it may prejudice either side before the competent forum. The competent authority shall independently examine the petitioner's representation in the light of the provisions of the Exit from Pakistan (Control) Ordinance, 1981, the Rules framed

thereunder, the relevant policy governing the PNIL, and any other applicable law, without being influenced by any observation contained in this order.

11. Accordingly, this constitutional petition is disposed of with a direction to the competent authority of the respondents to decide the petitioner's representation/application dated 15.06.2026, by means of a reasoned and speaking order, strictly in accordance with law, after affording, if so required by law, an opportunity of hearing to the petitioner, within fourteen (14) days from the date of receipt of a certified copy of this order.

12. In the event the petitioner remains aggrieved by the decision so rendered, he shall be at liberty to avail such remedy as may be available to him under the law.

JUDGE

JUDGE