

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
C.P. No.D-777 of 2026  
(Farhan Muhammad Qureshi v Federation of Pakistan & others)

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Date	Order with signature of Judge
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Before:-

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Zulfiqar Ali Sangi

Date of hearing and order:- 04.03.2026

Syed Farrukh Hasnain advocate for the Petitioner

Ms. Wajiha Mehdi DAG

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**ORDER**

**Adnan-ul-Karim Memon, J.** – The petitioner has filed the captioned Constitutional Petitions under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer(s): -

- i) *To direct the concerned department/authorities to unblock the Passport No. AP4913483. Which was blocked as per instructions for respondent No.6;*
- ii) *To direct the concerned department/authorities to remove the name of the petitioner from ECL;*
- iii) *To direct the respondents to submit the report in respect of the place in the name of the petitioner.*

2. Learned counsel for the petitioner submitted that the petitioner is a citizen of Pakistan who had been serving Respondent No.5 as a Computer Technician since February 2007 until August 2022. It was contended that the petitioner tendered his resignation in September 2022 from SUPARCO; however, the same was not accepted, and subsequently, he was terminated from service on 27.12.2022 without any lawful justification or prior notice. Counsel further submitted that the petitioner's outstanding dues from October 2022 till the date of termination have not been cleared. It was further argued that after leaving Pakistan for the United Kingdom for higher education, the petitioner came to know that his name had been placed on the Exit Control List (ECL) at the instance of Respondent No.6, without lawful authority and in violation of his fundamental rights guaranteed under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973. Learned counsel emphasized that due to the insertion of his name in the ECL, the petitioner was unable to return to Pakistan even on the demise of his mother. It is prayed that the passport of the petitioner be unblocked, his name be removed from the ECL, and the respondents be restrained from harassing or arresting him.

3. On the other hand, learned Assistant Advocate General appearing on behalf of Respondent Nos. 2 and 4 submitted comments stating that, as per the record

retrieved from the Integrated Border Management System (IBMS), the petitioner's name is presently on the Exit Control List with status "Active" and action marked as "Prevent from Leaving." It was submitted that the remarks reflect that the petitioner is an employee of a strategic organization and deserted from duty. Learned AAG contended that the Federal Investigation Agency, Immigration authorities at JIAP, Karachi, are merely executing agencies and are not competent to place or remove any name from the ECL. However, the competent authority for inclusion or deletion of a name in the Exit Control List is the Ministry of Interior, Government of Pakistan. It is therefore prayed that the petition, to the extent of Respondent Nos. 2 and 4, be disposed of with direction to the petitioner to approach the Ministry of Interior for appropriate relief under the review jurisdiction.

4. We have heard the learned counsel for the parties and perused the record with their assistance.

5. From the material placed before us, it is an admitted position that the name of the petitioner has been placed on the Exit Control List (ECL) with the status "Active" and the direction "Prevent from Leaving," on the basis of communication issued in respect of his alleged desertion from service in a strategic organization, namely SUPARCO.

6. It is equally undisputed that Respondent Nos.2 and 4, being functionaries of the Federal Investigation Agency (Immigration), are only implementing authorities acting upon the directions reflected in the Integrated Border Management System (IBMS), and are not vested with statutory power to either insert or delete a name from the ECL. The competent authority under the law is the Ministry of Interior, Government of Pakistan. However, at the same time under Article 15 of the Constitution of the Islamic Republic of Pakistan, 1973, every citizen has the fundamental right to enter and remain in Pakistan and, subject to reasonable restrictions imposed by law in the public interest, to move freely throughout Pakistan. The placement of a citizen's name on the ECL directly impinges upon this fundamental right. It is now a settled principle of law, as laid down by the august Supreme Court in cases such as *Benazir Bhutto v. Federation of Pakistan* and *Director General FIA v. Muhammad Anwar*, that any restriction upon fundamental rights must be backed by lawful authority, must be reasonable, and must satisfy the test of due process and proportionality. It is settled that executive action unsupported by statutory sanction or taken without affording an opportunity of hearing cannot be sustained.

8. In the present case, no material has been placed on record to demonstrate that the petitioner was afforded an opportunity of hearing prior to insertion of his name in

the ECL, nor has any adjudication by a competent forum been shown whereby his alleged “desertion” was determined in accordance with law and could be the cause to place his name on ECL. Mere pendency of an inter se service dispute or allegation of desertion, without recourse to due process, does not ipso facto justify curtailment of a citizen’s fundamental right of movement. Furthermore, the action appears to have been taken several months after the petitioner’s termination from service, which prima facie reflects absence of immediacy or compelling necessity, therefore the action of the respondents appears to be not in consonance with law.

9. However, since the statutory competence to review, retain, or delete a name from the ECL vests exclusively in the Ministry of Interior under the relevant law and rules framed thereunder, and Respondent Nos.2 and 4 are only implementing agencies, no direct relief can be granted against them in this regard, at this stage. However, they are required to act within bonds of law, not on the wishes of other respondents.

10. Consequently, while the petition, is disposed of, with direction to the petitioner to approach the Ministry of Interior by filing a representation along with a certified copy of this order within fifteen (15) days. Upon receipt of such representation, the Ministry of Interior shall decide the same strictly in accordance with law, after affording an opportunity of hearing to the petitioner and the concerned department, and shall pass a reasoned order within a stipulated period, preferably within thirty (30) days. Till such decision, if the petitioner arrives in Pakistan, no bottleneck shall be created to enter into Pakistan, solely on the basis of his name appearing on the ECL in connection with the present matter, unless required in any other criminal case in accordance with law.

11. The petition along with pending application(s) stands disposed of in the above terms.

Let a copy of this order be communicated to all concerned including learned AAG Sindh for compliance in time.

JUDGE

JUDGE