

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No. D-340 of 2026
[Zeeshan Ali Jatoi v. Ministry of Interior and others]

Date	Order with signature of Judge(s)
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Before:
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi

Date of hearing and Order: 12.03.2026

Mr. Muhammad Rehman Ghous advocate for the petitioner
Ms. Wajiha Mehdi, Assistant Attorney General
Moazam Ali, Special Prosecutor NAB, Karachi
& Inspector Jamal Saeed FIA

ORDER

Adnan-ul-Karim Memon, J. – Petitioner has filed this Constitution Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan 1973, seeking the following relief:-

- i) *To declare that placing the name of the petitioner in PCL without providing an opportunity of hearing is a violation of section 8 of the Passport Act 1974;*
- ii) *To declare that the new arrangement by NAB vide Letter No. 1(9)/HQ/2329/NAB-L/1W-II dated 27.11.2025 is a new arrangement and has already superseded the impugned letters dated 1.11.2024 and 27.5.2025;*
- iii) *To suspend the operation of the impugned letters dated 1.11.2024 and 27.5.2025 till the final decision of this case;*
- iv) *To direct the respondents to remove the name of the petitioner from PCL in view of the new arrangement by NAB vide letter No. 1(9)/HQ/2329/NAB-L/1W-II dated 27.11.2025.*

2. Learned counsel for the petitioner submitted that the petitioner is the Chief Executive Officer of M/s RMS (Pvt.) Ltd., a company duly registered with the Securities and Exchange Commission of Pakistan and engaged in construction projects. He contended that although the petitioner fully cooperated with the inquiry initiated by the National Accountability Bureau (NAB), his name was placed on the Passport Control List (PCL) through letters dated 01.11.2024 and 27.05.2025 without providing him an opportunity of hearing, in violation of the provisions of the Passport Act, 1974 and the fundamental rights guaranteed under Articles 9 and 15 of the Constitution. He further argued that the petitioner had already submitted a representation for the removal of his name from the PCL on 28.02.2025, but the same has not been decided to date. Learned counsel also submitted that subsequently, NAB issued a letter dated 27.11.2025 proposing a fresh arrangement for resumption of the project, which, according to him,

superseded the earlier communications forming the basis of the petitioner's inclusion in the PCL. Despite this development, the petitioner's name has not been removed from the PCL, thereby unlawfully restricting his right to travel and causing him serious hardship. In support of his contention, he relied upon the cases of *The Federal Government through Secretary Interior v Ayyan Ali and others*, **2017 SCMR 1179**, *Khan Muhammad Mahar v Federation of Pakistan*, **PLD 2005 Karachi 252**, and *Mian Ayaz Anwar v Federation of Pakistan and others*, **PLD 2010 Lahore 230**.

3. On the other hand, learned Assistant Attorney General, appearing for the respondents, submitted that an inquiry against M/s RMS (Pvt.) Ltd. and others were authorized by the competent authority on 02.08.2024 regarding allegations of corruption and corrupt practices in relation to the project "Construction of Hazrat Hameeduddin Hakim Surgical Complex Hospital, Rahim Yar Khan," awarded by the Infrastructure Development Authority of Punjab (IDAP). He stated that the company obtained a mobilization advance amounting to approximately Rs. 631.945 million against a fake bank guarantee and failed to complete the project, thereby causing a loss of about Rs. 677 million to the national exchequer. According to her, the inquiry was later upgraded to an investigation on 23.09.2025, and the petitioner, being the CEO/Director of the company, is the main accused in the matter. Learned AAG maintained that the petitioner's name was placed on the PCL in accordance with the law on the apprehension that he might leave the country to evade the ongoing investigation. She further submitted that although NAB had proposed resumption of the project subject to fresh guarantees, the IDAP Board declined the proposal, terminated the contract with the company, and initiated blacklisting proceedings. she emphasised that since the investigation is still in progress and the allegations involve a substantial loss to the public exchequer, she contended that the petitioner is not entitled to any relief and prayed that the petition be dismissed.

4. After hearing learned counsel for the parties and perusing the material available on record, it appears that the principal grievance of the petitioner relates to the placement of his name on the Passport Control List (PCL) and the failure of the competent authority to decide his representation seeking removal of his name therefrom.

5. It is now well settled that the right to travel abroad is a fundamental right, forming part of the liberties guaranteed under Articles 4, 9, 14, and 15 of the Constitution, though such right is not absolute and may be regulated strictly in accordance with law and through a transparent, proportionate, and fair procedure. The Supreme Court, in PLD 2016 SC 570 and PLD 2007 SC 642, has categorically held that restrictions on movement must be authorized by law and cannot be imposed arbitrarily or secretly.

6. The contention of the respondents that the petitioner is required to investigate and that the investigation is pending does not, by itself, justify restraint on international travel. Judicial precedent consistently holds that mere pendency of criminal proceedings is not sufficient ground to curtail the right to travel. Prima facie, no material has been produced to show that the petitioner has evaded the investigation process or attempted to abscond.

7. As regards the objection relating to the availability of an alternate remedy, it is a settled principle that the existence of an alternate remedy does not bar constitutional jurisdiction where fundamental rights are allegedly infringed, or where the impugned action is prima facie without lawful authority. It is well settled that constitutional jurisdiction may be invoked notwithstanding alternative remedies where the action complained of is arbitrary, illegal, or violative of due process. Furthermore, while Rules 21 and 22 of the Passport Rules, 2021 empower the Directorate General of Immigration and Passports to regulate the PCL, such powers are not unfettered and must be exercised in consonance with constitutional guarantees and principles of natural justice. Any restriction imposed without compliance with due process requirements is rendered legally vulnerable.

8. Learned Assistant Attorney General again reiterated her stance with the narration that, pursuant to a complaint received by the National Accountability Bureau (NAB), the competent authority, in exercise of powers under Section 18(b) of the National Accountability Ordinance, 1999, authorized an inquiry regarding the construction contract of Sheikh Zayed Hospital, Rahim Yar Khan. He contended that the complaint disclosed allegations of corruption and corrupt practices, including the obtaining of pecuniary gain in the form of mobilization advance through dishonest and illegal means by submitting a fake bank guarantee, thereby causing financial loss to a government-owned organization. She further submitted that, in connection with the said inquiry, the petitioner was issued a notice under Section 19 of the NAO, 1999, whereby he was treated as a suspect and directed to appear before the Assistant Director, Investigation Wing-II, NAB Complex, Lahore, to record his plea and produce supporting documents and relevant record regarding the allegations. According to the learned AAG, the notice also warned that in case of non-compliance, the competent authority would proceed in accordance with the provisions of the NAO, 1999.

9. At this stage Learned counsel for the petitioner submitted that RMS (Pvt.) Limited was awarded the contract for the construction and establishment of *Hazrat Hameed-ud-Din Hakim Surgical Complex, Sheikh Zayed Medical College/Hospital, Rahim Yar Khan*. He contended that from the very inception of the project the Infrastructure Development Authority of Punjab (IDAP) acted in violation of the contract and applicable law, which led to multiple disputes and litigations between the parties. According to him, in almost all judicial

proceedings the findings were in favour of RMS and against IDAP, thereby establishing the unlawful conduct of the authority. It was submitted that RMS had approached the civil courts against the illegal actions of IDAP and obtained several injunctive orders. In particular, the learned Civil Court restrained IDAP from taking coercive action in relation to the encashment of the bank guarantee and also suspended the certificate of default, termination letter and show-cause notice for blacklisting. Furthermore, the Punjab Procurement Regulatory Authority (PPRA), on the direction of the Lahore High Court, decided the legal question regarding the dual role of Project Director and Engineer in favour of RMS, as a consequence of which the determinations made by the Engineer were rendered ineffective. Learned counsel further contended that despite the subsistence of these orders, IDAP initiated complaints before various forums including the Federal Investigation Agency (FIA) regarding the alleged illegality of the bank guarantees and also attempted to encash the guarantees in violation of the court orders. It was argued that these steps were taken merely to harass and victimise the petitioner company. It was also submitted that during the pendency of disputes the parties entered into negotiations for an amicable settlement and completion of the project. RMS, demonstrating its bona fide intent, offered to continue the project at the original contract rates despite inflationary pressures and also expressed willingness to furnish a renewed mobilization advance guarantee. However, according to the petitioner, IDAP deliberately delayed the negotiation process and instead continued to initiate proceedings against RMS before different authorities including the Pakistan Engineering Council. Learned counsel added that IDAP even proceeded to blacklist RMS without due notice, whereafter RMS challenged the same before the Court and obtained an order restraining the publication of the blacklisting proceedings. He further submitted that notwithstanding the subsistence of the contract and various injunctive orders, IDAP issued fresh pre-qualification/tender notices for the same project at substantially inflated rates, which were also challenged before the courts and were either suspended or restrained from finalization. According to the petitioner, IDAP is presently withholding payments of more than Rs. 1 billion payable to RMS on account of running bills, retention money, price adjustment and other contractual claims, besides the value of construction material lying at the project site. Even after adjustment of the mobilization advance, a substantial amount remains payable to the petitioner company. It was contended that despite RMS's willingness to continue the project at the original rates, IDAP intends to re-tender the project at an estimated cost significantly higher than the original contract value, which would result in enormous loss to the public exchequer. Learned counsel therefore argued that the allegations of corruption and loss to the Government levelled against RMS are unfounded and that the inquiry initiated against the petitioner is unwarranted and liable to be closed.

10. However, in the present case the petitioner had already moved an application on 28.02.2025 requesting removal of his name from the PCL; however, no speaking order appears to have been passed on the said application to date. Since the petitioner's request for removal of his name from the PCL has not been adjudicated by the competent authority through a reasoned order, it would be appropriate, in the interest of justice, to remand the matter to the competent authority for reconsideration of the petitioner's case strictly in accordance with law and observation recorded hereinabove, more particularly in terms of the ratio of the order dated 3.2.2026 passed by this Court in CP.No.4800 of 2025.

11. Accordingly, the competent authority of the respondents is directed to examine and decide the petitioner's representation dated 28.02.2025, or any fresh application that may be filed by the petitioner within one week from today, after providing him an opportunity of personal hearing. The competent authority shall pass a speaking order containing lawful and justiciable reasons, keeping in view the relevant statutory provisions and the settled principles laid down by the superior courts, more particularly in terms of the ratio of the order dated 3.2.2026 passed by this Court in CP.No.4800 of 2025. Such exercise shall be completed within a period of thirty (30) days from the date of receipt of the petitioner's application.

12. Needless to observe that while deciding the matter, the competent authority shall independently assess the necessity of retaining the petitioner's name on the PCL and shall not treat the mere pendency of investigation as the sole ground to deny the petitioner relief unless supported by cogent and legally sustainable reasons. However, the observation recorded in the preceding paragraph shall not be ignored at all.

13. With the above directions, this petition, along with pending application(s), stands disposed of. Let a copy of this order be communicated to all concerned for immediate compliance, and they shall also be served through electronic and WhatsApp applications.

JUDGE

JUDGE