

## ORDER SHEET

### IN THE HIGH COURT OF SINDH, KARACHI C.P. No.D-1830 of 2019

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Date	Order with signature of Judge
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**Present**

**Mr. Justice Muhammad Ali Mazhar**

**Mr. Justice Agha Faisal**

Ambareen Kazim Main Thompson & others.....Petitioners

V E R S U S

Federation of Pakistan & another.....Respondents

**31.05.2019**

Ms. Maria Ahmed, Advocate for the Petitioners  
a/w Petitioner No.1.

Ch. M. Farooq, Advocate for NADRA.

Ms. Samina Iqbal, Advocate for NADRA.

Mr. Kafeel Ahmed Abbasi, D.A.G.

Mirza Tanveer Ahmed, Focal Person FIA Immigration present.

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**Muhammad Ali Mazhar, J:** The petitioners have approached this court for the directions against the respondents to renew Pakistan Origin Card (POC) of the petitioner No.3. A POC was first issued to the petitioner No.3, on completion of requisite formalities, in the year 2003 and it was being renewed from time to time and the last POC was valid upto 27.08.2018 but upon expiration thereof the said petitioner has been unable to renew the same.

Comments were filed by the respondents and therein annexed is a letter dated 28.03.2016, issued by Section Officer (NADRA), Ministry of Interior, Government of Pakistan to Chairman NADRA, whereby it was intimated that the POC issued to the petitioner No.3 that the competent authority had decided to cancel the said POC, in pursuance of Section 19(d) of NADRA (Pakistan Origin Card) Rules, 2002, and directed NADRA to take necessary action in such regard. There is

nothing on the record to demonstrate that any action was taken thereafter by NADRA and / or any other authority and on the contrary learned counsel for the petitioner has demonstrated from the record that the said petitioner was using the said POC regularly till its expiration date, being 27.08.2018 The record shows that the petitioner was frequently entering and exiting Pakistan and the last exit was 15.08.2018 from Pakistan.

The learned D.A.G. has filed the comments of the respondent No.1 (Ministry of Interior) in which the cancellation of the POC has been referred to on the premise of security agency reports. The learned counsel for the petitioners argued that neither any such disclosure was ever made to the petitioners nor any opportunity of hearing was provided but such drastic action was taken whereby the POC was cancelled but despite that the petitioner was travelling on the same POC with entry and exit in this country on the basis of the same card. Learned counsel for the petitioners further demonstrated from the record that a visit visa was granted to the petitioner No. 3 after expiration of the POC and the same was valid till date.

During course of arguments, the learned counsel for the NADRA clearly stated that the matter is primarily between the petitioners and the Ministry of Interior and if the embargo placed on the petitioner is removed by the Ministry of Interior, the NADRA will take action accordance with the law for the purposes of renewal if any.

The learned D.A.G., though is relying on the comments, has graciously given a very fair proposal that at the time of passing cancellation order no right of hearing or opportunity was provided to the petitioner No.3, so in all fairness it would advance the cause of justice that the petitioner No.3 may appear before the concerned officer of Ministry of Interior where fair opportunity of hearing will be provided to him to place his

point of view with regard to the earlier cancellation and if the law permits he may also be allowed the renewal of his POC for further period.

This proposal was considered by the counsel for the petitioners to be workable, however, she drew attention to page 239 of the case file which is the visa issued on 13.12.2018 for journey upto 12.12.2019 with multiple visits by the High Commission of Islamic Republic of Pakistan, London to the petitioner No.3. The learned counsel argued that though this visa is valid but the last time when the petitioner entered on the basis of this visa he faced serious difficulties created by the FIA officials posted at Jinnah Terminal Airport, so she requests that some interim order may also be passed so that the petitioner may not be harassed by the FIA officials.

The learned D.A.G., after seeing this copy of visa available at page 239, submitted that the question of renewal of the POC may be decided by the Ministry of Interior after providing opportunity of hearing to the petitioner but for this purpose naturally he has to come in Pakistan. Learned D.A.G stated that on the basis of the valid visa, available on file, the petitioner no. 3 may frequently travel upto the validity thereof and that the FIA officials will not create any hindrance in such regard. Mirza Tanveer Ahmed, Focal Person FIA Immigration is also present and he submits that on the basis of the visa, available in the file, valid upto 12.12.2019 the FIA will not create any hindrance to the petitioner and shall act strictly in accordance with the law.

As a result of above discussion, this petition is disposed of on the basis of the statements of the learned D.A.G. and the Focal Person FIA Immigration. The Ministry of Interior is directed to provide an opportunity of fair hearing to the petitioner No.3 within a period of one month and thereafter decide as to whether he is entitled for the renewal of the Pakistan Origin Card (POC) or not. The concerned officer shall

also confront him the allegations, if any, and the grounds for not allowing the renewal, if any. The concerned officer of the Ministry of Interior shall intimate the time and date of hearing to the petitioner No.3 so that he will make it convenient to attend. The order passed by the Ministry of Interior shall remain subject to the provision of appeal available under Section 18 of the NADRA Ordinance 2000.

The subject petition, along with pending application/s, is disposed of in terms herein.

The office is instructed to communicate a copy hereof directly to the learned D.A.G. and the Focal Person of the FIA, at their office at Jinnah Terminal Airport, for compliance.

JUDGE

JUDGE

*Asif*