JUDGMENT SHEET

ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

Writ Petition No.178 of 2024

Zabta Tours (Pvt.) Limited

Versus

Federation of Pakistan and others

Petitioner by:	Mr. Irfan Farooq, Advocate.
Respondents by:	Mr. Fahad Khan Tareen, AAG along with Muhammad Zubair, S.O, M/o Religious Affairs and Inter Faith Harmony.
Date of Hearing:	**17.11.2025.**

INAAM AMEEN MINHAS, J.- The petitioner has filed the instant Constitutional petition assailing the order dated 26.09.2023, passed by the Complaint Disposal Committee **("CDC"),** whereby the petitioner was directed to refund Rs.900,000/- per pilgrim to ten pilgrims and it was permanently blacklisted. The petitioner has also assailed the order dated 28.12.2023, passed by the Appellate Committee Hajj-2023 **("Appellate Committee")**, whereby appeal filed by petitioner was disposed of and order of CDC was maintained.

2. Brief facts are that the petitioner is an approved Hajj Group Operator **("HGO")** registered with respondent No.1/Ministry of Religious Affairs and Interfaith Harmony **("MoRA")** and provides Hajj services to Hujjaj. The petitioner was issued recognition letter for Hajj-2023 with a quota of 50 pilgrims on 09.06.2023, only eleven days before the last Hajj flight yet it successfully arranged all required services and transported 49 satisfied pilgrims without any complaint, as confirmed through monitoring teams and feedback forms. Despite this, the petitioner was suddenly called by CDC without providing copies of any alleged complaints it was forced to sign

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documents and later the impugned order dated 26.09.2023 was passed directing it to refund of Rs.900,000/- per pilgrim to ten pilgrims and permanently blacklisting on account of violation of clause C(6), C(12) and 1(1) of SPA-2023. Feeling aggrieved of the order of CDC, the petitioner filed an appeal before the Appellate Committee, which was disposed of while maintaining the order of CDC vide impugned order dated 28.12.2023, hence, this petition.

3. The learned counsel for the petitioner argued that the impugned orders are against the law and facts of the case; that no complaint was ever filed against the petitioner; that the pilgrims themselves confirmed complete satisfaction of the petitioner's services through feedback forms, which fact has been ignored by both the forums; that CDC was required to decide the case against the petitioner within a month after landing of last Hajj flight in Pakistan but it failed to do so; that the impugned orders were passed in violation of the mandatory procedures under the Hajj Policy-2023, its SOPs, guidelines and the Service Provider Agreement-2023 **("SPA")**; that SPA was never approved by the Federal Cabinet, therefore, legally it was not enforceable, whereas the Service Provider Agreement-2022 was expressly approved under clause 15 of the Hajj Policy-2022.

4. On the other hand, the learned AAG contended that several complaints were lodged with MoRA alleging that a person named Muhammad Kashif had illegally collected Rs.900,000 per pilgrim from 111 individuals while falsely claiming to act on behalf of three HGOs, including the petitioner but many of these pilgrims were never sent for Hajj; that CDC held meetings in August and September 2023, which the petitioner attended and during these proceedings, it transpired that actually Muhammad Kashif booked pilgrims illegally for Hajj and in this connection, the said Muhammad Kashif submitted an application to FIA, in which he admitted that he had been defrauded by another person over the quota issue; that MoRA had already referred illegal booking activities of Muhammad Kashif to FIA; that the complainants demanded refunds and Muhammad Kashif submitted a list showing that 66 of the 111 pilgrims performed Hajj, including 15 through the petitioner, therefore, CDC concluded that

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Muhammad Kashif and others had deceived pilgrims on behalf of multiple HGOs, including the petitioner; that the petitioner had completed all its bookings within a short 12-day period and had not provided proof of sponsorship-scheme bookings, which the Committee viewed as evidence of the use of agents in violation of Clause C(6) of SPA and on this basis, the CDC decided that the petitioner and the other HGOs must refund the pilgrims, who were unable to travel and that 10 such pilgrims were to be compensated by the petitioner; that the petitioner had been provided every opportunity to explain its position and that both the forums passed the impugned orders in accordance with law while considering the entire record.

5. I have heard the learned counsel for the parties and perused the record.

6. After examining the entire record, it becomes clear that the respondents did not produce even a single written complaint against the petitioner, which is an essential legal requirement before initiating adverse proceedings. In disciplinary or penal matters, no action can lawfully be taken unless there exists a complaint supported by evidence. However, CDC despite conducting an inquiry, did not place any written complaint on record nor identify any complainant. On the contrary, when the so-called complainants were heard during the appellate proceedings, they unequivocally stated that they had never lodged any complaint against the petitioner. In these circumstances, the absence of any complaint or supporting material fatally undermines the legality of the proceedings.

7. The record further reveals that CDC based its findings on mere assumption about the alleged used of agents without producing a single piece of documentary evidence linking the petitioner. The application submitted by Muhammad Kashif before the Director, FIA does not incriminate the petitioner in any manner.

8. It is pertinent to mention that the impugned orders were passed simultaneously against the petitioner and three other HGOs, namely (i) M/s Carwan-e-Pakistan Hajj & Umrah Ltd. (ii) M/s Butt International Travel & Tours, (iii) Zabta Tours (the present petitioner) and (iii) M/s Flyer

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International Travel Agent. The first two companies challenged these same impugned orders before the Sindh High Court in CP No.D-255/2024 titled M/s Butt International Travels Pvt. Ltd vs. FOP and others and CP No.D-263/2024 titled M/s Carwan-e-Pakistan Hajj & Umrah Pvt. Ltd. Vs. FOP and others, which were allowed vide order dated 04.03.2024 and the impugned orders were set aside to their extent. Likewise, M/s Flyer International also assailed the impugned orders before this Court in W.P. No. 293/2024, which too was allowed vide order dated 30.04.2025 and the impugned orders to its extent were set aside. These concurrent judicial findings, arising out of identical facts and the same impugned actions, further reinforce that the proceedings against the petitioner suffer from the same legal defects, lack of evidence and arbitrary exercise of authority, rendering the impugned orders unsustainable in law.

9. In light of the foregoing discussion, the instant writ petition is **allowed**. The impugned orders dated 26.09.2023 & 28.12.2023, passed by CDC and Appellate Committee are **set aside** to the extent of the petitioner.

(INAAM AMEEN MINHAS)
JUDGE

Announced in open Court on 10.12.2025.

JUDGE

R.Anjam

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