



FEDERAL OMBUDSMAN
For Protection against Harassment of Women at Workplace
Islamabad

J U D G M E N T

1. Appeal Number: 1(39)/2012-FOS
2. Date of Institution: 06-08-2012
3. Date of Decision: 03-10-2012
4. Appellant: Hameed Khan
5. Respondent: PBC Headquarter, Islamabad.

Musarrat Hilali,

Ombudsman:

This matter arises out of an appeal No. 1(14)/FOS-2012

1. Briefly the facts are that Ms. Iffat Jabbar, Program Manager, PBC Peshawar filed a complaint before this forum against Mr. Ameer Nawaz and others on 30-6-2011. That Ms. Iffat Jabbar also sent an application to the DG, HQ Islamabad about the incident that took place on 06-7-2011 at Radio Pakistan Peshawar. That on receipt of the said application DG HQ Islamabad, constituted an inquiry committee under the protection against harassment of women at workplace act 2010. The inquiry committee started its proceedings and interviewed Inayat Ullah Zia , Station Director, PBC, BH, Peshawar, Iyq Zada Iyq, Deputy Controller (FM – 101) former Station Director, Zafar Ullah Zafar, Program Manager (FM-101), Amir Nawaz Marwat, Program Manager, Hameed Khan, Admin Manager, Muhammad Bilal, Producer, Habib-un-Nabi, Senior Producer, Asghar Khan, Producer, Inyat Ullah copyist designated as Producer, Khursheed Hussain, Security officer, Sultan Muhmmad, Assistant, Ashfaq Ahmed Cashier, Gul Nabi AMA / Naib qasid.

2. Ms. Iffat Jabbar refused to appear before the committee as according to her a complaint regarding the same matter was pending adjudication before the Ombudsman.
3. The inquiry committee concluded the proceedings and sent its findings to the DG HQ Islamabad suggesting that Hameed Khan, Admin Manager, Ameer Nawaz Merwat Program Manager and Ms. Iffat Jabbar be transferred immediately from Peshawar with stern warning. The inquiry committee on page 11 para 11 stated that based on the thorough investigation conducted, Hameed Khan was rendered as the mastermind of the major issues PBC Peshawar is facing today. Not only this Hameed Khan poisons the complainant Ms. Iffat Jabbar against the Program Officer, Union, Administration and Station Director but also he facilitates the complainant in corresponding (with regard to all these issues of PBC Peshawar) with high officials such as Ministers.
4. That the inquiry committee conducted its proceedings on 08-7-2011 and pursuant to the recommendation of the said committee Hameed Khan was immediately transferred on 11-7-2011 from Peshawar to Islamabad and was directed to relieve his duty at PBC Peshawar on the same day and to report to

headquarter on 12-7-2011 positively. Ameer Nawaz Program manager was transferred from PBC Peshawar to PBC Chitral as Station Director on the post which he was already holding. This order has been made on 22-12-2011 which is a routine order as two other persons have also been transferred in the same order.

5. Aggrieved of the transfer order, the appellant made a departmental representation on 12-7-2011, during the pendency of that representation, the appellant filed a writ petition before the Hon'able Peshawar High Court Peshawar. The Hon'able High Court directed the departmental authority to decide the representation of appellant within a month and with these observations the petition was dismissed on 24-8-2011. An appeal was made to this forum by the appellant through Ms. Iffat Jabbar on 26-9-2011 and on the direction of this office the appellant submitted an appeal before this forum on 09-01-2012, otherwise too cases should be decided on merits and not on technicalities, therefore the delay if any is condoned.
6. The appellant approached this forum for cancellation of his transfer. After the perusal of the record it transpired that during the pendency of the complaint filed by Ms. Iffat Jabbar, the DG,

HQ, PBC Islamabad constituted a committee under this act and initiated proceedings against the appellant. The record shows that the appellant initially appeared before the inquiry committee as witness he was examined and cross examined by the members of the inquiry committee. Neither any complaint was filed against the appellant nor has any show cause notice been issued to the appellant alongwith statement of allegations. Thus the inquiry committee has violated section 4 sub section 3 (d) of the protection against harassment of women at workplace act 2010 by taking adverse action against the witness. The constitution of another committee under this act was illegal, void ab initio and the transfer order of the appellant in pursuant to the recommendation of the said committee could not be legally approved as the case was pending adjudication before this forum, moreover the act gives complete protection to the witness appearing in any proceedings under this act. An adverse order made without affording the appellant an opportunity of personal hearing is treated as void order.

7. The Director General, Pakistan Broadcasting Corporation, Headquarter, Islamabad is directed to send back the appellant to the position from where he was transferred pursuant to the order dated 11-7-2011 and compliance report be submitted to this office within 07- days of the receipt of this order.

Announced

MUSARRAT HILALI
Ombudsman

Certificate

Certified that this decision consists of 05-pages each page has been signed and verified by me after completion and compilation.