



**FEDERAL OMBUDSMAN  
For Protection against Harassment of Women at Workplace  
Islamabad**

**J U D G M E N T**

1. Complaint Number: 1(465) / 2018-FOS (Reg)
2. Date of Institution: 02-05-2018
3. Date of Decision: 19-09-2018
4. Complainant: Mst. Ayesha Subhani  
D/o. Justice (R) Syed Zahid Hussain  
Resident of House No. 132,  
Eden Canal Villas  
Canal Bank Road  
Lahore
5. Opponent: Mr. Junaaid Arshad  
S/o. Syed Arshad Hussain  
Former DIG Gilgit Baltistan  
Resident of House No. 38, Street No. 60  
Sector F-11/4,  
Islamabad

**Kashmala Tariq,**

**Federal Ombudsman:**

**Complaint No. 1(465)/ 2018-FOS.**

1. Through this short and precise order, I shall ex-parte decide the instant complaint pending adjudication before this office.
2. Brief facts of the case are that the complainant and opponent were wife and husband and their marriage was dissolved through court. The complainant was working as a lecturer in a university in Lahore whereas the opponent is a former police officer. After the dissolution of their marriage, the opponent started to harass the complainant at her workplace by using different modes such as fake email IDs and profiles on social medium like LinkedIn and Facebook. The opponent also sent defamatory letter to the workplace of the complainant causing mental torture, harming the complainant's professional reputation and integrity. Above all, the opponent initiated a spree of frivolous cases on the complainant and her family by virtue of being an influential police officer and attempted to expel the entire family from their legitimate house by adopting illegal means.
3. After necessary compilation of the file, the opponent was issued with the summon through proper channel. No one appeared on the behalf of opponent. Various summons were issued to him repeatedly but all in vain. Hence, this forum proceeded ex-parte against the opponent.
4. Further arguments on behalf of the complainant were heard, to assist the matter in hand by providing opportunity to the complainant.
5. After fulfilling all the legal technicalities, the complainant was allowed to prove her case by providing the evidence. The complainant provided documentary evidence and her oral statement was recorded as ex-parte.
6. In order to prove her case, the complainant submitted a number of documents. She provided screenshots of fake profiles of the complainant on "LinkedIn" wherein her work experience is titled as "CEO Escorts Lahore." Moreover, the complainant also shared screenshots of conversations on Facebook, where one profile in the name of "Zahid Sarfraz" has messaged a student of the complainant claiming to be

the opponent and wrote “LSE Slut very high rate.” In addition, a Facebook account in the name of the complainant also sent explicit messages offering to have webcam chat. Similarly, the complainant was informed by one of her students named Jehangir that her photo-shopped pictures are being floated through messages by the above mentioned profiles.

7. Furthermore, the complainant also submitted letter dated 27.09.2017 along with FIR No.328/17 PS Racecourse sent by the opponent to the Vice Chancellor of University of Lahore where the complainant was working as a lecturer. The contents of the letter are reproduced below:-

***“Please find enclosed copy of FIR No. 348/17 PS Racecourse Lahore against Ayesha Subhani d/o Syed Zahid Hussain Chairman Federal Services Tribunal u/s 420, 468, 471, 506 PPC.***

***It is requested that disciplinary action may please be initiated against Ayesha Subhani for her criminal acts as registered by Police in above FIR and she may please be removed from teaching job being a criminal lady.”***

8. In support of her version, the complainant submitted Order dated 29.09.17 passed by the Learned Judicial Magistrate Sec. 30, Lahore Cantt where the cancellation report in the above mentioned FIR submitted by police authority was upheld. Excerpt of the Order dated 29.09.17 is hereby reproduced:-

***“Furthermore, during the course of investigation, it has been established that the complainant was Ex-Husband of Mst. Ayesha Subhani who after the divorce started humiliating her and her family members through social media for which she got registered a FIR No. 59/2017 dated 08.06.17 under section 4, 16, 20, 21, 24 of PECA 2016 read with section 109, 120-B and 500 of PPC. The instant FIR seems to be got registered by the complainant as a counter blast of the said FIR by concocting a false and frivolous story. The FIR also seems to be lodged in order to put pressure upon the accused persons to withdraw the case got registered by the accused Mst. Ayesha against the complainant of the instant case.***

***In view of the above discussion, I am of the firm view that the Investigating***

*Officer has rightly opined for the cancellation report of the instant case and the same is hereby agreed.”*

9. Lastly, the complainant also exhibited documents regarding legal proceedings (both civil & criminal) including FIR in police stations and FIR in FIA NR3C, family court record and writ petition before the Honourable Lahore High Court.
10. Perusal of the record reveals that the opponent is habitual for harassing his ex-wife as he is retaliating against her for the calling off their marriages. The fake profiles have been verified by the FIA NR3C being operated by the opponent. The opponent is also a Proclaimed Offender for not joining the court proceedings against him. The legal exhibited record of the complainant irrefutably supports her version.
11. As far as the concept of harassment & jurisdiction of this forum is concerned, this forum has complete & lawful jurisdiction to deal with the matter as the matter arose at public / workplace furthermore both the parties are working person. One teaches at a university, while the other is a police officer. According to the Protection against Harassment of Women at Workplace Act 2010 (hereafter referred as “the Act of 2010”), harassment at workplace has been defined as follows:
 

**“Harassment means an unwelcome sexual advance, request for sexual favor or other verbal or written communication or physical conduct of sexual nature or sexually demeaning attitude, causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment.”**
12. It is pertinent to point out, that the Act of 2010 is not limited to two employees / employer working within the same organization. The title of the Act of 2010 is self-explanatory as it is harassment “at” workplace and not in workplace.

13. More importantly, with the rise of technology and information, harassment at workplace can take different forms as in the instant complaint where the opponent created fake profiles of the complainant on LinkedIn, which is a professional networking website and sent explicit messages to the students of the complainant, thereby causing her irreparable professional harm.
14. While keeping all the material evidence available on file and which is submitted, the complainant has proved her case, as nothing is available in rebuttal on the side of opponent.
15. In view of above mentioned discussion, this office has reached to the conclusion that the respondent / opponent has found to be guilty of harassing his ex-wife by defaming her reputation, sexual baseless allegation, hindering her job at her workplace, uploading immoral material and creating fake facebook IDs with the name of complainant, hence found guilty of harassment at workplace. The case is decided ex-parte in favor of complainant.
16. Therefore, the opponent Junaid Arshad is hereby dismissed from service under section 4 sub-section 4(ii)(d) and (e) of the Act of 2010 along with a fine of Rs. 1,000,000 out of which Rs. 500,000 is payable as compensation to the complainant.
17. Direction is made to Secretary Establishment Division to implement the decision and report to this office within 15 days of receipt of this order.
18. As the complainant has also filed a petition in the Human Rights Cell of the Supreme Court of Pakistan, therefore this office also recommends that this Order may be submitted to the HR Cell of the Supreme Court for further necessary action as deemed appropriate.

**KASHMALA TARIQ**  
**Federal Ombudsman**