

OFFICE OF THE FEDERAL OMBUDSPERSON

FOR PROTECTION AGAINST HARASSMENT OF WOMEN

AT THE WORKPLACE, ISLAMABAD

FORM OF ORDER SHEET

Appeal No. FOH-HQR/0143/2025

Date of Institution: 15-04-2025

Serial No. of Order of Proceedings	Date of order of Proceedings	Order of other proceedings with Signature of Federal Ombudsperson			
		TITLE:	Faheem Mehmood	VS	Air University
1	2	3			
06	-05-2025	<p>Subject: <u>Final order of Appeal:</u></p> <p>1. This is the second appeal filed by Mr. Faheem Mehmood (hereinafter referred to as the Appellant) a Lecturer at Air University. The brief facts of the case are that four students of Air University, namely Esha Abid, Inshara Khan, Ayesha Habib, and Aqasha Noor (hereinafter referred to as Respondents No. 1, 2, 3, and 4 respectively), filed separate written complaints against the Appellant, alleging sexual harassment. The matter was referred to the University's Inquiry Committee, which conducted proceedings under the Protection against Harassment of Women at the Workplace Act, 2010 (Act of 2010). The Committee recommended dismissal of appellant from service. The Appellant challenged the findings, and this Forum, vide order dated 23-01-2025, set aside the University's order and directed a de-novo inquiry.</p> <p>2. Pursuant to the said direction, a de-novo inquiry was conducted. The Inquiry Committee again recommended the Appellant's termination from service at Air University, effective from 18-04-2024, in accordance with Section 4(4)(ii)(d) of the Harassment Act, 2010. The Competent Authority issued the termination order accordingly. The Appellant has now filed this appeal on multiple grounds, including non-provision of the charge sheet and complaints, denial of the right to a fair trial and cross-examination, withholding of critical evidence, failure to summon complainants for cross-examination despite their availability, and alleged bias of the Inquiry Committee. The</p>			

Appellant further contended that key witnesses were not examined, his presence was mandated in person while female complainants attended virtually, legal assistance was denied, his salary has been withheld since March 2024, and the complaints were delayed and unsupported by independent evidence. He claimed that forensic verification of WhatsApp screenshots and call recordings was not conducted and asserted that the findings of the Inquiry Committee were based on hearsay and violated Article 17 of the Qanun-e-Shahadat Order, 1984. He prayed for setting aside the Inquiry Committee's findings and also challenged the termination letter dated 26-03-2025 as procedurally and substantively flawed.

3. The organization and respondents were summoned. Mr. Abul Rafay, Advocate, appeared on behalf of Air University and Respondent Isha Abid. The record of the Inquiry Committee was submitted. The matter was fixed for arguments on 20-05-2025. No representative appeared for the respondents; thus, they were proceeded against ex parte. In accordance with Section 15 of the Federal Ombudsperson's Institutional Reforms Act, 2013, ex parte arguments of the Appellant were heard. Written arguments were, however, submitted by the respondents later on. Records of the inquiry were reviewed.

4. According to the record of this case, Respondent No. 1, Esha Abid a student in the Computer Science Department of Air University, filed a formal complaint against the Appellant. She stated that she initially approached the Appellant for academic guidance, believing that, as a teacher, he could assist her with her studies. He called her to his office multiple times under the pretext of discussing academic matters; however, over time, she noticed that his behavior became increasingly inappropriate. He would summon her to his office at odd hours and engage in conversations that made her uncomfortable. At first, she ignored these instances, assuming he was simply being friendly. As time passed, the Appellant began chatting with her privately, often sending messages that made her uneasy. He would delete his messages after their chats, thereby ensuring that no record of the conversations

remained, which heightened her discomfort. The situation escalated when the Appellant called her in the middle of the night. During this call, he confessed that he **"liked her"** and persistently asked her to go out with him. When she refused, he allegedly threatened her, implying that she must work hard in her exams or else things could become difficult for her.

5. She further accused the Appellant of making inappropriate comments about her appearance, stating that he told her she **"looked pretty in a certain dress"** and suggested that he had given her academic favors because of his personal liking. She felt trapped and fearful, knowing that he had influence over her academic assessment. She claimed to have video evidence of the call, as well as copies of the messages, which she managed to save before they were deleted.
6. Respondent No. 2, Ayesha Habib, alleged that the Appellant called her to his office multiple times under the pretext of asking general questions such as, **"What is your CGPA?"** and **"What are your plans after your BS?"** He then asked her if she could be his assistant, stating that he would assign her **"secret tasks"** such as checking quizzes and entering marks. Believing it was normal for a teacher to assign tasks to students, she initially agreed.
7. Over time, the Appellant began insisting that she communicate with him through phone calls rather than messages, claiming that messages were not secure. He disregarded her privacy, expecting her to be available at his convenience. He would call her to his office when no other faculty members were present and stated explicitly, **"I called you at this time because there's no one around and we can talk freely."** On one occasion, when she went to his office, he said, **"I was bored, that's why I called you here."**
8. The Appellant asked her to check and mark mid-lab papers of her own class and informed her that he was giving her access to Google Classroom (GCR). Finding it unethical, she chose not to mark her classmates' papers. He also made inappropriate remarks, including, **"I haven't seen you in t-**

shirts. Do you wear them?" and comments about her attire, such as, **"You wear orange a lot. Do you like that color?"** and **"You only have two pants. You should buy more and be a little more fashionable."**

9. She further stated that he commented on other female students' clothing in front of her, saying, **"Your friend's dress is very prominent. She doesn't know how to wear it properly."** On one occasion, he pressured her to treat him to food at a restaurant named **"Savour,"** quoting, **"I'll give you good grades before the final exams, and then you'll have to give me a treat. We'll go to Savour and eat hot rice together, just the two of us."**

10. He also asked her personal questions that made her uncomfortable, such as, **"Do you have a fiancé?"** and **"When do you plan to get married?"** He further remarked, **"Has anyone hit on you or have you hit on someone without even realizing it?"**

11. She reported that he once called her while she was at a bus stop and said, **"I can see you. What are you doing there?"** On several occasions, he told her that he considered her more of a friend than a student, and therefore she should not be formal with him.

12. She further alleged that he attempted to disclose exam content to her. He called her multiple times before the exams, asking her to come to his office to discuss the paper. When she refused, he called again a few hours before the exam and disclosed one of the questions, saying, **"I care about you a lot, and I know you're under pressure. Just prepare this question, and don't tell anyone."**

13. Akasha, a student from the same department and the class representative during her third semester, reported that the Appellant called her and asked personal questions, including details about her siblings, family background, place of origin, and GPA. On one occasion, he inquired whether she was in a relationship, why she was not committed, and whether her

parents had ever discussed such matters with her. He also asked, **"What type of person do you want as your partner?"** These personal questions made her uncomfortable, prompting her to begin avoiding him by not responding to his messages and calls.

14. She further stated that the Appellant offered to treat her to food at Savour after she achieved good grades. In one message, he instructed her to come alone, asserting, **"When a teacher calls you, you are supposed to come."**

15. Respondent Inshara, in her complaint, stated that the Appellant was her Artificial Intelligence (AI) course instructor at the University. During the AI midterm examination held on 31-03-2024, where the Appellant served as the invigilator, he made inappropriate remarks while submitting her paper. He suggested that she had become **"non-serious"** and unfavorably compared her current attitude to her behavior in the fourth semester. In response, she requested a meeting to discuss the matter.

16. Upon arriving for the meeting, she found his office locked and the surrounding area empty. Despite no one else being present, the Appellant asked her to stay and instructed her to return alone on any day to retake the quiz. He emphasized that this arrangement should not be disclosed to anyone. During the meeting, he repeatedly asked whether he could **"trust her."**

17. On 03-04-2024, the class had two examinations, one of which was the 'AI' lab exam, also taught by the Appellant. In preparation, the Class Representative (CR) and Inshara, the Girls' Representative (GR), contacted the Appellant to clarify whether the lab exam would be conducted as an open session. In response, he requested a phone call. During the call, he engaged in inappropriate conversation, including discussing female students and using offensive language to describe one of them. Although the call made her uncomfortable, she waited for it to end. The Appellant unnecessarily prolonged the conversation without addressing the exam-related query.

18. On 05-04-2024, Inshara went to his office for the quiz retake. During the quiz, the Appellant behaved inappropriately by

touching a hair tie from her wrist and making unwelcome comments about it. He referred to these interactions as ***“personal favors”*** rather than routine academic procedures.

19. Following the remand, the Inquiry Committee issued a show-cause notice to the Appellant. The statements of the Complainants were duly recorded. The Appellant was given the opportunity to cross-examine the Complainants and to present his own witnesses in defense.

20. The points requiring determination in this appeal are as follows:

- a. Whether the Inquiry Committee committed any serious procedural errors that would warrant interference by this forum?
- b. Whether the evidence was not properly evaluated by the Inquiry Committee?
- c. Whether the punishment imposed upon the Appellant was excessive or unwarranted?

a. Whether the Inquiry Committee committed any serious procedural errors that would warrant interference by this forum?

21. Under the Act of 2010, Inquiry committee has the power to regulate its own procedure for conducting and for fixing place and time of its sitting. The only requirement is that each party is entitled to cross examine the witnesses against him. In the present round of inquiry proceedings opportunity of cross examination was provided to the Appellant.

22. Appellant’s contention is that charge sheet was not provided to him nor the copies of complaints were given to him. He objected to it, thereafter the charge sheet and copies of the complaint were given to him. According to his own version, he was provided the charge sheet in this court. It is not a procedural lapse, as he was aware of the nature of the allegations prior to the commencement of the formal proceedings.

23. The second objection of the Appellant is that the committee had the biased attitude towards him. He averred that the statements of the Complainants were recorded online,

although they were present in the University. One of the Respondent Inshara was outside the country, but rest of them were available in the University. It is nowhere provided in the Act that Complainant has to appear in person for recording of her statement or for cross examination. The victim of harassment can be provided due protection by the Inquiry Committee and no prejudice is caused to the Appellant due to their online presence. The objections raised in the appeal are of technical nature which have no bearing on the inquiry proceedings or the conduct of inquiry. The procedures adopted by the Inquiry Committee cannot be challenged and objected by the parties as a matter of routine. If a party has been heard properly and was afforded opportunity to explain its position and produce relevant provisions in accordance with law, any procedure adopted by the inquiry committee cannot be considered defective **Reliance in this regard is placed on Fahad Qureshi vs SZABIST 2019 Pakistan Criminal Law General 806 (Sindh)**. There is therefore no material procedural error in the inquiry proceedings warranting interference of this forum.

b. Whether the evidence was not properly evaluated by the Inquiry Committee?

24. In cases where a student files a complaint of sexual harassment, the burden lies on the teacher to clarify his position and refute the allegations made against him, especially considering his dominant, commanding, and authoritative role (**Fahad Qureshi's case mentioned above**) The potential abuse of authority in such situations cannot be ignored. The power dynamics between teachers and students, and the inherent vulnerability of students, are critical factors in assessing such cases. In **Muhammad Din vs Province of Punjab (C.P.L.A. 2541/2023)**, it was held:

"Sexual harassment is not about sex. It is about power."

The conduct of the appellant demonstrates that he was aware of this power imbalance and sought to exploit his authoritative position over multiple students.

25. The record from the Inquiry Committee reveals that the appellant raised several irrelevant objections regarding the conduct of the proceedings. He consistently avoided answering direct and specific questions posed by the Committee. For instance, during cross-questioning on 03.03.2025, he acknowledged sending a message at 4:00 a.m. When asked whether a class was scheduled at that time, he evaded the question. It is also on record that other messages were sent as late as 9:30 p.m., further raising concerns about his intentions.

26. During the proceedings, a video recording of a call made to Respondent No.1 was played in the presence of the appellant. Despite being asked repeatedly by the Committee whether he had made the call, he stated that he was not in a position to confirm or deny it. He similarly avoided answering several other material questions. Notably, there were no substantial inconsistencies in the statements of the complainants.

27. The appellant failed to rebut the allegations of harassment and withheld a critical piece of evidence, his mobile phone. He displayed an aggressive attitude towards the Inquiry Committee and either refused to answer or evaded multiple important questions.

28. The appellant claimed that he was implicated in the case by the Head of Department (HOD) due to a personal grudge. According to him, the HOD wanted him to enroll as a Ph.D. student, but he had chosen to accept a better offer from Bahria University. The appellant alleged that the HOD orchestrated the harassment complaints to prevent his departure. However, this purported motive does not withstand logical scrutiny. The HOD, being in a senior and secure position, had no reason to feel threatened. Furthermore, it is highly implausible that the student complainants would jeopardize their own reputations merely to serve the interests of the HOD, especially when no connection between the HOD and the complainants was alleged or proven.

29. The HOD, Mehdi Hassan, was summoned at the appellant's request but was not cross-examined by the appellant, despite the Committee's offer to bear travel expenses, as evidenced by an email on record. The appellant also raised unnecessary and unwarranted objections to the proceedings, which were rightly disregarded by the Committee.

30. Another important aspect is that the appellant was a computer science instructor. Complainants alleged that he sent inappropriate messages and later deleted them in an attempt to leave no trace of his activities. One complainant submitted call records, which were not disputed by the appellant, showing calls made at inappropriate hours. Many inappropriate remarks were made face-to-face when no one else was present a common scenario in harassment cases. The Code of Conduct under the Protection Against Harassment of Women at the Workplace Act, 2010, acknowledges that such incidents often occur in isolation, making evidence hard to produce. Nevertheless, in this case, sufficient evidence, including a call recording, supports the complainants' claims.

31. The appellant argued that the Committee did not conduct a forensic analysis of the call recordings and WhatsApp messages; therefore, the evidence should not be relied upon. However, as previously discussed, the appellant did not deny making the call or the contents of the voice recording. When requested by the Committee to submit his mobile phone for forensic examination, he refused. This refusal constitutes withholding of evidence and creates a presumption that the evidence, if produced, would have supported the complainants' case.

32. The appellant further argued that, since no court warrant was presented for the production of his mobile device, he was not legally obligated to comply. However, Section 5 of the 2010 Act empowers the Inquiry Committee to require the discovery and production of documentary, audio, or video evidence. The Committee has full authority to order the production of relevant materials for the purpose of its investigation. By denying access to his device, the appellant withheld a crucial piece of

evidence. The material presented before the Committee clearly demonstrates unwelcome sexual advances made by the appellant.

c. Whether the punishment imposed upon the appellant was excessive or unwarranted?

33. The Inquiry Committee acted on complaints from four students. The evidence on record establishes that the appellant not only made inappropriate sexual advances but also attempted to offer undue academic privileges—such as sharing examination questions—to achieve his objectives. This behavior reflects professional misconduct and a serious breach of trust placed in educators by students and their families. The Committee rightly found him guilty and recommended termination. A teacher who engages in harassment of multiple students has no place in an educational institution, and the penalty imposed was appropriate and justified.

34. In view of above discussion, the findings of the inquiry committee are upheld and this appeal is dismissed.

FEDERAL OMBUDSPERSON