



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

J U D G M E N T

1. Complaint Number: 1(190) / 2015-FOS (Reg)
2. Date of Institution: 28.08.2015
3. Date of Decision: 26.10.2015
4. Complainant: Mst. Farhat Javed
Reporter, GEO News,
Islamabad.
5. Opponent: Arshad Waheed Chaudhry
Reporter, GEO News,
Islamabad.

Justice (R) Yasmin Abbasey,

Ombudsman:

Complaint No. 1(190)/ 2015-FOS.

1. Complainant Mst. Farhat Javed has filed this complaint against Arshad Waheed Chaudhry, Reporter GEO News, Islamabad stating that she is performing her duties in GEO News as reporter from 16-12-2013.
2. On 12-02-2015 when complainant was at home she received text messages followed by two telephone calls from opponent Arshad Waheed Chaudhry demanding sexual favor and forced her to have physical relationship in clear and direct terms failing which he threatened complainant for dire consequences which included expulsion from her job, which he claimed to manage through his links. According complainant she refused him in clear terms.
3. It is alleged that on 29-12-2014 opponent again offered complainant to go with him on dinner followed by stay at his home. That offer was also declined by complainant. According to complainant since long opponent is approaching

her to establish physical relation but all the time she refused. It is stated that such messages are discomforting her. Complainant reported the matter on 12-02-2015 to Rana Javed through text messages and email who advised her to report to Salar Janjua, Manager HR, Islamabad Bureau. Therefore, complainant also reported to Salar Janjua, Manager HR, Islamabad Bureau. On 13-02-2015 Sala Janjua called her in his office and noted the details of case but no action was taken thereon in spite of expiry of six months time. Therefore, opponent is feeling confident and is courageous enough to carry out her character assassination in office and among her known circles. On 25-03-2015 through video conference meeting, Zulfiqar Ali Head of HR department and Mst. Uzma Al-karim informed complainant that a thorough inquiry was conducted and opponent was found guilty of sexually harassing her. Only a verbal warning was given to him not to repeat any such act but in the meantime he was promoted as Special Correspondent, highest position in any News Room. According to complainant she requested Inquiry committee to share their findings in writing to her but that was

not done. Being a journalist complainant had maintained smiling gesture and she deals with everyone professionally and she never allowed any one to compromise on her respect and to misuse his authority to indulge any kind of relationship with her. It is stated that complainant is doing Defense beat which is challenging in view of relations between GEO and Army. Complainant has always carried out this sensitive reporting with best of her abilities but in spite of that after filing of this case before FOS, management has issued her show cause notice for a minor issue which was replied by her. Lastly complainant has prayed for punishment for opponent and his associates and restrict organization from expelling her from job or making working environment hostile for her as a consequence of filing this case.

4. Opponent in his defense beside legal objection as to maintainability of complaint and that complaint is time barred has also stated that after filing complaint before department and after having finding in her favor, the matter should have come to an end as complainant has exhausted her option

available under section 8 of Act of 2010. Though opponent has serious reservation towards penalty awarded to him but he accepted the same under direction of senior management and colleagues in order to save complainant from any consequent inconvenience which might have caused through further litigation. Present complaint is not maintainable as complainant had not preferred an appeal against decision of competent authority passed on 09-03-2015. Under Article 13 of Constitution of Pakistan no person can be prosecuted or punished for the same offence more than once. Opponent neither had any authority over the complainant with which he can abuse or create hostile working environment nor had retaliated in any manner leading to sexual harassment. Even after filing this complaint she was supported by organization to study at USA and her salary package was also upgraded and raised.

5. Allegations leveled by complainant are denied by opponent. Complainant molded the contents of telephonic conversation with opponent very craftly and derived meanings that fit to her

undermining position of opponent in the organization. Opponent had no intention to harass or demand any sexual favor nor does it appears from any of the communication that happened in between parties. Complainant has presented only selected message after deleting many among them before Inquiry committee as well as before this office of Ombudsman. The call data record may be summoned to analyze complete conversation. Complainant was professionally comfortable enough to talk on different issues with opponent and about 70 percent phone calls were made by complainant to him. Opponent was never in position to expel complainant from her job nor did he ever claim so. Offer of meeting for lunch and dinner was made by complainant not by opponent. No sexual intention was behind that lunch and dinner. It is a routine practice at our organization that colleagues go for food during their work hour since they are mobile reporters. It is correct that complainant has a friendly nature but her reputation in the profession remained questioned by many colleagues. She has lodged same nature of complaint against one of her colleague when she was working

at Dunya TV who was later on dismissed. Complainant was served a show cause notice on 07-04-2015 on her questionable performance in the eyes of employer whereas present complaint has been filed on 28-08-2015. Complaint is liable to be dismissed.

6. Heard parties in person.

After going through the file I feel that although friendship has been showed in between parties prior to the lodging of complaint, in different documents placed on record by Geo Administration but fact that opponent did not have any respectable feeling for complainant is obvious from opponent's reply to show cause notice otherwise character assassination as has been done by him in this reply would not have been there. In this reply consisting of three pages opponent had tried to show that complainant is in habit of developing friendship with different persons and later on file cases against them on the basis of harassment to her. In this contact he has given examples of cases filed by complainant when she was reporting for Dunya TV, but this fact cannot

also be denied that if the allegations of complainant even for employees of Dunya TV would had been false, they would not have been terminated by administration of Dunya TV. We cannot ignored the fact that act of harassment and sexual harassment is more and more developing in our society and in this environment ladies engaged in field work do face this kind of harassment. So far as the contention of opponent that infact conversation as has been placed by complainant before Inquiry committee and before this forum of Ombudsman was with reference to money borrow by complainant from him if for sake of arguments is taken as correct then there are certain messages at page 43 and 44 which clearly show act of harassment and character assassination of complainant by opponent and this state of conversation was also taken seriously by Inquiry committee with recommendation of issue of warning letter to him but at the same time in warning letter it has been emphasized on him that:-

“On the basis of finding of the case, the management is within its right to take strict

disciplinary action against you including termination of your services, however, considering your past record, where no incident of the same nature was reported, management has decided to let you off with a final and last warning. Your demeanor will remain under observation and any violation of following instruction of incident of same nature and intention will lead to your termination of service”.

In this very letter of 09-03-2015 addressed to opponent, once again opponent has been reminded that:-

“once again please note your conduct will remain under observation by management”.

In inspite of issuing this warning letter complainant is not satisfied and wants that a strict action should have been taken by management whereas on the other side opponent challenged maintainability of this complaint on the ground that once a matter has been investigated and inquiry committee has given its decision which in spite of some reservation has

been accepted by opponent, therefore, any second trial for the same offence is barred under Article 13 of Constitution of Pakistan. This defense apparently does not have any logic because any party aggrieved by decision of any court or forum has a right to go in appeal and matter can be reinvestigated and evidence can be recorded in a matter, therefore, it is not a case of double punishment but a case of reinvestigation of matter.

7. Record further show that after filing of this appeal before FOS, opponent was promoted as Special Correspondent which is said to be a highest position in any news room. This act of Management of Geo has been objected by complainant in her letter addressed to Mir Ibrahim Rehman on 25-03-2015 that:-

“To my knowledge and in accordance with rules of Government of Pakistan, a ‘warning’ cannot be termed as punishment for harassing female. This is against human rights as well”.

In the same letter she has expressed her willing that:-

“I was expecting that minimum punishment by you would be to ask Mr. Arshad Waheed Chaudhry to admit his mistake in front of complete staff and to make an apology followed by written apology for sexually harassing me. And I also thought of some more doze to him”.

8. The intent of legislation of this Act for Protection against Harassment of Women at Workplace is to create a healthy environment at workplace, it is not meant for giving punishment in each and every case but if any warning or an apology on behalf of perpetrator is taken and competent authority of Management has taken a serious view in such matters, I think that purpose of this Act is fulfilled. With this observation I am in full agreement with the decision taken by management with addition that they should also take apology letter from opponent which will keep reminding him to refrain from such acts in future.
9. Record further shows that complainant had applied for study

in UK but that application is still pending without any final decision. Though this office do not want to interfere in administrative issues of any department but to cool down the temperature of incident and environment in office, I am of the view that it would be better to allow this application of complainant for study abroad so that parties do not have any interaction even in official matters at a long time. Complaint disposed off accordingly.

10. Issue letter to Competent Authority of GEO Management to comply with the additional recommendation of obtaining apology letter from opponent and informed office of Federal Ombudsman Secretariat (FOS) within a period of 15 days.
11. Parties be informed accordingly.
12. Announced in open court.

JUSTICE (R) YASMIN ABBASEY
Federal Ombudsman