

OFFICE OF THE FEDERAL OMBUDSPERSON

FOR PROTECTION AGAINST HARASSMENT OF WOMEN

AT THE WORKPLACE, REGIONAL OFFICE, SINDH

FORM OF ORDER SHEET

Complaint No. 337/2023 & 368/2023

Date of Institution: 29.05.2023 & 19.06.2023

Serial No. of Order of Proceedings	Date of order of Proceedings	Order of other proceedings with Signature of Federal Ombudsperson		
		TITLE:		
		MS. NAHEED SAGHIR MR. SAUD UR REHMAN	VS	MR. SAUD UR REHMAN MS. NAHEED SAGHIR
		DEPARTMENT: SINDH BANK		
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36	28.03.2025	<u>Subject: Final Order on the Merits</u> 1. Ms. Naheed Saghir (hereinafter referred to as the (“ Complainant ”)) has filed a formal complaint against Mr. Saud-ur-Rehman (hereinafter referred to as the " Accused ") under the Protection Against Harassment of Women at the Workplace Act, 2010. 2. The Accused interned at Sindh Bank from 04.07.2017 to 29.08.2017, during which the Complainant, as Branch Manager, was his supervisor. A series of incidents followed, leading to the present complaint. The key allegations made by the Complainant are as follows:		

		<ul style="list-style-type: none">a. The Accused allegedly sent the Complainant unwarranted and obscene pictures of himself.b. The Accused persistently contacted the Complainant and sent her unsolicited messages from multiple phone numbers, including but not limited to 0321-***6766, 0336-***3676, 35070303, and 0332-***6228.c. The Accused lodged numerous complaints against the Complainant before various authorities, only to withdraw them later, allegedly to intimidate and harass her.d. The Accused repeatedly visited the Complainant's workplace without legitimate reason, refusing to leave despite requests, with the intent to intimidate and harass. Witnesses Mr. Jameel Ahmed Ujan (PW3), Mr. Arsalan (PW4), Mr. Muhammad Aslam (PW5), and Mr. Asghar Ali Arain (PW6) confirmed this before the Forum. Additionally, the Complainant submitted a video recording as evidence, marked as Ex. B, to substantiate her claims and counter the Accused's assertions. <p>3. She has further stated that after numerous attempts to dissuade the Accused from his actions, he persisted, forcing her to approach his parents. However, despite repeated complaints no action was taken by them.</p> <p>4. The Accused, in his written reply, has categorically denied all allegations leveled against him. In addition to submitting his</p>
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written response, he also filed a Counter-Complaint of Harassment (Complaint No. 368/2023) before this Forum on 19.06.2023, asserting that it was, in fact, the Complainant who has harassed him.

5. Briefly, the allegations of the Accused are as follows:

- a. The Complainant repeatedly summoned him to her office under the pretext of informal discussions, including on weekends, during which she allegedly took unauthorized photographs of him and refused to delete them despite his persistent requests.
- b. The Complainant asked him to get her children admitted to school, and when he failed to do so, she allegedly became annoyed, obtained his landline number from the bank records, and started threatening and abusing him over the phone and threatening that she would file a complaint against him.
- c. The Complainant made financial demands from the Accused, which he refused.
- d. On three separate occasions, the Complainant forcibly retained his mobile phone for several hours without his consent.
- e. During the Accused's visit to the bank for a cash withdrawal, the Complainant allegedly grabbed his hand, escorted him to her office, and made an inappropriate

		<p>remark, stating, "Mera dil aagaya hai teray ooper" (translated as "I have developed feelings for you").</p> <p>f. On one occasion, following the farewell lunch of the Operations Manager, the Complainant hugged the Accused without his consent and repeatedly asked for his phone numbers.</p> <p>6. It is important to note that the allegations made by the Accused are contradictory in clause (b) and clause (f). In clause (b), the Accused implied that the Complainant accessed his landline number through bank records, whereas in clause (f), he alleged that the Complainant hugged him without consent and kept asking him for his phone numbers.</p> <p>7. Furthermore, the Accused has asserted that the CCTV footage from the relevant period should be examined to support his claims. However, it is important to note that retrieving the footage is not possible due to the lapse of several years since the incident.</p> <p>8. In response to the Counter-Complaint, the Complainant unequivocally denied all allegations of inappropriate conduct, financial demands, and the specific incidents cited by the Accused. She asserted that she is a happily married woman with two children and maintained that the Accused's claims are entirely baseless, fabricated with the intent to malign her reputation.</p>
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9. Furthermore, the Complainant has contended that, in her capacity as the Branch Manager, she was duly authorized to review the Accused's file and access his contact details as part of standard administrative procedures. She argued that this authority negated any necessity for her to personally request for his phone number, thereby refuting the Accused's allegations.

10. The Complainant alleged that the Accused persistently harassed her through phone calls and messages from different numbers in an attempt to intimidate her by sending messages such as:

a. From the number 0336-*8149 (registered under Ms. Adeela): "Mai saud ka czn baat kr rha hun. Apky aur saud ke bech kya chal rha hai btao mujay. Such such btana mujay. Apka sb kuch janta hun mai. Ap kahan rehti ho aur kahan job krti ho" (roughly translated to: I am Saud's cousin. Tell me what is going on between you and Saud. Tell me the truth. I know everything about you—where you live and where you work).

b. The message trail from the number 0343-***5923 (registered under Mr. Kala Khan) starts at 09:53 AM and is as follows in chronological order:

Ager aab meray ghar pay phone kia tu mae apka number saber crime or harassment mae dal du ga jo baat krne hay mare se kro

Mare ghar walo ko disturb nai kia kro

Plz

Kase samjo

Or aak baat suno

Jo mae bata raha hu

Mane apse dosti ki izaat de apne muje zalil kia or mari zindagi phir mushkil kr de

		<p>Aak fasla kro</p> <p>Dosti ya doshmani</p> <p>Baas aab bohot hu gaya</p> <p>Apko mare se koi complaint hay tu muje batai bolay muje direct</p> <p>Mager ase maat kare kare</p> <p>Mae apka bhala chata hu</p> <p>Pagal</p> <p>Muje apna dosman samajti hay aap</p> <p>Aak baat bto ga call kre</p> <p>Apki marzi hay</p> <p>Aab mae apse baat nai kro ga kabi</p> <p>Teek hay</p> <p>Bye</p> <p>I'm your friend</p> <p>Kay iskay sath ye krtay hay mane ose bola mae kise kay sath doka kr kay video bana kr oski zindagi barbad nai kr sakta mae tu inki bohot izat krta hu osko bato mane diya hay</p> <p>Bola raha tha bola kr iskay sath rape kre gay or video bani gay</p> <p>Mane osko bola ase maat krna khali poch lo video ka</p> <p>Baas</p> <p>Bol raha hay wo tu pase maag rahe hay video calls bi krti hay bol rahe hay mama ki tabiyat teek nai hay</p> <p>Mane kha ager ase baat hay tu muj se lay kr dedena mager ase mae isko mana kr du ga</p> <p>Khe raha tha aap badla layo</p> <p>Mane kha ase koi baat nai hay</p> <p>Mae ase nai kr sakta</p> <p>Ap bhalay jase bi hu mae ase nai kr sakta</p> <p>Mane kha jao madat kro milo</p> <p>Ja kr</p> <p>Teek hay apko larna hay tu lro</p>
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Bye ok or ager hamisha kay liya khatam krni hay or baat nai krni tu block mray

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Final disition

11. She asserted that she had duly reported the conduct to the senior management of the Bank and referenced official records to substantiate her claims.

12. The Complainant initially denied ever seeking the Accused's assistance regarding her children's school admissions, instead alleging that the Accused interfered with the admission process by directly contacting the school administration in an attempt to sabotage it, thereby subjecting her to further humiliation and distress.

13. The Accused, in his response, asserted that he had lodged complaints against the Complainant with the Bank's HR department, CPLC, and the police but later withdrew them due to the Complainant's assurances and repeated requests. He alleged that the Complainant abused her position of authority as his supervisor to manipulate and harass him, further contending that his refusal to comply with her alleged request for assistance with school admission and financial demands prompted her to file the present complaint as an act of retaliation.

14. The Complainant categorically denied the Accused's allegations of financial demands, calling them entirely baseless. She further

		<p>stated that the Accused exhibited signs of psychological instability and should be medically evaluated. Emphasizing her professionalism, she maintained that when the situation became unmanageable, she sought intervention from the relevant authorities to safeguard both herself and her professional reputation.</p> <p>15. Additionally, the Counsel for the Complainant has submitted two applications before the Forum. The first application sought the consolidation of Complaint No. 337/2023, filed by the Complainant on 29.02.2023, with Complaint No. 368/2023, which was lodged by the Accused on 19.06.2023—approximately 20 days after the initial complaint. The Forum, through its Order dated 07.09.2024, allowed the request, thereby merging both cases for joint adjudication. The second application requested the verification and retrieval of data related to the phone numbers “0343-***5923, 0336-***3676, 0336-***8149, 0332-***6228”, allegedly used by the Accused for stalking.</p> <p>16. The latter application was allowed by the Forum under Section 8(3) of the <i>Protection Against Harassment of Women at the Workplace Act, 2010</i>, deeming it relevant and necessary for the just resolution of the matter. Accordingly, the Forum directed FIA for the verification and retrieval of the requested data vide its Order dated 10.11.2023.</p>
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		<p>17. Consequently, the Counsel for the Complainant formally submitted an application seeking to adjourn the proceedings <i>sine die</i>, contending that any further proceedings would be premature until the report from the Federal Investigation Agency (FIA) was obtained. The Forum, finding merit in the request, allowed the application vide Order dated 19.02.2024.</p> <p>18. The Forum received the report through FIA's letter dated 08.10.2024. According to the findings, one of the phone numbers, 0336-***3676, was confirmed to be registered in the name of the Accused, Mr. Saud-ur-Rehman, while another, 0332-***6228, remained untraceable. Additionally, two numbers, 0343-***5923 and 0336-*8149, were traced to individuals identified as Mr. Kala Khan and Ms. Adeela. Regrettably, the FIA took nearly six months to provide the requested data, causing a significant delay in the adjudication of this complaint. In light of this report, the proceedings were resumed before this Forum vide Order dated 23.10.2024 from the stage at which they had been previously adjourned.</p> <p>19. The Counsel for the Complainant submitted an application under Order XVI Rule 1(2), read with Section 151 of the Code of Civil Procedure, 1908, seeking the summoning of Mr. Kala Khan and Ms. Adeela as Court Witnesses, which was duly allowed. However, it is pertinent to note that the FIA was unable to retrieve any information or data regarding the number registered under Mr.</p>
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		<p>Kala Khan's name, thereby rendering his appearance before the Forum unfeasible.</p> <p>20. During the cross-examination of the Court Witness, Ms. Adeela, via video link, it was revealed that the phone number in question had been in use by her mother on a basic non-smartphone Nokia device. The witness testified that she had given the phone to her mother before relocating to Dubai in 2016. Furthermore, she stated that her brother, Mr. Faizan, or his acquaintances may have been responsible for sending such threatening and abetting messages to the Complainant. In light of this revelation, the Forum summoned Ms. Adeela's brothers namely Mr. Faizan, Mr. Zeeshan, and Mr. Adnan as well as their mother, Ms. Sameena Yasmin, to ascertain any possible link between the Accused and their family. This measure was undertaken to eliminate any ambiguity regarding the actual sender of the disputed messages.</p> <p>21. During the cross-examination of the abovementioned court witnesses, several contradictions emerged. Initially, all family members categorically denied any acquaintance with the Accused or having any association with him. However, during the cross-examination of Mr. Adnan, it was revealed that before relocating to Dubai in 2023, he had been employed as a purchasing manager at MANGALO, an online grocery store which was owned by the brother of the Accused. He further testified that during his tenure at MANGALO, he would frequently leave his phone</p>
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		<p>unattended during lunch break while it was charging. Additionally, Mr. Adnan claimed that his WhatsApp account had been hacked in 2022; however, it was established that the disputed messages from 0336-***8149 had been sent before this alleged hack. He further stated that he had subsequently handed over his phone to his younger brother, Mr. Faizan, which, according to him, explained why the Accused's contact was later found on Mr. Faizan's phone, as previously disclosed.</p> <p>22. During the final arguments, the Counsel for the Complainant contended that, in light of the contradictions that emerged during the cross-examination of the court witnesses, a reasonable nexus could be established between the Accused and the witnesses produced. This, in turn, reinforced the assertion that the disputed messages had indeed originated at the end of the Accused. The Counsel has emphasized that the inconsistencies in the witnesses' testimonies, coupled with the circumstantial evidence, demonstrate a pattern of behaviour aimed at intimidating the Complainant, thereby substantiating the allegations levelled against the Accused.</p> <p>23. The Counsel for the Complainant has further argued that the Accused failed to present any evidence demonstrating that the Complainant had insisted or requested the withdrawal of the complaint lodged against him. He emphasized that the messages in question contained elements of harassment as defined under</p>
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Section 2(h) of the Protection Against Harassment of Women at the Workplace Act, 2010. The relevant provision states:

"2. Definitions. In this Act, unless there is anything repugnant in the subject or context— (h) 'harassment' means:— (i) Any unwelcome sexual advance, request for sexual favors, stalking or cyberstalking, or other verbal, visual, or written communication or physical conduct of a sexual nature or sexually demeaning attitude, including any gestures or expressions conveying derogatory connotations, causing interference with work performance, or creating an intimidating, hostile, or offensive work environment, or an attempt to punish the complainant for refusal to comply with such a request, or making such compliance a condition for employment."

Based on this statutory definition, the Counsel contended that the content of the disputed messages falls within the ambit of harassment as prescribed by law. He asserted that the Accused's conduct, when viewed in conjunction with the contradictions in the witnesses' testimonies and the findings of the FIA report, establish a pattern of intimidation and harassment directed towards the Complainant, warranting this Forum's intervention.

24. The Counsel for the Accused, on the other hand, argued that liability for the messages in question should rest with the individuals from whose cell phones the messages were sent, thereby absolving the Accused of any responsibility. He contended that the mere presence of the Accused's contact and number on one of the implicated devices does not conclusively establish his involvement in sending the disputed messages. Furthermore, he has emphasized that the contradictions in the witnesses' testimonies do not directly implicate the Accused,

		<p>asserting that any inference drawn against him would be speculative rather than evidentiary. Lastly, the Counsel contended that the Complainant's significant delay in filing her complaint raises serious doubts about the credibility of her allegations.</p> <p>25. After hearing the arguments of both parties, the following primary questions are before this Forum:</p> <ul style="list-style-type: none">(a) Whether the Accused's actions constitute harassment as defined under Section 2(h) of the Protection Against Harassment of Women at the Workplace Act, 2010?(b) Whether the parties have satisfactorily established their respective claims?(c) Whether Complaint No. 368/2023 filed by the Accused was lodged in good faith or if it was a retaliatory measure aimed at discrediting the Complainant and undermining her complaint?(d) Whether the delay in filing the complaint by the Complainant affects the credibility of her claims? <p>26. To establish harassment under Section 2(h) of the Protection Against Harassment of Women at the Workplace Act, 2010, it must be determined whether the conduct of the Accused meets the legal threshold of unwelcome sexual advances, stalking,</p>
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		<p>cyberstalking, or any verbal, visual, or written communication creating a hostile work environment.</p> <p>27. Multiple WhatsApp chat conversations have been placed on record, including one from a number registered under Kala Khan, another from the Accused (submitted by the Complainant), and a third—exhibited as D1/4, D1/6, D1/9—submitted by the Accused himself, wherein he discusses school admission with the Complainant. A comparative analysis of the writing style and tonality across these chats reveals striking similarities. The use of words such as 'mae,' 'Aab,' 'Ager,' 'kise,' 'bata,' 'osko,' and 'teek' remains consistent, with no spelling deviations or variations in expression. This linguistic consistency serves as corroborative evidence that the messages originate from a common author. Given the uniformity in phrasing and structure across all three chats, it would not be incorrect to assert that the messages were written by the Accused.</p> <p>28. The screenshots of messages exchanged between the parties, placed on record as Ex. P1/10 – P1/20, provide critical insight into the nature of communication initiated by the Accused.</p> <p>29. Notably: Ex. P1/10: The Accused sent a message stating, "<i>Kay is kay sath ye krtay hay mane ose bola mae kise kay sath doka kr kay video bana kr oski zindagi barbad nai kr skta mae tu inki bohot izat krta hu osko bato mane diya hay.</i>" (roughly translated to: Let's do that to her, I told him that I cannot ruin</p>
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		<p>someone's life by deceiving her and making a video of her. I respect her a lot....) While this message does not contain explicit sexual overtones, it carries a clear undertone of intimidation and psychological manipulation, suggesting an awareness of exploitative tactics and an assertion of control. Ex. P1/11: The Accused messaged, "<i>Apko mare se koi complaint hay tu muje batai bolay muje direct.</i>" (roughly translated to: if you have any complaints about me then let me know directly.) This, in the context of the previous messages, reflects an unwelcome persistence, indicating that the Accused was pressing for direct engagement despite a lack of reciprocation from the Complainant. Ex. P1/12: The Accused stated, "<i>I'm your friend.</i>" The unilateral insistence without affirmative responses from the Complainant attracts the statutory definition of harassment, particularly when it is unsolicited and causes discomfort. Ex. P1/20: The Accused sent a message saying, "<i>Bola raha tha bola kr is kay sath rape kre gay or video bani gay.</i>" (roughly translated to: He said to me that we would call her, rape her and record the video of her). A critical aspect of the message trail is the notable absence of responses from the Complainant—signifying a lack of consent or reciprocation—and the multiple deleted messages from the Accused, which raise concerns regarding the nature of the omitted content.</p> <p>30. As mentioned earlier the Complainant has placed on record a video recording (Ex. B), which has been admitted by the Accused,</p>
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		<p>showing him entering the Complainant's office without prior intimation or professional purpose. The video, which is approximately 5.41 minutes long, further depicts the Accused not only entering but also sitting in front of the Complainant with a relaxed demeanor. Throughout the recording, the Complainant can be heard repeatedly asking him to leave, yet he remains seated. His body language appears unconcerned and dismissive, while the Complainant's visible discomfort, evident from her tone, reinforces her claim. The Accused, both in the video and otherwise, alleges that it was the Complainant who called him to her office, which is why he refused to leave. Additionally, she explicitly informs the Accused that she is filming him, yet he does not leave, further substantiating her assertion that his presence was intended to intimidate and harass her.</p> <p>31. The Complainant alleges that the Accused sent her obscene photographs, which she found distressing. She explains that she deleted them due to personal and societal repercussions. Victims of such harassment often refrain from retaining explicit evidence out of fear of stigma. However, the absence of these images does not lessen the seriousness of the allegation, given the established pattern of harassment.</p> <p>32. To substantiate and determine whether the Accused engaged in stalking or cyberstalking, and whether such acts constitute</p>
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		<p>harassment, it is essential to first establish the precise definitions of stalking and cyberstalking.</p> <p>33. According to Merriam-Webster, stalking is: <i>“the act or crime of willfully and repeatedly following or harassing another person in circumstances that would cause a reasonable person to fear injury...”</i> Similarly, Black’s Law Dictionary defines stalking as: <i>“repeated conduct that is not wanted.”</i></p> <p>34. Additionally, the Prevention of Electronic Crimes Act, 2016, defines cyberstalking as:</p> <p style="text-align: center;"><i>“Cyber Stalking: (1) A person commits the offence of cyberstalking who, with the intent to coerce, intimidate, or harass any person, uses an information system, information system network, the internet, website, electronic mail, or any other similar means of communication to—</i></p> <p style="text-align: center;"><i>(a) follow a person, or contact or attempt to contact such person, to foster personal interaction repeatedly despite a clear indication of disinterest by such person...”</i></p> <p>35. Based on these definitions, stalking involves repeated and unwarranted actions such as following, monitoring, or approaching an individual—physically or otherwise—with the intent to intimidate, harass, or instill fear. It includes persistent surveillance, unwanted communication, or any conduct that</p>
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		<p>invades a person’s privacy, causing distress or insecurity. Cyberstalking, on the other hand, involves the use of electronic communication—including social media, emails, text messages, or other digital platforms—to engage in persistent, unwanted, and intrusive behavior. This may include sending threats, spreading false information, hacking, doxxing, or using technology to monitor or control the victim’s activities, leading to psychological distress, fear, or harm.</p> <p>36. In light of the aforementioned definitions, the cumulative effect of the Accused’s actions—including persistent attempts to approach the Complainant, sending inappropriate material, engaging in workplace intimidation, and making unwelcome attempts to establish personal contact—constitutes stalking and cyberstalking, which unequivocally falls within the definition of sexual harassment under Section 2(h) of the 2010 Act. It now remains to be determined whether the claims have been substantiated with satisfactory evidence, which shall be addressed under Issue No. 2 of this Order.</p> <p>37. The credibility of the Accused’s defense is weakened by his contradictory statements in cross-examination. The Accused initially alleged that the Complainant made unwanted advances towards him, hugged him without consent, and took unauthorized photographs during his internship. However, during the cross-examination, he admitted that no sexual favors were ever sought</p>
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		<p>from him by the Complainant. He also alleged that the Complainant sought financial support from him, yet during his deposition, he failed to provide any evidence supporting this claim. The Accused previously lodged multiple complaints against the Complainant before various fora, only to later withdraw them which diminishes the credibility and reliability of his complaints.</p> <p>38. He further testified that he had not presented any evidence to substantiate his allegations of harassment by the Complainant, apart from her purported admission regarding the enrollment of her children.</p> <p>39. While the Accused's statements are inconsistent, the Complainant's narrative is also not entirely free from contradictions. Regarding the request for her children's admission to school: In her affidavit-in-evidence, she categorically denied ever seeking the Accused's help in securing admission for her children. However, during cross-examination, she stated: <i>"It is incorrect to suggest that I had approached the accused to secure admission of my children, volunteered that I did contact him, on the directions of his mother, in order to keep him occupied."</i> This admission directly contradicts her initial stance that she never contacted the Accused for admission matters. This admission itself implies that their relationship was more than just a formal supervisor-intern relationship. Moreover, the justification provided—that it was done on the Accused's mother's instructions</p>
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		<p>to "keep him occupied"—is neither plausible nor supported by evidence.</p> <p>40. Additionally, the screenshots submitted by the Accused (Ex D1/4, D1/6, D1/8 and D1/9) confirm the conversation of the Complainant and Accused with respect to Complainant's children admissions.</p> <p>41. Another inconsistency on the part of the Complainant is that the Complainant, in her cross-examination, categorically stated that there is no mention of any specific date or time when she allegedly visited the house of the Accused. She further clarified that she had only contacted the parents of the Accused over the phone to address his behavior. This assertion, on its face, implies that the Complainant never physically visited the residence of the Accused. However, the testimonies of the Complainant's witnesses, Mr. Muhammad Aslam (Ex P5) and Mr. Asghar Ali Arain (Ex P6), present significant contradictions. In their affidavits, both witnesses categorically stated that they had accompanied the Complainant to the Accused's residence with the intent to speak to his father. They further asserted that upon their arrival, they were refused a meeting at the doorstep of the house. However, during cross-examination, both witnesses instead testified that they were stopped at the society's main gate by a security guard and were unable to proceed further. Furthermore, Mr. Asghar Ali Arain's testimony in cross-examination introduced another layer of contradiction, as he stated that when the</p>
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		<p>Complainant called the Accused's residence, his father refused to meet them, leading to their departure. However, on the other hand, Mr. Muhammad Aslam stated that it was the security guard who called the Accused's father, who then refused to meet them. The divergence in these testimonies raises substantial doubts regarding whether the Complainant and her witnesses accurately recalled or correctly presented the sequence of events.</p> <p>42. She further stated that the Accused's father had personally informed her of the Accused's alleged mental unfitness; however, she was unable to provide any corroborative details or evidence to support this assertion.</p> <p>43. As for the Complainant's allegations, whereas she has not presented any direct evidence, corroboration, or circumstantial evidence to prove that the Accused sent her obscene photographs, however, her claim that he persistently contacted her and sent unsolicited messages from multiple phone numbers has been sufficiently established.</p> <p>44. Furthermore, a clear nexus has been established through the testimony of Court Witnesses, Ms. Adeela and her family, whose number was used to send messages to the Complainant, and their known association with the Accused. In harassment cases, where direct evidence is often scarce, the complainant's sole testimony may suffice for conviction, as affirmed in <i>Muhammad Rustam v.</i></p>
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		<p>GlaxoSmithKline Pakistan Ltd., Karachi [Appeal No. 1(15)/2011-FOS]. While the Accused has presented evidence in his defense, it fails to conclusively refute the allegations.</p> <p>45. A critical factor in determining the good faith of Complaint No. 368/2023 is its timing and the nature of allegations. The Complainant filed Complaint No. 337/2023 on 29.05.2023 whereas the Accused filed Complaint No. 368/2023 on 19.06.2023—only twenty days later.</p> <p>46. Additionally, as discussed earlier, the Accused’s allegations in his counter-complaint—claiming that he was seduced and harassed by the Complainant—are directly contradicted by his own admissions in cross-examination. He stated under oath that no sexual favors were ever sought from him, and he failed to produce evidence regarding his financial support claims. Further, during the cross-examination of the Accused, he admitted that all the complaints he had previously lodged against the Complainant were subsequently withdrawn upon her alleged apologies and insistence. However, he failed to provide any evidence in support of his claims. This, in result, further weakens the credibility of his counter-complaint. A consistent pattern of lodging complaints and subsequently retracting them casts serious doubts on his credibility and raises the inference that Complaint No. 368/2023 was not filed in good faith. In light of the foregoing, Complaint No. 368/2023 is found to be devoid of merit, unsubstantiated, and</p>
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		<p>appears to have been filed as a retaliatory measure rather than a genuine complaint of harassment.</p> <p>47. The delay in reporting harassment is a well-documented phenomenon and must be analyzed in its proper context. Workplace harassment often occurs in a manner designed to discourage reporting, and survivors may experience fear of retaliation, professional repercussions, and social stigma. With respect to the lapse of time, it is essential to note that the Protection Against Harassment of Women at the Workplace Act, 2010, does not impose any statutory limitation for filing complaints. The absence of a strict timeline highlights the legislative intent to provide victims with the flexibility to come forward when they feel safe to do so. In this case, the delay does not inherently undermine the substance of the Complainant's allegations.</p> <p>48. The evidence on record, including witness testimonies, circumstantial proof, and the admitted video recording (Ex. B), clearly establishes that the Accused engaged in persistent and unwelcome conduct that caused distress to the Complainant. His repeated visits to her workplace without legitimate reason, his refusal to leave despite her requests, and his unsolicited communication through multiple phone numbers created an environment of intimidation and discomfort. The Accused's contradictory statements, his history of filing and withdrawing</p>
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		<p>complaints, and his failure to substantiate allegations against the Complainant further undermine his credibility and reinforce the retaliatory nature of his claims.</p> <p>49. While the Complainant's version remains largely consistent and supported by evidence, one contradiction exists regarding her communication with the Accused about her children's school admission. In her affidavit-in-evidence, she categorically denied seeking his help in this regard. However, during cross-examination, she admitted to contacting him on the instructions of his mother, allegedly to "keep him occupied." The evidence provided by the Accused, including screenshots (Ex. D1/4, D1/6, D1/8, and D1/9), does indicate that their conversation was informal and involved asking for a favor. However, this does not establish any personal relationship between the parties, nor does it amount to harassment, as there is no indication of any sexual favors being sought or exchanged. This inconsistency in the Complainant's statement pertains only to a specific aspect of her interactions with the Accused and does not diminish the broader pattern of harassment she has established through other evidence.</p> <p>50. The Complainant deleted the alleged photographs not to hide the truth, but because of the distress they caused and the harsh societal judgment she feared—particularly as a married woman. Her response is not an anomaly; it is a reflection of a deeply</p>
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		<p>ingrained cultural norm that conditions women to endure harassment in silence rather than seek justice. In cross-examination, she expressed her personal view, reflecting societal attitudes, by stating that when faced with an unwanted sexual advance, a woman should simply scold the harasser and move on. But her decision to pursue this complaint proves that some forms of harassment are so relentless, so pervasive, that they cannot be ignored or brushed aside with mere words. The absence of these images does not weaken the credibility of her allegations, as the pattern of harassment has been irrefutably established through other evidence. Instead, her deletion of the photographs stands as proof of the very barriers that force countless victims into silence. It highlights why workplace harassment remains hidden, unreported, and normalized—and why this legal framework exists: to ensure that silence is no longer the default response to abuse.</p> <p>51. Upon review of the facts and evidence, it is determined that the Accused's actions constitute workplace harassment as defined under Section 2(h)(i) of the Protection Against Harassment of Women at the Workplace Act, 2010. His conduct created a hostile work environment, thereby violating the Complainant's right to a safe workplace. Accordingly, the Accused is found guilty of workplace harassment and retaliation and is imposed a major penalty of a fine of Rs. 500,000/-, of which Rs. 450,000/- will be</p>
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		<p>payable as compensation to the Complainant. The Accused is directed to comply with this order and report compliance to the Registrar's Office within fifteen (15) days of receipt of this order.</p> <p>52. The case stands disposed of accordingly.</p> <p style="text-align: right;">FEDERAL OMBUDSPERSON</p>
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