

**OFFICE OF THE FEDERAL OMBUDSPERSON**  
**FOR PROTECTION AGAINST HARASSMENT OF WOMEN**  
**AT THE WORKPLACE, ISLAMABAD**  
**FORM OF ORDER SHEET**

**Complaint No.FOH-ONL/0000098/2023**

**Date of Institution: 22.03.2023**

Serial No. of Order of Proceedings	Date of order of Proceedings	Order of other proceedings with Signature of Federal Ombudsperson		
		Sahar Iqbal	VS	Adnan Khan
1	2	<b>DEPARTMENT: PIA</b>		
52	11.07.2024	<p><b><u>Subject: Final Order</u></b></p> <p>1. In an online complaint registered at the FOSPAH Regional office in Lahore on 22.03.2023, Sahar Iqbal (“<b>Complainant</b>”) alleged that her colleague in PIA, Adnan Khan (“<b>Accused</b>”) was continuously sexually harassing her on WhatsApp for a long time thereby insulting her dignity. She further submitted that on 14.03.2023 he used abusive language and threatened to take physical action against her on the next flight which she was to attend with him. Additionally, the Accused used all kinds of tactics to defame her and her family and threatened to physically harass and assault her if she did not obey him. Moreover, in one of his messages the Accused categorically used abusive language against PIA and its officers. Therefore, she prayed that legal action be taken against the Accused.</p> <p>2. After registration of the complaint, notice was issued to the Accused to attend the proceedings and to submit a written reply. However, the written reply was repeatedly delayed as is evident from the record on the file. Such conduct is a glaring example of abuse of the process of law. For this reason I closed the right of the Accused to</p>		

		<p>file a written reply and placed him ex-parte vide order dated 09.06.2023. The case was then fixed for evidence of the Complainant. The Complainant furnished her affidavit along with supporting documents and USB drive on 14.06.2023. Meanwhile, the Accused filed an application for setting aside ex-parte order dated 09.06.2023. The said application was allowed vide order dated 07.07.2023 and final opportunity was given to the Accused for submission of written reply. Nonetheless, on the next date of hearing i.e., 14.07.2023 the Accused was again absent and so his right of reply was closed. Examination in chief of the Complainant was recorded on 21.07.2023. In the interests of justice, the Accused was given an opportunity to cross-examine the Complainant. However, instead of availing that right the Accused file a review petition against order dated 14.07.2023 which was rejected on 25.08.2023. Against this order the Accused approached the Honorable President of Pakistan in representation which was allowed with a direction to this Forum to afford the Accused one more opportunity to file a written reply and in case of his failure, to proceed to pass an appropriate order. The written reply was finally submitted on 22.11.2023. In his reply the Accused denied the allegations of the Complainant and submitted that the complaint is mala fide as the Complainant has demanded Rs.500,000/- from him to withdraw the complaint. It was also stated by the Accused that the Complainant had previously filed a harassment complaint with PIA's Inquiry Committee but the same had been dismissed. Lastly, he urged that the Complainant wanted to get married to him and because of his refusal she filed the complaint. He therefore prayed that the complaint be dismissed. Later on the Accused requested that he be allowed to file an amended reply but that request was denied through order</p>
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		<p>dated 25.01.2024 on the basis that the fresh points raised by him had already been agitated by him in his original reply and because he could raise all his points at the evidence stage.</p> <p>3. After submission of the written reply, the case was fixed for cross-examination of the Complainant and her two witnesses, Daim uz Zoha and Allah Rakhi; however, only the cross-examination of the Complainant and Allah Rakhi could be recorded as the Accused failed to appear after that. It was due to this absence of his that he was imposed costs of Rs.5000/- on 14.03.2024 and 25.04.2024, respectively and on 17.05.2024 he was proceeded against ex-parte. The matter was then fixed for final arguments on 10.06.2024 but the Complainant sought an adjournment. Nevertheless, on the next date i.e., 26.06.2024 neither the Complainant nor her counsel tendered appearance. Resultantly, owing to the delays already incurred and keeping in view the spirit of the Protection against Harassment of Women at the Workplace Act, 2010 (<b>Act</b>) which mandates the quick resolution of complaints, I shall now decide the complaint on the basis of available record.</p> <p>4. A perusal of the contents of the Complainant's complaint reveals that it pertains to allegations of sexual harassment. Such harassment is actionable by this Forum under Section 2(h)(i) of the Act and includes '<i>written communication... of a sexual nature.</i>' Now to prove her claim the Complainant has attached screenshots of the messages sent by the Accused to her on her mobile number which include the following texts:</p>
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- i. Miss u always. U r my crush. Kash tu meri kadar karti.
- ii. Tu mere khawab me aai. Kahte khawab me wo ata jisay ap miss karte.
- iii. Miss ee karta. Ab me miss b nahi kar skat tujhe. My best buddy.
- iv. Miss u always (followed by smiling face with hearts emojis and rose emojis).
- v. Teri ph\*\*\*\* lena gunah nahi hah.
- vi. Teri b\*\*\* marni lotion laga ke.
- vii. Bc ran\*\*\* 2 takay ki.
- viii. Tere ghar aa ke teri maa ko cho\*\*\* ga.

While the above messages on their own are sufficient to prove that the Accused has engaged in rampant sexual harassment of the Complainant, the evidence against him is strengthened by the persistent rejections of his advances by the Complainant:

- i. Tmhain aik bat kahun. Muje bilkul Acha nai lagta. Tm aise bat krtay ho. Tabi block hi kr detay hn.
- ii. Be in limits in ur talking. Don't make offend again.
- iii. Irritate hoty hn na bataya kro mujhe... Ma avoid b krty ajeeb msg kr detay ho.
- iv. Mane tmhain mana kia mere se aise bat na kro muje uljan hoty ha miss u miss u phir tmne wohy harkat ki again kaha tu tm jan ke irritate kr rahay ho muje can't tolerate u.

Additionally, the Complainant has placed on record certain audio messages of the Accused in which the latter has used extremely vulgar and abusive language against her and others. These involve the use of the expletives 'BC,' 'MC' and lu\*\* multiple times along with the following voice notes:

- i. Mere saath kyun nahin phansi yaar tum.
- ii. Maine abhi tumhe yeh bataya hai ke tum mera crush thi. Crush woh hota hai jise banda pehli nazar main pyaar kerta hai yaar. Maine tumhein pehli nazar main pyar kiya is main mera kya kasoor hai yaar. Tum mujhe pehli nazar main achi lagi is main mera kya kasoor hai.

It is also important to state here that to rebut the aforementioned evidence produced against him the Accused provided no material whatsoever except to raise unsubstantiated claims that the Complainant wanted to marry him and had demanded a sum of Rs.500,000/- from him to withdraw the complaint. Even his plea that the Complainant has already filed a complaint before PIA's Inquiry Committee was not established as no copy of either the inquiry report or the decision of the Competent Authority was supplied to this Forum by him. Indeed, in the Complainant's cross-examination she has categorically stated that 'It is incorrect that I had filed any complaint in PIA against Accused... It is incorrect to say that I ever filed a complaint before PIA Authority, therefore, I cannot say whether the same has been rejected from the Authority.' Consequently, in the face of the Complainant's explicit denials that she approached PIA's Inquiry Committee the unverified statement of the Accused cannot be accepted, more so when the burden was on him to prove this contention. Furthermore, while cross-examining the Complainant, the Accused did not once challenge the authenticity of the screenshots of the text messages and the recordings of the audio messages attached by the Complainant as proof that the Accused sexually harassed her. He even did not question her stance that the text and audio messages were sent by

him. This means that the Accused accepted the allegations of the Complainant because it is a settled principle of law that '*a material point of statement of a witness which is not cross-examined is deemed to have been admitted by the other side*' [ref: **Muhammad Rafiq Vs. Abdul Aziz** (2021 SCMR 1805) at para 9].

5. Accordingly, for what has been discussed above I find the Accused guilty of sexually harassing the Complainant. He is therefore imposed the major penalty of dismissal from service under Section 4(4)(ii)(d) of the Act along with fine of Rs.500,000/- under Section 4(4)(ii)(e), of which PKR, 300,000 is to be paid to the Complainant as compensation while the balance amount is to be deposited in the national exchequer. A receipt in respect of the payment of fine shall be submitted by the Accused to this Forum by **30.07.2024**. On that date PIA shall also submit a compliance report to this Forum regarding the implementation status of the major penalty of dismissal of service. The instant complaint is allowed in the given terms.

**FEDERAL OMBUDSPERSON**