



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

**TITLE: Sheikh Irfan Ullah Vs Ms. Sadia Abrar**

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

1. Complaint Number: 1(329)/2017-FOS-Reg
2. Date of Institution: 24-03-2017
3. Date of Decision: 14-01-2019
4. Complainant: Mr. Sheikh Irfan Ullah  
Manager Transit  
PTCL, Karachi
5. Opponents:
  - i. Sadia Abrar  
General Manager, HR Operations,  
PTCL Headquarter, Islamabad
  - ii. Mr. Daniel Ritz, CEO and President  
PTCL, Headquarter, Islamabad

**Kashmala Tariq**  
**Federal Ombudsman**

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By virtue of this judgment this forum intends to decide upon the Contempt of Court petition pending adjudication under the provisions of Contempt of Court Ordinance, 2003 (V of 2003) in accordance with Section 12 of the Federal Ombudsman Institutional Reforms Act, 2013 presented by Sheikh Muhammad Irfanullah, Manager Transit, PTCL, Karachi (hereinafter referred to as Appellant) against Mr. Daniel Ritz, CEO and President, PTCL, Headquarters, Islamabad (hereinafter referred to as Respondents).

The facts giving rise to this case are to the effect that the Appellant was charge sheet for harassing his colleague namely Sadia Abrar hereinafter referred to as "Respondent No. 1" at PTCL office, Karachi. Respondent No. 1 filed a complaint against the Appellant. Therefore a departmental Inquiry Committee was constituted comprising of Muhammad Wajid (General Manager A&S South), Ms. Shabana Ikram (General Manager IP N/W Services South) and Imran Aziz (Senior Manager HR South).

The charge sheet issued to the Appellant on 13/04/2016 provided that on Saturday 12<sup>th</sup> March, 2016 the Appellant invited Respondent No. 1 working under his administrative control to MSC Hall on the pretext of teaching her software. Respondent no. 1 claimed that while she was there the Appellant forcibly fondled with her and harassed her. She further stated that this incident traumatized her and she left the room. She did not attend the office and later on reported the incident to senior management. She alleged that the Appellant also used to touch shoulders in a friendly manner of another female team member (ex-intern) namely Warda Naseem.

The Appellant specifically denied all the allegations and charges leveled against him by submitting his written reply. He explained his version that he was innocent and had been charged with malafide intent. He contended that his 25 years of service is pristine and that he has never been charged before. He also added that his office was more private than MCS hall so if he wanted he could have harassed the Respondent

No.1 in his own office.

After the completion of Inquiry Committee's proceedings, the Appellant was held responsible for harassment at workplace and recommendations were presented. The Appellant was heavily penalized by demoting him from BPS-18 to BPS-17 for two years and all the benefits including salary, allowances were affected accordingly.

Feeling aggrieved of the above recommendations of Inquiry Committee, the Appellant filed an appeal dated 22-03-2017 to the Federal Ombudsman for Harassment of Women at Workplace. The report of Inquiry Committee dated 22-02-2017 was set aside by the Federal Ombudsman on the basis of unsound and weak evidence. Further directions were given to the Respondents to implement the order of Federal Ombudsman i.e. to reinstate the Appellant at BPS-18 with all the benefits dated 26/05/2017 within 15 days of its announcement. Later on a representation was filed on 23/06/2017 before the President Secretariat by Respondents against the order of Federal Ombudsman whereby the order of Federal Ombudsman was maintained by the President Secretariat through its order dated 20-11-2017.

Even after the decision of President Secretariat and its directions to Respondents no relief whatsoever was granted to the Appellant i.e. release of his salary, up gradation from BPS-17 to BPS-18 and reversal of other benefits. Thus the Appellant filed a Contempt of Court application dated 17/02/2018 before this Forum seeking relief in the form of posting to the adequate post, reversal of other benefits and compensation for the disobedience committed by the Respondents.

Proper summons were issued in order to inquire and investigate the entire issue but no one appeared on the behalf of Respondents. After completing the necessary legal requirements a concrete conclusion was drawn to decide the case for once and all in the light of principles of natural justice.

From the perusal for the available record and evidence recorded by the Inquiry Committee, it is evident that the Respondents failed to prove their case on concrete grounds of law of evidence. There was no single eye witness to the incident thus the Respondents side of story remained unproved. Similarly the connected person to the entire thread of story i.e. Ms. Warda remained completely missing in the proceedings. A single line whatsoever has not been recorded by her to support the Respondents

case. On the other hand, Respondent No. 1 kept on changing her statement. She admitted on number of occasions that no harassment has been committed by the Appellant. There was no record of the email sent by Respondent No. 1 to the GM/HRO etc which can be considered as an evidence of the incident occurred on 13-03-2016. Delay in the charge sheet completely makes the entire case doubtful and baseless. The delay in charge sheet is one month i.e. 13-04-2018.

On the basis of strict principles of law of evidence incorporated in Qanun-e-Shahadat Ordinance, 1984 Respondents side of story is weak, misty and doubtful due to lack of evidence. They failed to prove their case. Moreover, the proceeding of Inquiry Committee appears to be biased, premeditated and based on some ulterior motive just to divest the Appellant. Hence, the findings of the Federal Ombudsman & President Secretariat are based on admitted facts and law. Any attempt of non-compliance with the orders dated 26-05-2017 (FOS) & 20-11-2017 (President Secretariat) comes under the definitions of Section 3 i.e. Contempt of Court provided by Contempt of Court Ordinance, 2003 and Section 12 FOIR, Act, 2013. Reliance in this regard is placed on **Senator Haji Adeel Vs Raja M. Abbas (2013 SCMR 346 Supreme Court)** where the Court interpreted Section 3 of the Contempt of Court Ordinance 2003 and held that *the purpose of proceedings for Contempt of Court was not the protection of a Judge personally but in fact it was for the protection of the public at large, whose rights and interests would obviously be affected, if by any act or omission of any party, the authority of the court was lowered and the confidence of the people in the administration of justice was diminished or weakened.*

After fulfilling all the necessary requirements and hearing all the written arguments of the Appellant through counsel, this Forum is of the opinion that the present case has been undeniably proved by the Appellant beyond any reasonable doubt and the Respondents have been found guilty of Contempt of Court. The Contempt of Court petition is hereby accepted. and

In a nutshell, the Respondents are strictly directed to obey the previous order of Federal Ombudsman Secretariat dated 26-05-2017 and President Secretariat dated 20-11-2017 by posting the Appellant at BPS-18 and releasing his salary, allowances, and reversal of all other benefits of the last two years i.e. the salary of two years,

allowances and other bonuses. If this order is not implemented in letter and spirit within fifteen days of the receipt of this order then the punishment of six months imprisonment will be imposed on the Respondents along with the stipulated fine of Rs. 100,000/- under Section 5(1) of the Contempt of Court Ordinance, 2003.

**OMBUDSMAN**