

OFFICE OF THE FEDERAL OMBUDSPERSON

FOR PROTECTION AGAINST HARASSMENT OF WOMEN

AT THE WORKPLACE, REGIONAL OFFICE, SINDH

FORM OF ORDER SHEET

Complaint No: 485/2025

Date of Institution: 20.02.2025

Serial No. of Order of Proceedings	Date of order of Proceedings	Order of other proceedings with Signature of Federal Ombudsperson			
		TITLE	SHERGEL SHAHZAD	VS	MR. FARHAN RAHEEM AND OTHERS.
		DEPARTMENT: JINNAH POSTGRADUATE MEDICAL CENTER (JPMC)			
1	2	3			
5	26.03.2025	<p><u>Subject: Order on Maintainability of the Complaint</u></p> <p>1. The brief facts, as alleged by the Complainant, Mr. Shergel Shehzad (hereinafter referred to as "Complainant"), are that he was employed as a Senior Operations Officer at Meezan Bank Ltd., working in the GRD Inward Department. He claims that Accused No. 1, Mr. Farhan Raheem, Head Unit of the Inward GRD Department, harassed him and created a hostile work environment. He further alleges that he was subjected to mental distress through the actions of Accused No. 2, Mr. Hafiz Javed, AVP of the GRD Outward Department, and Accused No. 3, Mr. Owais Ahmed, Assistant Manager of the GRD Inward Department.</p> <p>2. The Complainant contends that he was subjected to verbal and sexual harassment, both directly and indirectly, by Accused No. 1. He alleges that Accused No. 1 misused his position of authority to intimidate and blackmail him, imposed excessive workloads, and caused mental distress, including forcing late working hours. Additionally, he asserts that Accused No. 1, with the assistance of Accused Nos. 2 and 3, sought to</p>			

isolate him by assigning unreasonable tasks that were not part of his job description and were beyond his knowledge or training under his team leader, Mr. Ilyas.

3. The Complainant further alleges that the Accused Nos. 2 and 3 acted on the instructions of Accused No. 1, including obtaining information about female staff members. He claims that he was continuously monitored, instructed to report his whereabouts, and threatened with severe consequences if he failed to comply. Upon seeking clarification from Accused No. 1 regarding these instructions, the Complainant further alleges that he was told to follow orders without question.
4. He further contends that Accused No. 1 forcefully transferred him from the GRD Inward Department to the GRD Outward Department despite his satisfactory performance. In this new department, he alleges that Accused No. 3 subjected him to persistent and escalating harassment, creating a hostile and intimidating work environment. He claims that Accused No. 3 engaged in sexual harassment, including unwarranted physical proximity, inappropriate contact, and following him into the washroom under false pretenses.
5. The Complainant also asserts that Accused No. 3 displayed highly inappropriate behavior by forcing his way into private conversations, particularly those involving female staff members, under the pretext of asserting authority. He further alleges that, on multiple occasions, Accused No. 3 physically grabbed and forcibly dragged him into his office without consent, making inappropriate physical contact that left him feeling deeply uncomfortable and vulnerable.
6. The Complainant further alleges that multiple female employees also faced similar misconduct by Accused No. 3. He specifically highlights the case of Hadiqa Jameel, a female employee who was compelled to resign due to the relentless harassment she endured. The Complainant asserts

that the hostile work environment fostered by Accused No. 3 created a culture of fear and distress, where victims felt powerless to speak out or seek redress.

7. The Complainant further claims that when he attempted to report the misconduct of Accused No. 3 to Accused No. 1, his concerns were dismissed outright. He alleges that he was informed that Accused No. 3 was innocent and that any allegations against him were false. Additionally, he contends that he was told to endure such behavior or resign from his position.
8. He also asserts that when he sought to escalate the matter to Group Head Mr. Kashif Zaidi and the CEO, he was mocked and threatened with dismissal. He further claims that he was subsequently transferred from the Head Office to a branch office on what he describes as false allegations of an incorrect remittance payment. Moreover, he states that he was asked to reimburse the alleged erroneous remittance amount. According to the Complainant, an inquiry was initiated against him by the HR department, during which he was not given an opportunity to present his defense. Instead, he was directly transferred to a branch office, and his request for his case to be heard before the Disciplinary Enquiry Committee was ignored. He also alleges that he was denied his annual bonus by the Accused No. 1.
9. The Complainant contends that these circumstances caused him severe mental distress, ultimately leading to his hospitalization. Upon resuming work, he claims that he was explicitly instructed not to return to the Head Office and was ordered to report to the branch office. He further alleges that when he refused and demanded evidence of the inquiry against him, he was forcibly removed from the premises and denied access to senior management.

10. He states that on 07.09.2024, he emailed the CEO detailing his grievances but received no response. He claims that his October salary and bonus were subsequently withheld, and he was issued a show-cause notice on 17.10.2024, citing his absence and making what he describes as false allegations. He asserts that he responded to the notice on 22.10.2024, and on 30.10.2024, his case was referred to the Disciplinary Enquiry Committee. He was directed to meet with Inquiry Officer Mr. Nasir Ahmad and Accused No. 2, Mr. Hafiz Javed, and instructed to submit medical documents via email on 05.11.2024. He alleges that during this meeting, he was coerced into signing certain documents, which he refused to do.

11. The Complainant further claims that on 06.12.2024, he once again emailed the HR department but received no response. He contends that he was not provided with any evidence substantiating the allegations against him regarding the wrongful remittance payment or any other charges. Eventually, he states that on 15.02.2025, he received his termination letter via email and courier. Aggrieved by these actions, he filed a detailed complaint before this Forum on 28.02.2025, seeking redressal of his grievances.

12. The matter was fixed for arguments on the maintainability of the complaint, after the Accused objected to this Forum's jurisdiction in their written reply. The learned Counsel for the Accused, and the Complainant were present in person and advanced their respective arguments, which have been heard and duly considered.

13. The Learned Counsel for the Accused contends that the Complainant was dismissed from service due to his own misconduct. It is argued that the Complainant was transferred from the Head Office to a branch office of the Bank, yet he failed to assume his duties at the designated branch, which led to the initiation of an inquiry. Consequently, a show-cause

notice was issued to the Complainant, to which he duly responded. The Complainant actively participated in the inquiry proceedings and presented his defense. Upon the conclusion of the inquiry, the Complainant was issued a dismissal letter.

14. The Counsel for the Accused further asserts that the Complainant, in his complaint, has solely sought reinstatement in service, which is beyond the jurisdiction of this Forum. The Counsel submits that this Forum is exclusively empowered to adjudicate matters concerning sexual harassment and gender-based discrimination and does not have the authority to interfere in the administrative affairs of organizations. Even if the Complainant was aggrieved by the decision of the inquiry committee leading to his dismissal, he ought to have approached the appropriate forum, namely the National Industrial Relations Commission (NIRC), for redressal.

15. During the course of arguments, the Presiding Officer inquired from the Counsel for the Accused regarding the allegations of sexual harassment leveled by the Complainant. However, the Counsel has refrained from making any comments in this regard.

16. Conversely, the Complainant reiterated his allegations, maintaining that he had reported the harassment by Accused No. 1 and 2. Upon receiving no redressal, he informed them of his intent to escalate the matter to the Chief Executive Officer (CEO). On the same day, his system access was blocked, and on the following day, he was transferred to the branch office. The Complainant contends that his refusal to accept the transfer resulted in his subsequent dismissal on alleged grounds of misconduct.

17. Upon careful consideration of the arguments and the record presented before this Forum, two critical questions arise for determination: (i) whether the present complaint is maintainable under Section 8 of the Act;

and (ii) whether the complaint falls within the ambit of Section 2(h) of the 2010 Act.

18. With respect to the first question, the Counsel for the Accused reiterates that since the Complainant has only sought reinstatement in service, and this Forum lacks the jurisdiction to grant such relief, the complaint is not maintainable. He has further submitted that this Forum does not have the authority to intervene in the administrative affairs of organizations, and matters concerning dismissal or reinstatement in service fall strictly within the domain of administrative actions. Therefore, the present complaint, in its current form, is not maintainable before this Forum.

19. In support of the contention raised by the Accused's Counsel, it is imperative to determine whether this Forum is vested with the jurisdiction to adjudicate matters pertaining to dismissal or reinstatement. The ruling of the Islamabad High Court in the case reported as ***In Uzma Naveed Chaudhary Vs Ather Farook Buttar***, the Hon'ble Supreme Court elucidates the legislative intent behind the Act. The Court observed:

“Viewing the Act on a constitutional plane, we note that the right to a safe working environment for all genders including male, female and transgender, free of harassment, abuse and intimidation draws its real strength from the fundamental rights guaranteed under the Constitution: right to life includes the right to livelihood,⁷ and thus assumes the right to a safe working environment for everyone, especially women, for earning such a livelihood; intimidating, hostile, abusive and offensive workplace environment offends the right to livelihood and the right to life of a person.

Only a safe working environment meets the constitutional standard of fundamental rights guaranteed under Articles 9 and 18 of the Constitution. These rights read with the rights to dignity, equality and protection against discrimination on the basis of sex under Articles 14

and 25 construct the constitutional foundations of 'gender equality' which ensures safe working environment for all genders, free from all forms of harassment, including sexual harassment."

20. The above mentioned judgment clarifies that the primary purpose of the Act is to uphold the right to a safe and harassment-free workplace for all individuals, including men, women, and transgender persons, as guaranteed by the Constitution. This right is derived from fundamental protections, such as the right to life, which also encompasses the right to earn a livelihood. A workplace that is hostile, abusive, or intimidating undermines an individual's right to livelihood and, consequently, their right to life. To ensure comprehensive protection, the scope of the 2010 Act has been expanded to include cases of sexual harassment and gender-based discrimination, empowering this Forum to address complaints from anyone subjected to such misconduct. However, this Forum's jurisdiction does not extend to purely administrative matters, such as issues related to dismissal or reinstatement from service.

21. A meticulous analysis of the sequence of events surrounding the Complainant's dismissal raises concerns that the circumstances may not have been ordinary. The Complainant alleges that shortly after he raised concerns regarding sexual harassment and mental distress and expressed his intention to escalate the matter to senior authorities, he was implicated in a remittance payment case. He further claims that, without a fair and impartial inquiry, he was promptly transferred to the branch office. The temporal proximity between the Complainant's allegations of harassment and his subsequent transfer and dismissal raises the possibility that these actions were not routine administrative measures but retaliatory in nature. The Complainant contends that his dismissal was a consequence of his decision to report the harassment and escalate the matter to higher authorities.

22. Retaliation falls squarely within the jurisdiction of this Forum, as the 2010 Act establishes a clear principle that any retaliatory measures taken against a Complainant of sexual harassment—such as limiting promotional opportunities, distorting evaluation reports, generating workplace gossip, creating obstacles in professional growth, initiating legal actions, or removing the Complainant from service—are actionable under this Forum’s mandate. In the present case, the Complainant’s immediate transfer substantiates the claim of retaliation, particularly as Accused No. 1, being the unit head, possessed the authority to effectuate such a transfer following the Complainant’s threat to escalate the matter to the CEO. This aspect unequivocally falls within the jurisdiction of this Forum.

23. Furthermore, the gravity of the allegations raised by the Complainant necessitate serious consideration and cannot be dismissed at an initial stage of proceeding. The accusations of sexual harassment, as defined under Section 2(h)(i) of the 2010 Act, are prima facie established and warrant a thorough inquiry. Given the Complainant’s detailed account of persistent and escalating harassment—ranging from unwarranted physical proximity and stalking to physical coercion and inappropriate contact—the matter demands due process. Additionally, the Complainant has highlighted that multiple female employees were also subjected to similar misconduct, with one, Hadiqa Jameel, being compelled to resign due to the hostile work environment. This reflects a broader pattern of harassment, creating a culture of fear and powerlessness among victims. In light of such serious and specific allegations, summarily dismissing the complaint at this stage would be unjustified. It is imperative to allow the Complainant the opportunity to present supporting evidence to substantiate the claims, ensuring that the matter is addressed with the seriousness it warrants.

24. The Complainant's prayer clause exclusively seeks reinstatement in service, which is beyond the jurisdiction of this Forum, unless proven to be linked with retaliation upon refusal to grant sexual favours or gender based discrimination. Consequently, the Complainant is directed to amend the prayer clause in his complaint to seek appropriate relief. In view of the foregoing, the proceedings shall continue, and the veracity of the allegations will be determined at the stage of evidence. Any conclusive determination at this preliminary stage would be premature.

25. The matter is now fixed for submission of the written response filed by the Accused persons on **08.04.2025**.

FEDERAL OMBUDSPERSON