## OFFICE OF THE FEDERAL OMBUDSMAN

## FOR PROTECTION AGAINST HARASSMENT OF WOMEN AT THE WORKPLACE, ISLAMABAD

## FORM OF ORDER SHEET

## Complaint No. FOH-ONL/0000018/21

Serial No. of	Date of	Order of other proceedings with Signature of Federal Ombudsman			
Order of Proceedings	order of Proceedings	TITLE:	SYEDA SHAHIDA PIRZADA Makeup Artist	VS	KHALID MEHMOOD LAKHAN General Manager
		Department: PTV Multan Center			
1	2	3			
	04-10-2022	Complaint No. <u>FOH-ONL/0000018/21</u>			
	04-10-2022				
		Complainant along with her counsel Mr. Saeed Khan Niazi, advocate and			
		Ms. Sobia Kiran, advocate present. Witnesses of the Complainant are also			
		present in person.			
		Accused Khalid Mehmood Lakhan along with counsel Hazrat Younis,			
		advocate present.			
		advocate present.			
		This case has been lingering on for recording evidence of Complainant,			
		for quite some time mainly due to delaying tactics being used by the			
		accused side one way or the other. The case was fixed for cross			
		examination of the Complainant yesterday on 01-08-2022 but it was			
		adjourned on the request of the learned counsel for the accused to today.			
		Learned counsel for the accused sought for adjournment on the plea that he had not fully prepared the case and hence wanted some time for cross			
		examination of the Complainant.			
		It may be mentioned here that the Complainant has to come all along from Multan to record her evidence with her witnesses from that place. Certainly			

it lays heavily on the pocket of the Complainant to travel with the witnesses from Multan to Islamabad, to stay here and to go back. Keeping the above hardships of the Complainant in view, one day adjournment was granted for cross examination of the Complainant and her witnesses.

Today the Complainant, her witnesses and her learned counsel attended the forum at the early hours but they have to keep on waiting till late because another case titled Hafsa Tariq Vs Khizer Hayat & others was being argued at the forum which consumed sufficient time due to lengthy arguments of the learned counsel for the parties. However when this case was called on for cross examination of the Complainant, learned counsel for the accused again sought for adjournment on the ground that he wanted to attend the funeral ceremony of a fellow lawyer. His plea was vehemently opposed by the other side with the allegation that the accused was intentionally delaying the case to enhance the agony of the Complainant. The Complainant lady insisted on recording and completing her evidence because she was facing big hardships in attending the proceedings while coming from the distant place like Multan. She further prayed if the accused failed to cross examine the Complainant and her witnesses his defense may be closed.

Learned counsel for the Complainant highlighted the past history of the case with the stance that the accused was intentionally prolonging the case on one pretext or the other. He stated that this matter was unnecessarily taken to the Honorable High Court by the accused in a writ petition which was dismissed by the High Court imposing fine of Rs. 25,000/- on the accused for filing uncalled for writ petition. He further pointed out that this forum also imposed heavy cost on the accused many a time on account of applying delaying tactics.

The learned counsel for the Accused left the proceeding incomplete in unceremonious way. He was asked to cross examine the witnesses having come from very distant places.

Learned counsel for the Complainant, meanwhile, produced the judgment of the August Supreme Court of Pakistan cited as 2020 SCMR 300 and contended that in view of the case law referred by him the defense right of the accused (if any) be closed because he intentionally wanted to prolong the case.

At present there is a complaint available on the file whereby the Complainant has clearly and specifically charged the accused for causing her sexual harassment in terms of section 2(h) of the Protection against Harassment of Women at the Workplace Act 2010 (Amendment Act 2022). The complaint so filed is duly supported by the affidavit in evidence Ex PW 1/1 of the Complainant and the affidavits in evidence of the witnesses namely Yasmin Zafar, Muhammad Rasheed, Waseem Iqbal and Sadia Shahbaz etc (Ex PW 2/1 to Ex PW 5/1).

The above witnesses have already recorded their examination in chief as Ex PW 1 to Ex PW 5. Since the witnesses examined on behalf of the Complainant have not been cross examined by the learned counsel for the accused, it means the examination in chief of the above witnesses has gone unrebutted and for that matter the statements so recorded are presumed to be admitted and correct. It may further be pointed out that in inquiry conducted against the accused by PTV, has been held guilty of the charge of sexual harassment.

In view of the above facts, the accused Khalid Mehmood Lakhan is **proved** to be guilty of the charge of sexual harassment under the provisions of the Protection against Harassment of Women at the Workplace Act 2010 and as such he is **imposed upon the major penalty of dismissal** from service under section 4(4)(ii)(d) of the Act, 2010. Furthermore, in order to

compensate the lady Complainant for suffering from anguish and mental torture the accused is also imposed upon the penalty of fine of Rs. 10 lacs under section 4(4)(ii)(e) of the Act ibid.

This order be sent to the competent authority (MD PTV) for imposing the above penalties upon the accused within one week of the receipt of the order and to submit compliance report to the Registrar FOSPAH, accordingly.

**FEDERAL OMBUDSMAN**