OFFICE OF THE FEDERAL OMBUDSPERSON
FOR PROTECTION AGAINST HARASSMENT OF WOMEN
AT THE WORKPLACE, REGIONAL OFFICE, LAHORE

FORM OF ORDER SHEET
Complaint No. FOH-HQR-H/0173/2026
KOMAL BATISH KHAN
V/S
MUHAMMAD FAIZAN & OTHERS
Date of Institution: 27.07.2026
Name of Organization: IBEX
(Harassment)

ORDER ON APPLICATION FOR RETURN OF COMPLAINT
Date: 03/11/2026
Sr. No: 15

This order shall decide the Applications for return of Complaint based on the same legal and factual grounds, filed separately by Muhammad Faizan, Floor Supervisor/Promoted Lead Supervisor, Caribou Campaign ***(Applicant/Accused No. 1)****, Sohaib Ali Khalid, HR Director* ***(Applicant/Accused No. 2),*** *Adeel Saeed, Caribou Campaign Director* ***(Applicant/Accused No. 3),*** *Hamza, Compliance official, Caribou Campaign* ***(Applicant/Accused No. 4),*** *Sehrish Hussain, Assistant Manager, Caribou Campaign* ***(Applicant/Accused No. 5)*** *and collectively by Zainab Naeem, Human Resources Official* ***(Applicant/Accused No. 7)*** *and Muhammad Zargham Ul Haq, HR Generalist (HR Operations, Services & Employee Relations – LHE)* ***(Applicant/Accused No. 8)*** *(collectively they shall be referred to as* ***Applicants/Accused****), all employees of IBEX Global Pakistan* ***(Organization****), under Order VII Rule 10 of the Code of Civil Procedure, 1908* ***(CPC)*** *and Section 8(3) of the Protection against Harassment of Women at the Workplace Act, 2010* ***(Act of 2010),*** *in the complaint filed by Komal Batish Khan, former Customer Care Specialist, Caribou Campaign at the Organization* ***(Respondent/Complainant)*** *under Section 8(1) of the Act of 2010****.***

1. *The Applicants submit that this Forum lacks territorial jurisdiction to adjudicate upon the complaint as every act and omission alleged by the Respondent is said to have occurred at the workplace in Lahore, or in the course of internal proceedings of the Organization and not within the Islamabad Capital Territory or any area outside the Province of the Punjab, hence the complaint be returned for presentation before the competent forum as it concerns a workplace in the province of the Punjab. The Applicants have discussed in detail the reasons which, according to them, bar jurisdiction of this Forum. It is maintained that subject-matter of federal and provincial laws is governed by Article 142 of the Constitution of the Islamic Republic of Pakistan,*

1973 ***(Constitution)****, which has been substituted by the Constitution (Eighteenth Amendment) Act, 2010* ***(Eighteenth Amendment****). They submit that the amendment has omitted the Concurrent Legislative List entirely and the only subjects on which Article 142 (b) of the Constitution now gives concurrent competence are* ***criminal law, criminal procedure and evidence.*** *Further, civil law was itself a subject of the erstwhile Concurrent Legislative List, and Parliament deliberately did not retain it in the Constitution, therefore, a civil subject not enumerated in the Federal Legislative List falls exclusively within the legislative domain of the Provincial Assembly, and Parliament is expressly barred from legislating on it for a Province. Thus, a civil law made by Parliament, which does not relate to any entry in the Federal Legislative List operates only in such areas in the Federation as are not included in any Province.*

2. *The Applicants further submit that the Act of 2010 was notified on 11-03-2010, before the Eighteenth Amendment came into force on 20-04-2010 and was thus enacted when the relevant subjects were still concurrent. They maintain that after the omission of the Concurrent Legislative List, the Federal Act survived in the Province of the Punjab only until altered, repealed or amended by the competent authority and that the Provincial Assembly of the Punjab exercised that competence by enacting the Punjab Protection against Harassment of Women at the Workplace (Amendment) Act, 2012* ***(Act of 2012),*** *and adopted the law for the Province with amendments, thus extending its applicability to the workplaces situated in the Province of the Punjab.*
3. *It is contended that reading of the Act of 2010 as a whole show that it is a civil, remedial and disciplinary statute and regulates the relationship between employer and employee, imposes obligations on employers, provides for domestic inquiries and service penalties and awards compensation; however, creates no offence, prescribes no sentence of imprisonment and provides no prosecution by the State. Elaborating the civil character of this Forum further, the Applicants contend that the legislative intent is clear as Section 6(4) and (5) of the Act of 2010 confers appellate jurisdiction on the District Court which is the principal civil court of original jurisdiction in the Province. The Applicants aver that civil jurisdiction of the Forum is also apparent from Section 10 of the Act, which confers powers of a civil court upon this Forum and nowhere in the Act confers any power of a criminal court under the Code of Criminal Procedure, 1898* ***(Cr.P.C).*** *Further, the CPC is the only source decisive of the character of jurisdiction of this Forum.*
4. *Further, the contempt power in clause (vi) of Section 10 of the Act of 2010, does not alter this position. The Applicants maintain that power to punish for contempt is an ancillary power, commonly given to civil courts, tribunals and Ombudsmen, to secure obedience to their process and orders and does not turn the adjudication of the alleged grievance into a criminal trial and that a disciplinary penalty is not a criminal sentence. Furthermore, the penalty of fine, which is paid to the aggrieved party as compensation is civil and restitutionary in nature, and not a punishment payable to the State. Additionally, compensation for loss of salary and damages, mediation,*

counselling, confidentiality and negotiated arrangements are features of a civil and employment related laws, being alien to criminal justice.

5. *To further reveal the civil character of this Forum, the Applicants maintain that Section 12 of the Act of 2010 provides that its provisions* ***"shall be in addition to and not in derogation of any other law for the time being in force"****. In this context, the Applicants refer to Section 509 of the Pakistan Penal Code, 1860* ***(P.P.C.)****, and maintain that this legal provision makes sexual harassment, including harassment at the workplace, an offence punishable with imprisonment or fine. They assert that the Parliament has enacted two separate and parallel tracks at the same time: (i) a criminal track in the P.P.C., triable by the criminal courts under the Cr.P.C. and (ii) a civil, remedial and disciplinary track in the Act of 2010, administered through Inquiry Committees and the Ombudsperson. The Applicants maintain that if proceedings under the Act were criminal, principle of double jeopardy under Article 13 of the Constitution would be applicable.*
6. *Elaborating further, the Applicants maintain that merely calling the grievance a "complaint", the respondent an "accused", the allegations "charges", and the outcome, a finding of being "guilty" and a "penalty" does not turn a civil law into a criminal one as such vocabulary is the ordinary language of service and disciplinary law, which routinely refers to an "accused", a "charge sheet", a finding of "guilt" and the imposition of a "penalty" in purely departmental proceedings and in each of these tests* ***the Act of 2010 is a civil law****. The Applicants assert that under* ***Article 175(1) and (2)*** *of the Constitution, the judicial power of the State is exercised by the Supreme Court, the High Courts and* ***"such other courts as may be established by law",*** *and* ***"no court shall have any jurisdiction save as is or may be conferred on it by the Constitution or by or under any law".*** *It is contended that attributes of a forum that exercises judicial powers are laid down in the case law reported as Government of Sindh Vs. Sharaf Faridi (PLD 1994 SC 105), Mehram Ali Vs. Federation of Pakistan (PLD 1998 SC 1445) and Sh. Riaz-ul-Haq Vs. Federation of Pakistan (PLD 2013 SC 501), and the Hon'ble Supreme Court has held, inter alia, that a court or tribunal exercising judicial functions must fall within the scheme of Articles 175, 202 and 203 of the Constitution.*
7. *The Applicants contend that the Act of 2012 applies, by its express terms, to federal entities and federal organizations situated within the Province of the Punjab and this is also consistent with the constitutional scheme. Distinguishing such provisions from the Act of 2010, they maintain that the federal law does not contain any provision pertaining to adjudication of complaints relating to federal or trans-provincial organizations. While justifying such assertion, the Applicants maintain that where the Parliament intends a law to reach trans-provincial establishments, it says so expressly and have also referred to the definitions of* ***employer*** *and* ***organization*** *contained in Section 2 of the Act and maintain that these include entities of a Provincial Government and District Government, hence the Act of 2010 applies to provincial entities situated in the Islamabad Capital Territory.*

8. *The Applicants further refer to Section 1(2) of the Act of 2010 with regard to its applicability to the whole of Pakistan and maintain that this law was applicable throughout the country before the Eighteenth Amendment, when Parliament had concurrent competence and that the* ***doctrine of reading down*** *was applied to this very provision in the judgment of* ***Salim Javed Vs. Federal Ombudsman (PLD 2016 Lahore 433)****. They maintain that although that judgment was later distinguished and dissented in* ***Imran Maqbool, President MCB Bank Ltd. Vs Federation of Pakistan (PLD 2019 Lahore 17)*** *on the question of trans-provincial organizations, it was observed therein that where the employer and the workplace fall within a Province, jurisdiction vests in the Provincial Ombudsperson.*
9. *As regards the Imran Maqbool judgment, the Applicants have raised questions on various observations made therein and maintain that these cannot form a basis of assuming jurisdiction by this Forum. Additionally, the Applicants distinguish the judgment in Sui Northern Gas Company Ltd. Vs Federation of Pakistan (2018 SCMR 802) and have objected on the observations pertaining to trans-provincial organizations on the plea that the NIRC case referred to relates to labour rights and industrial disputes and have also objected that the civil character of the Act of 2010 was not considered therein. Further, the judgment relied on Items 3 and 32 of Part I of the Federal Legislative List pertaining to implementation of treaties and international conventions, and mentioned about the obligations under CEDAW and the relevant ILO Convention which can be, and have been, implemented by the Provinces within their own legislative domain, and that the Act of 2012 is itself such an implementation.*
10. *The Applicants maintain that they are raising all these objections before this Forum so that they are not deemed to have been waived, as they reserve their right to challenge the same before the High Court and Supreme Court. Consequently, the Applicants maintain that the Act of 2010, being civil in character, does not operate in the Province of the Punjab, where the field is occupied by the Act of 2012, enacted by the competent legislature under Article 142(c) and Article 270AA(6) of the Constitution. They contend that this Forum has no territorial jurisdiction to adjudicate upon the Complaint, and continuing with the proceedings would be coram non judice, and in violation of Articles 4 and 10-A of the Constitution, hence the same be returned for its presentation before the Punjab Ombudsperson as any order passed thereon would be void and without lawful authority.*
11. *The Respondent has not filed a written reply to the applications, however, has relied upon her detailed written submissions for arguments, hence the same shall be considered as her written response to the instant applications. She submits that her Clearance Certificate dated 20-08-2026 identifies Employee ID 481161, her designation, joining date and last working day/transfer, and expressly identifies "IBEX Global Solutions (Private) Limited" in the employee undertaking. The Payment Advice and corresponding cheque also identify "IBEX GLOBAL SOLUTIONS PVT LTD" as the entity at whose request payment was made to the Respondent. She does not*

dispute that her particular workplace was in Lahore, however, submits that official IBEX material identifies operations in Karachi, Lahore and Islamabad, while she also possesses corroborative material concerning IBEX's Sky Tower operation in Clifton, Karachi. She contends that the actual legal employer and its organizational relationship between these operations need to be identified before considering the objection of territorial jurisdiction on the basis of the workplace address. Further, relying upon the distinction recognized in Imran Maqbool case and Tariq Sheikh Vs Federal Ombudsman etc. in Writ Petition bearing No. 47872/2022, the Respondent asserts that territorial question depends upon the actual character of the organization, including its place of business, operations and activities, rather than merely the address of the particular workplace where the alleged incident occurred.

12. *The Respondent further avers that her pleaded allegations concern subject matter capable of falling within the statutory definition of harassment which cannot be determined at this preliminary stage and requests for preservation and production, where necessary, of relevant organizational records, including those identifying the legal employer and corporate structure, HR/disciplinary records, access/RFID records, internal communications, and underlying server/audit or retention records for electronic material. She concluded her arguments on the fact praying that the application seeking return of the complaint be dismissed. The Respondent also prays that the Applicants be directed to identify the exact legal employer and produce the organizational/corporate records necessary to determine the territorial character of that employer.*
13. *Arguments have been heard at length and record has been perused.*
14. *The threshold of the instant application is that this Forum lacks territorial jurisdiction to adjudicate upon the matter as jurisdiction vests in the Punjab Ombudsperson after the Eighteenth Amendment. The objections raised by the Applicants are broadly based on the following assumptions:*

    - *The Act of 2010 is a civil, remedial and disciplinary statute as Section 6(4) and (5) confers appellate jurisdiction on the District Court, Section 10 relates to powers of the Ombudsperson as those vested in the civil court under the C.P.C. The Applicants have filed the instant application also under Order VII Rule 10 CPC on the premise that proceedings before this Forum are of civil character.*

    - *Proceedings under the Act of 2010 are not criminal as Section 12 of the Act provides that its provisions "shall be in addition to and not in derogation of any other law for the time being in force". In this context, the Applicants refer to Section 509 of the PPC, hence a criminal trial and that a disciplinary penalty imposed under the Act cannot be termed as a criminal sentence and mere usage of the terms "complaint", accused", "charges", "guilty" and "penalty" does not turn a civil law into a criminal one.*

    - *Under Article 175(1) and (2) of the Constitution, the judicial power of the State is exercised by the Supreme Court, the High Courts and such other courts as may be established by law; thus, this Forum does not possess any judicial power;*

- *The Act of 2010 does not apply to trans-provincial organizations as the Act of 2012 applies to federal entities and federal organizations situated within the Province of the Punjab after the Eighteenth Amendment. Further, its applicability to provincial and federal organizations is specifically mentioned in the law whereas jurisdiction of this Forum is confined to organizations situated within the Islamabad Capital Territory;*

- *The Act, being civil in character, does not operate in the Province of the Punjab, and as the alleged harassment occurred at a workplace within the Province of the Punjab, therefore, this Forum has no territorial jurisdiction to entertain the complaint.*

15. *The aforementioned assertions of the Applicants are based on different statutory laws and precedents of the High Courts and Supreme Court. The same have thus been examined in detail while keeping in view the statutory scheme, object and mandate of this Forum provided under the Act of 2010. At the outset it is pertinent to observe that Federal Ombudsperson is a statutory office established under the Act of 2010 and, therefore, its jurisdiction is to be determined primarily with reference to the provisions of the enabling statute, read harmoniously with the Constitution and the judicial interpretation thereof. The question before this Forum is not merely whether the alleged incidents took place within the territorial limits of the Province of the Punjab, which fact is not disputed by the Respondent, but whether the geographical location of an individual workplace, by itself, is sufficient to determine the territorial jurisdiction of the competent Ombudsperson, irrespective of the legal character and operational extent of the organization employing the aggrieved person. The distinction between an organization confined to the territorial limits of one Province and an organization having an integrated operational presence extending beyond provincial boundaries assumes particular significance in this regard. Consequently, the question of jurisdiction cannot be determined in isolation by reference to the location of the workplace alone, without examining the legal identity of the employer, its organizational structure and the territorial extent of its operations. It is in this context that the constitutional objections raised by the Applicants, particularly those founded upon the Eighteenth Amendment and the enactment of the Punjab Protection against Harassment of Women at the Workplace (Amendment) Act, 2012, require examination.*
16. *Before proceeding further, it is essential to distinguish between the legislative competence of Parliament and the Provincial Assemblies under Article 142 of the Constitution, the continued applicability of an existing federal enactment, and the territorial jurisdiction of a statutory authority constituted thereunder. These are distinct legal questions and cannot be treated as interchangeable. Although the Eighteenth Amendment omitted the Concurrent Legislative List, the constitutional consequences thereof are required to be examined in conjunction with the relevant provisions of Article 270AA and the applicable statutory framework. Similarly, the enactment of the provincial legislation in 2012, by itself, does not conclusively resolve the question of jurisdiction in relation to an organization having operations across provincial*

boundaries. The determinative consideration, therefore, is whether the employer concerned falls within the category of an exclusively provincial establishment or possesses a trans-provincial character attracting the operation of the federal statutory framework.

17. *There is no cavil with the Applicants' contention that proceedings under the Act of 2010 are civil, remedial and disciplinary in character and are not criminal proceedings. Section 10 of the Act confers upon the Ombudsperson specified powers vested in a Civil Court under the Code of Civil Procedure, 1908, including summoning and enforcing attendance, compelling production of evidence, receiving evidence on affidavits and issuing commissions for examination of witnesses. Likewise, Section 6(4) provides for the exercise of appellate jurisdiction by the District Court until appointment of the Ombudsperson. Section 10 of the Federal Ombudsmen Institutional Reforms Act, 2013 further provides additional powers concerning temporary injunctions and implementation of recommendations, orders or decisions. These provisions, however, do not convert this Forum into an ordinary Civil Court or render every provision of the CPC automatically applicable to proceedings under the Act of 2010.*

18. *The distinction between civil and criminal proceedings is also material in the context of the Applicants' reliance upon Section 509 of the Pakistan Penal Code, 1860 and Article 13 of the Constitution. The Act of 2010 provides a separate statutory mechanism for redressal of workplace harassment, including disciplinary consequences and compensation. Section 12 expressly provides that its provisions shall be in addition to, and not in derogation of, any other law for the time being in force. Consequently, the availability of a criminal remedy under the PPC does not, by itself, transform proceedings under the Act of 2010 into criminal proceedings or attract the principle of double jeopardy. Similarly, the use of expressions such as "complaint", "accused", "charges", "guilty" and "penalty" does not determine the legal character of the proceedings; their nature is to be gathered from the statutory scheme.*

19. *The Applicants have also questioned the exercise of judicial powers by this Forum with reference to Article 175 of the Constitution and the judgments reported as* ***Government of Sindh v. Sharaf Faridi (PLD 1994 SC 105), Mehram Ali v. Federation of Pakistan (PLD 1998 SC 1445) and Sh. Riaz-ul-Haq v. Federation of Pakistan (PLD 2013 SC 501)****. It is observed that this Forum is a statutory quasi-judicial body established under the Act of 2010, empowered to conduct proceedings, examine disputed claims of harassment and pass binding decisions within the scope of its enabling legislation. It does not claim to exercise the full judicial powers constitutionally vested in the Courts. The aforesaid authorities, therefore, do not, by themselves, determine the specific question presently before this Forum, namely, whether jurisdiction over a complaint concerning a workplace situated in Punjab is determined exclusively by the location of that workplace or by the trans-provincial character of the employer/organization.*

20. *The Applicants have principally relied upon* ***Salim Javed Baig and others v. Federal Ombudsman and others (PLD 2016 Lahore 433****), contending that, following the Eighteenth Amendment and enactment of the Punjab Protection Against Harassment of Women at the Workplace (Amendment) Act, 2012, jurisdiction over a complaint arising in Punjab vests with the Punjab Ombudsperson. The Respondent, on the other hand, relies upon the subsequent Division Bench judgment in* ***Imran Maqbool, President, MCB Bank Ltd. v. Federation of Pakistan through Secretary, Law, Justice and Human Rights Division, Islamabad and others (PLD 2019 Lahore 17),*** *which considered the question of jurisdiction in the context of a trans-provincial organization and expressly distinguished the earlier judgment in Salim Javed Baig.*

21. *In Imran Maqbool (supra), the learned Division Bench examined the effect of the Eighteenth Amendment, the Federal and Provincial legislative framework, the nature of trans-provincial organizations and the jurisdiction of the Federal Ombudsperson under the Act of 2010. While considering the judgment in Salim Javed Baig, the Court observed in paragraph 11 as follows:*

> ***"11. We also find that the Salim Javed Case is not applicable to this case because the issue of trans-provincial organization was not taken into consideration by the Court in that case."***

22. *The Court further considered the question whether the Provincial Ombudsperson could exercise concurrent jurisdiction with the Federal Ombudsperson merely because the alleged harassment had occurred, or the complainant resided, within the Province. The relevant portion of paragraph 12, which directly addresses the controversy involved in the instant applications, is reproduced below:*

> ***"12. The question which needs consideration is whether the Provincial Ombudsman has concurrent jurisdiction with the Federal Ombudsman on account of the fact that the harassment committed or complainant reside in the province who sought to complain before the Provincial Ombudsman. Although Mrs. Samia Khalid, Additional Advocate General and Mr. Anwaar Hussain, Additional Advocate General argued that being beneficially both the Provincial and Federal Ombudsman have jurisdiction, however, we are of the opinion that the intent of the law is to create a forum where harassment can be reported, inquired and penalized. If both the Provincial and Federal Ombudsman are given jurisdiction then there may be instances where the Provincial Ombudsman will have to deal with a complaint against a trans-provincial organization, or where the employer or the organization is federal in character making it difficult for the Provincial Ombudsman to proceed with the complaint or to impose penalty on the employer or organization since it falls within the federal domain.***
>
> ***Under the circumstances, we hold that if the employer or organization and its workplace falls strictly within the territorial boundaries of the Provincial Ombudsman, then jurisdiction vests with the Provincial***

Ombudsman and where the employer or organization transcends provincial boundaries such as in this case then jurisdiction vests with the Federal Ombudsman. To clarify we add that for the reasons stated herein we disagree with the findings in the Salim Javed Case that the Federal Ombudsman jurisdiction is limited to the federal capital area as the Federal Ombudsman is competent to hear complaints related to trans-provincial organisations, institutions, employers and workplace."

23. *The aforesaid pronouncement makes the distinction material to the present controversy clear. Where the employer/organisation and its workplace are confined strictly within the territorial boundaries of a Province, jurisdiction vests with the Provincial Ombudsperson. Conversely, where the employer/organisation transcends provincial boundaries, jurisdiction vests with the Federal Ombudsperson. The ratio is not founded merely upon the location of the incident or residence of the complainant; rather, it requires consideration of the character and territorial reach of the employer/organisation. The Division Bench also expressly disagreed with the proposition that the Federal Ombudsperson's jurisdiction is confined to the Islamabad Capital Territory.*

24. *The Applicants' reliance upon the Eighteenth Amendment, Article 142 and Article 270AA of the Constitution, as well as the enactment of the Punjab Act of 2012 has been considered in the light of the aforesaid judgment. Legislative competence, the continued operation of an existing federal enactment and the territorial jurisdiction of a statutory authority are distinct but interrelated questions. The enactment of provincial legislation does not, without consideration of the trans-provincial character of the employer/organization, conclude the jurisdictional question in every case. In Imran Maqbool (supra), the Division Bench considered the constitutional consequences of the Eighteenth Amendment and the relevant federal legislative entries, including the principle that matters transcending provincial boundaries may fall within the federal domain. The Applicants' reliance upon the provincial legislation, therefore, cannot be considered in isolation from the binding distinction drawn by the Division Bench between an organization operating exclusively within one Province and an organization whose operations extend beyond provincial boundaries.*

25. *The Respondent has placed reliance upon the official material of IBEX, which identifies it as a global business process outsourcing and customer experience organization, with operations in Pakistan at Karachi, Lahore and Islamabad. The Respondent has also referred to her Clearance Certificate dated 20-08-2026, which identifies "IBEX Global Solutions (Private) Limited" in the employee undertaking, as well as the Payment Advice and corresponding cheque identifying "IBEX GLOBAL SOLUTIONS PVT LTD" as the entity at whose request payment was made. These documents are relevant to identifying the employing entity, while the organisational material indicates operations extending beyond the territorial limits of Punjab.*

26. *It is important to mention here that the Organization holds an international status and has offices in different provinces of Pakistan and thus holds a trans-provincial status. According to the source, **https://www.ibexpakistan.co/;***

> ***"ibex is a global business process outsourcing (BPO) and customer experience (CX) company, headquartered in Washington, D.C., USA. It operates through a network of 34 service delivery locations across the world. Across borders, its operations and subsidiaries have spanned the United States, Canada, the United Kingdom, France, Luxembourg, Cyprus, Senegal, the United Arab Emirates (ibex MENA), the Philippines, Jamaica, Nicaragua, St. Lucia, Bermuda, and Pakistan. Its home-country presence in Pakistan is itself trans-provincial. It operates from Karachi in Sindh, Lahore in Punjab, and Islamabad in the Islamabad Capital Territory."***

27. *It is further observed that the Applicants have not specifically controverted the assertion regarding IBEX's operations in more than one Province. Their principal objection is that the alleged acts and omissions occurred at the workplace in Lahore and that the Punjab Ombudsperson consequently has exclusive jurisdiction. However, in view of the principle laid down in Imran Maqbool (supra), the location of the particular workplace cannot, by itself, be treated as conclusive where the employer/organization is trans-provincial. The relevant consideration is whether the employer/organization, whose employees and operations are involved in the complaint, transcends provincial boundaries. The material placed on record, read with the absence of a specific rebuttal to the stated multi-provincial operations, supports the Respondent's contention that IBEX has a trans-provincial operational presence.*
28. *The aforesaid interpretation has also been applied by the Lahore High Court in **The Bank of Punjab v. The Ombudsperson (Mohtasib), Punjab and another, Writ Petition No. 54315/2023**, **authored by the Hon'ble Mr. Justice Shahid Karim**. In the said matter, the question of jurisdiction was considered with reference to the trans-provincial status of the organization, and the matter was referred to FOSPAH by applying the principle laid down by the Division Bench in Imran Maqbool (supra). The said judgment provides further judicial support for the proposition that the organizational character and trans-provincial operations of the employer are material in determining the competent forum, notwithstanding the location of the particular workplace within a Province.*
29. *In the circumstances, the judgment in Imran Maqbool (supra) directly addresses the jurisdictional objection raised in the present applications. The Applicants' attempt to confine the inquiry exclusively to the place where the alleged incidents occurred would disregard the distinction expressly drawn by the Division Bench. The Respondent's workplace being situated in Lahore is not disputed; however, the*

material presently available establishes that the organization operates in Karachi, Lahore and Islamabad. The employer/organization, therefore, cannot be treated as one confined exclusively to the territorial limits of Punjab for the purpose of determining jurisdiction under the Act of 2010. Section 1(2) of the Act, which extends its application to the whole of Pakistan, is also to be read in the context of the aforesaid judicial interpretation and the trans-provincial character of the organization. The conclusion regarding jurisdiction is thus founded upon the nature and territorial reach of the employer/organization, and not merely upon the geographical extent mentioned in the said provision.

30. *For the foregoing reasons, this Forum is of the considered view that the Applicants have failed to establish that jurisdiction over the instant complaint exclusively vests with the Punjab Ombudsperson. In view of the trans-provincial operational character of IBEX and the principle enunciated by the Hon'ble Lahore High Court in* ***Imran Maqbool (PLD 2019 Lahore 17), further applied in The Bank of Punjab v. The Ombudsperson (Mohtasib), Punjab and another (W.P. No. 54315/2023****), jurisdiction to entertain and adjudicate upon the instant complaint vests with the Federal Ombudsperson.*

31. *Consequently, the applications filed by Applicants/Accused Nos. 1 to 5, 7 and 8 under Order VII Rule 10 CPC read with Section 8(3) of the Act of 2010, seeking return of the complaint for presentation before the Punjab Ombudsperson, are hereby* ***dismissed.***

32. *It is, however, clarified that the foregoing observations are confined to the determination of the preliminary objection regarding territorial jurisdiction/maintainability and shall not be construed as an expression of opinion on the merits of the allegations contained in the complaint. Nothing observed herein shall prejudice the right of the Applicants to contest the allegations on factual and legal grounds during the course of proceedings. Likewise, the Respondent shall remain under an obligation to establish the allegations in accordance with the applicable law and the evidence brought on record.*

The Applicants/Accused Nos. 1 to 5, 7 and 8 are directed to submit their respective written defenses on ***12-11-2026.***

FAUZIA VIQAR
FEDERAL OMBUDSPERSON