

OFFICE OF THE FEDERAL OMBUDSPERSON

FOR PROTECTION AGAINST HARASSMENT OF WOMEN AT THE WORKPLACE, ISLAMABAD

FORM OF ORDER SHEET

Review Petition No. 24/2025

In

Appeal No. **FOH-HQR-H/0351/2025**

Date of Institution: 06-10-2025

Serial No. of Order of Proceedings	Date of order of Proceedings	Order of other proceedings with Signature of Federal Ombudsperson			
		TITLE:	Mr. Fakhar Abbas Shah Qamar	VS	Ms. Raheela Tasneem and others
		Department: Pakistan Broadcasting, Islamabad.			
1	2	3			
02	28-10-2025	<u>Subject: Order On Review Petition.</u> - The facts preceding the filing of this review petition are that the Petitioner was convicted by the Departmental Harassment Committee of the Pakistan Broadcasting Corporation (PBC) on 25.06.2025, in connection with a harassment complaint filed by Ms. Raheela Tasneem, Director Programs (hereinafter referred to as the “Respondent”). - The appeal filed by the Petitioner was accepted vide order dated 05.09.2025 of this forum, and the matter was remanded to the Pakistan Broadcasting Corporation (PBC) with the following directions: - A fresh inquiry shall be conducted, ensuring that both parties are afforded full opportunity to cross-			

		examine the witnesses presented against them. ii. The entire inquiry process must be completed within 30 days from the date of receipt of this order. 3. Aggrieved by the said order, the present review petition has been filed on the grounds that despite the Petitioner's assertion of procedural irregularities in the previous inquiry, he has been subjected to a remand, directing a <i>de novo</i> inquiry. It is contended that the remand of the matter is legally unwarranted, as the inquiry proceedings had already been conducted on the same set of allegations and had culminated in the imposition of a major penalty upon the Petitioner. According to the Petitioner, the only lawful course was to set aside the earlier proceedings and acquit him, as no fresh evidence had been brought on record to justify reinvestigation or the initiation of a fresh inquiry. 4. It was further argued that, in the absence of any new material or legal justification, the order of remand is arbitrary, without lawful authority, and exposes the Petitioner to double jeopardy on the same set of facts. The Petitioner also alleged that his contentions regarding the undue influence exerted by the office of the Director General, PBC, over the inquiry proceedings were ignored. He asserted that the Director General is not merely a supervisory authority but a party with a direct and adverse interest in the matter. 5. The Petitioner further averred that he has been subjected to continued harassment and retaliatory actions, including his transfer to Multan without TA/DA and the unlawful denial of sanctioned medical leave, thereby
--	--	---

		obstructing his legitimate rights. It was further alleged that the Director General has been abusing his official powers to victimize the Petitioner. The Petitioner also contended that the record of a certain letter attributed to him was never provided. He, therefore, prayed that the order to the extent of remand be set aside. 6. Preliminary arguments of the Petitioner were heard, and the record was thoroughly examined. 7. It is a settled principle of law that the power of review may be exercised only to correct an error apparent on the face of the record or, where new and material evidence has been discovered that was not within the knowledge of, or could not be produced by, the party seeking review despite due diligence. An error which is required to be detected by a process of reasoning can hardly be said to be an error on the face of record <u>(rel. Ahmed Sikander Vs Commissioner Inland Revenue 2025 SCMR 140).</u> None of these appear to have been satisfied in the present case. 8. The record reveals that the plea of the Petitioner regarding procedural defects in the constitution and conduct of the inquiry committee—specifically, the denial of an opportunity to cross-examine witnesses—was duly considered and accepted in appeal. It is a well-settled principle that where procedural lapses materially affect the fairness of proceedings; the appellate authority possesses the inherent power to remand the case to the Competent Authority for reinvestigation and decision in accordance with law. 9. Merely because an order is adverse to one party does not constitute valid grounds for filing of a Review Petition.
--	--	---

		When substantial procedural irregularities are identified that undermine the integrity of an inquiry, remand becomes necessary to ensure due process. 10. Accordingly, the review petition is found to be misconceived in law and is hereby dismissed in limine. 11. However, keeping in view the concerns expressed by the Petitioner in his appeal, it is directed that no retaliatory or adverse action shall be taken against either party. The inquiry proceedings shall be conducted strictly in accordance with the provisions of the Protection against Harassment of Women at the Workplace Act, 2010, ensuring impartiality, transparency, and adherence to due process. FEDERAL OMBUDSPERSON
--	--	---