

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

FORM OF ORDER SHEET
Appeal No. FOH-HQR-H/0351/2025

Date of Institution: 30-07-2025

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			
05	05-09-2025	<u>Subject:</u> Order on Appeal. 1. This appeal has been filed by Mr. Fakhar Abbas Shah Qamar, Station Director, Pakistan Broadcasting Corporation (PBC), Multan, against the order dated 25-06-2025 passed by the PBC Inquiry Committee. Through the said order, he was found guilty, and the competent authority imposed a major penalty of reduction to a lower post for a period of two years. 2. Respondent No. 1, Ms. Raheela Tasneem, Director Programs (PBC), filed a harassment complaint against the Appellant, alleging continuous gender-based harassment. She referred to multiple incidents, with particular emphasis on those of 15-03-2024, the Appellant allegedly called her on her personal mobile phone at night and verbally abused her for 7–8 minutes. 3. She further alleged that the Appellant sent numerous WhatsApp messages to her personal number at odd hours, wherein he harassed her and undermined her authority as Head of Programs. In one such message, he reportedly claimed that her promotion to the position of Controller was attributable to him and stated that he could not work under her authority. He further allegedly stated that she lacked decision-making ability, could not bear responsibility, and had no achievements to her credit.			

		4. The Appellant also used derogatory and unethical expressions such as “<i>Pathan league</i>” in reference to her staff, and phrases like “<i>shame on you.</i>” According to the Complainant, the Appellant often deleted these messages after sending them; however, she managed to take screenshots of some of them. 5. Further, on 08-05-2024, the Appellant allegedly shouted at her in the DG’s office in the presence of the Controller (Personnel) and Director (Engineering). On Sunday, 12-05-2024, she reportedly received a threatening message from the Appellant. She also claimed that he used abusive language in front of both junior and senior staff and regularly disobeyed her official instructions. 6. The Complainant stated that, after more than 35 years of service and at the age of 59, it was deeply distressing and humiliating for her to be subjected to such behavior from a junior officer. 7. The Appellant denied the allegations during the inquiry proceedings conducted under the Harassment at Workplace Act, 2010. Nevertheless, he was found guilty, and the aforementioned penalty was imposed. 8. According to the Appellant, in his capacity as Station Head, he took disciplinary action against individuals who violated the Radio Rules and Regulations, particularly in relation to the sanctity of religious content in the program titled “<i>Hiya Al-Falah</i>”. As part of these disciplinary measures, he removed Mr. Gohar Zaman Masood from the religious section. 9. Subsequently, Respondent No.1 circulated a WhatsApp message six days after the Appellant’s disciplinary action, asserting that the authority to suspend an officer rested solely with the Director General. According to the Appellant, this message was an attempt to exonerate the delinquent individuals and to challenge his jurisdiction as Station Head. 10. In response to this message, the Appellant expressed his disapproval, particularly criticizing the Respondent’s action of withdrawing the suspension order without any formal communication. In doing so, the Appellant used strong language, which was
--	--	---

		misconstrued as harassment and formed the basis for a formal harassment complaint filed against him before the Departmental Harassment Committee. 11. According to the Appellant, on 12-05-2024, during a meeting chaired by the Director General concerning program-related matters, he raised professional concerns in the presence of Director Programs, Ms. Raheela Tasneem. He requested a reshuffling of staff to prevent future lapses in religious programming. However, Respondent No. 1 allegedly became emotional and, in a retaliatory tone, threatened to file a harassment complaint. Subsequently, on 13-05-2024, she filed a formal complaint under the Harassment at Workplace Act, 2010. 12. The Appellant claims that the inquiry proceedings were unduly prolonged, lasting over a year, and that the committee's recommendations were submitted to the DG, PBC Islamabad, in contravention of the due process of law. Based on these recommendations, the impugned order was passed by Respondent No. 2 (DG, PBC). 13. The Appellant challenged the order on appeal, contending that it was baseless and resulted from a misreading and non-reading of the evidence. He asserted that the allegations did not constitute harassment as defined under the Harassment at Workplace Act, 2010, and that no acts of sexual harassment or gender-based discrimination were either alleged or proved. He further contended that screenshots of official communications presented as evidence were tampered with and selectively submitted. Additionally, he was not granted the opportunity to cross-examine the witnesses or the Complainant. The Appellant maintained that he was denied his fundamental and constitutional right to a fair trial, and his defense had not been considered. He, therefore, prayed that the order dated 25-06-2025 be set aside. 14. The Respondents were summoned, and the record of the inquiry proceedings was also requisitioned from the PBC.
--	--	---

		15.Arguments of both parties were heard, and record of the inquiry proceedings was thoroughly reviewed. 16.The Appellant raised various procedural and legal objections regarding the proceedings conducted by the Inquiry Committee. The first objection pertains to the constitution of the Inquiry Committee itself. According to the record produced before this Forum, the Committee consisted of four members. However, Section 3(2) of the Harassment at Workplace Act, 2010, clearly stipulates that: <i>“The Committee shall consist of three members...”</i> Thus, the constitution of a four-member committee is in direct violation of the statutory requirement, rendering its composition procedurally defective. 17. The second objection raised by the Appellant concerns the inordinate delay in finalizing the inquiry, a contention is substantiated by the record. The complaint was filed on 13-05-2024, while the competent authority issued the order on 25-06-2025, a period exceeding one year. This delay constitutes a clear violation of Section 4 of the Harassment at Workplace Act, 2010, which mandates that the Inquiry Committee must submit its findings to the competent authority within 30 days of the initiation of the inquiry, and the competent authority must impose the penalty within one week of receiving the report. In the present case, neither of these legal provisions was followed. 18. The third objection pertains to the denial of the right to cross-examine the Complainant and her witnesses, an assertion admitted by the Respondents. However, they contended that the Inquiry Committee members themselves posed questions to the parties and their witnesses, and that the right to cross-examine was conditional upon a specific request from the Appellant. Since no such request was made, it was argued that the Appellant cannot now raise this objection. 19.This argument is legally untenable. The right to a fair trial is a fundamental right guaranteed by Article 10-A of the Constitution of Pakistan. The opportunity to
--	--	--

		cross-examine witnesses is not a mere procedural formality; it constitutes a core component of a fair process as given in Section 4 (1) (c) of the Harassment at the Workplace Act, 2010. 20. The contention that the Appellant must request the right to cross-examine is misconceived. It is the duty of the Inquiry Committee to conduct proceedings in accordance with the law, including allowing both parties to cross-examine witnesses produced against them. Although the Harassment at the Workplace Act, 2010, allows the Committee to regulate its own procedure, such discretion does not override fundamental rights enshrined in the Constitution, especially when the Act itself guarantees such rights. It is an admitted fact that no opportunity for cross-examination was provided to the Appellant. This failure constitutes a serious procedural irregularity and vitiates the entire proceedings. 21. In view of the above discussion, and without delving into the merits of the case, the findings of the Inquiry Committee are hereby set aside. The case is remanded to the Pakistan Broadcasting Corporation (PBC) with the following directions: The Inquiry Committee shall be reconstituted strictly in accordance with the provisions of the Act of 2010. a. A fresh inquiry shall be conducted, providing both parties full opportunity to cross-examine the witnesses presented against them. b. The entire inquiry process must be concluded within thirty (30) days from the date of receipt of this order. File be consigned. FEDERAL OMBUDSPERSON
--	--	---