

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

FORM OF ORDER SHEET

Complaint No. FOH-HQR-H/0125/2024

Date of Institution: 18.03.2025

Serial No. of Order of Proceedings	Date of order of Proceedings	Order of other proceedings with Signature of Federal Ombudsperson			
		TITLE	HAFIZA MUNIBA KHAN	VS	SHEIKH MUHAMMAD ALI
		DEPARTMENT: MEGA MARKETING			
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36	26.01.2026	<u>Subject:</u> Order on Merits of the Complaint 1. The Complainant, Hafiza Muniba Khan, filed a complaint via email dated 18.03.2025 against the Accused, Sheikh Muhammad Ali. Considering that both parties reside within the territorial jurisdiction of Karachi, the complaint was transferred to the Karachi Regional Office of this Forum. The matter was thereafter fixed for the preliminary hearing of the Complainant, during which she agitated several instances of harassment and hostile work environment. In view thereof, she was directed to submit a comprehensive complaint for further proceedings. 2. Briefly stated, the Complainant joined Mega Marketing, run by the Accused, along with his other businesses, namely Shaadi.org.pk and Al Haqq Law Firm, as Software Quality Assurance on 21.01.2025. According to the Complainant, no offer letter was issued to her at the time of joining,			

		nor was any training provided despite the same being stipulated in the policy signed by her. She stated that she was made to work for two days without pay as a trial period. She further contended that employees were required to sign an affidavit/halafnama containing unusual and onerous terms, including the imposition of monetary penalties in the event of any loss or harm, Rs. 1,000 for the first instance, Rs. 2,000 for the second, and so on and were further compelled to swear on God to strictly comply with these conditions and not violate the stated rules. She further contended that the said affidavit did not disclose that loss of a client or any adverse impact on a client's rating would result in deduction from the employee's salary. It was further asserted that no copy of the said affidavit was provided to the employees, nor were they permitted to take a photograph of the same at the time of signing. She alleged that the Accused repeatedly sent threatening messages in an official WhatsApp group, including sharing FIA notices issued to another employee, namely Faryal Gohar, on the complaint of the organization/Accused, to intimidate employees, keep them under constant pressure, warn them of salary deductions and other consequences, and to enforce a dictatorial and controlling work environment. 3. She further alleged that the Accused frequently demanded that she remain in the office till late hours, on occasions extending up to 3:00 AM during the month of Ramadan. She further alleged that upon her refusal to stay late on one such occasion, the Accused sent an abusive message i.e., "WHAT THE &&&&" concerning her in a WhatsApp group. She asserted that her colleague, Mehak Mughal, informed her that the Accused had used the words "Usk maa chood do jakar." 4. Additionally, she alleged that the Accused engaged in conduct which blurred professional boundaries and invaded her personal space, including tapping her hands and directing her to
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		stand in close physical proximity to him during workplace interactions, which she stated caused her discomfort and unease. 5. She further alleged that the Accused would require her, as well as other female employees, to sit or stand in his room or in close proximity to him. She further asserted that the Accused publicly insulted and demeaned her by commenting on her being diabetic. The Complainant contended that, in the initial stages, she avoided objecting to the incident of the Accused tapping her hand or requiring her to stand in close proximity to him, as she was the sole breadwinner of her family and was dependent upon her salary from the job. 6. She contended that on 23.03.2025, she received her salary, from which an amount of Rs. 45,000/- was deducted without any justification. Aggrieved therefrom, on the following day, she contacted the HR representative, Isma Ajaz, and requested that the affidavit/policy signed by her be shown to her, which request was refused. She further asserted that thereafter she was contacted by her manager, Fatima Qirrat Siddiqui, who allegedly spoke to her in an aggressive manner and informed her that she would thereafter only be permitted to communicate with the organization's Legal Counsel and that no other official would engage with her. Subsequently, she was removed from the official WhatsApp group. 7. She further alleged that subsequent to the filing of her complaint before this Forum, she received a legal notice from the Accused alleging that she had failed to complete the requisite notice period. In this regard, the Complainant contended that she was never afforded an opportunity to serve the said notice period. Consequently, the Complainant prayed that her outstanding dues be cleared and that she be awarded damages on account of mental anguish and distress, along with any other relief deemed just and proper by this Forum.
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		frequent interference in the work of other departments, conflicts with team members, and difficulty in maintaining professional communication, which adversely affected workflow and team dynamics. It was further asserted that concerns were repeatedly raised regarding the Complainant's temperament, attitude, and inability to engage in professional discussions without escalation into personal arguments. The Accused contended that these issues were documented simultaneously and communicated to management in order to address workplace disruption and maintain a functional work environment. 11. With regard to attendance and punctuality, the Accused relied upon attendance records to assert that the Complainant was habitually late. It is claimed that during the 52 days of her employment (21.01.2025 – 14.03.2025) she arrived late on approximately 30 days, remained absent on 4 days, failed to mark "time out" 4 times, and on 14 days worked fewer hours than required. The Accused further alleged that on at least one occasion she falsified her time-in entry. It is alleged that her conduct led to internal administrative difficulties and negatively impacted organizational performance. The Accused stated that the salary issued to her reflected these adjustments, in line with office policy. 12. Another significant contention raised by the Accused is that after receiving her salary, the Complainant allegedly absented herself from duties without formally handing over ongoing projects, official credentials, passwords, or access to office systems. The Accused maintained that repeated attempts were made to contact her for the return of company data, credentials and official access, but she did not comply. 13. It is also the Accused's case that instead of engaging directly with the organization, the complainant instructed her brother-in-law to
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		contact the office and allegedly issue threats to the HR department. The Accused stated that requests were made for both individuals to visit the office to complete formal handover requirements; however, this was not done. It was also contended that throughout her tenure, the Complainant did not submit any complaint before the internal inquiry committee of the organization. 14. The Accused further placed reliance on documentary material, including attendance records, internal documentation and a legal notice issued to the Complainant, to support its position that disciplinary concerns existed prior to the present dispute and that administrative action taken by the organization was justified under its internal policies. 15. To refute the allegations of requiring the Complainant or other female staff to stand in close proximity to him or of tapping their hands, the Accused placed on record photographs of his office depicting the seating arrangement. He asserted that the table at which he sits measures approximately 5 feet by 3 feet, and contended that, given the dimensions of the table, particularly its length, any person seated across from him would be positioned at a considerable distance. It was further contended that, having regard to his arm length, stated to be approximately two feet from the shoulder to the tip of the middle finger, the allegation of close physical proximity or physical contact was rendered implausible. 16. It was submitted by the Accused that during the Complainant's tenure at the organization, no physical interaction took place between the Complainant and Accused. He asserted that due to the holy month of Ramadan (March 2025) and professional commitments, the Accused did not attend the office during that month except only visited once on 14.03.2025, solely to sign a salary cheque. According to the Accused, throughout the Complainant's tenure, he was only available online and did not meet the Complainant in
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		person, thereby negating the possibility of the alleged harassment. He, however, admitted to sending messages in the official WhatsApp group, stating in his defence that the same were sent only to inform employees of the consequences of causing harm to the company. 17. The Accused further asserted that, owing to the Complainant's conduct during her employment, the organization suffered substantial financial losses, including loss of projects, loss of clients, and issuance of refunds. It was also contended that the allegations leveled by the Complainant were false and resulted in reputational damage, emotional distress, and disruption of professional and family life. In this regard, it was submitted that the Accused and his wife were compelled to appear before this Forum on multiple occasions along with their children, which allegedly adversely affected their well-being. The Accused took the stance that the Complainant had abused the legal process by leveling false allegations of harassment in order to shield herself from contractual and alleged criminal liability. 18. Both sides led their evidence in support of their respective pleadings through affidavits-in-evidence. The Complainant tendered her affidavit-in-evidence and was subjected to detailed cross-examination. Multiple court witnesses were also summoned and examined during the course of proceedings. 19. The Accused likewise submitted his affidavit-in-evidence on oath. However, despite due opportunity, the Complainant failed to cross-examine the Accused. Consequently, vide order of this Forum dated 30.12.2025, her right to cross-examine the Accused was closed. 20. After perusing the record and hearing both sides, the following two questions arise for determination before this Forum: a. Whether the allegations raised by the Complainant fall within the statutory definition of
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		“harassment” as provided under the Protection against Harassment of Women at the Workplace Act, 2010; and b. Whether the Complainant has been able to satisfactorily substantiate her allegations through credible evidence. 21. Upon careful examination of the complaint, it is evident that a substantial portion of the allegations raised by the Complainant pertain to administrative, service, and employment-related matters. These include, inter alia, issues relating to deduction of salary, non-issuance of an offer letter, violation of internal policies, notice period, removal from official WhatsApp groups and disputes regarding working hours and attendance. 22. It is well settled by the superior courts that this Forum does not sit as a service tribunal and has no jurisdiction to adjudicate upon disciplinary, contractual, or purely administrative disputes between an employer and employee. Accordingly, allegations relating to salary deductions, service conditions, internal management, and employment disputes fall outside the purview of this Forum and are not maintainable under the 2010 Act. 23. However, two specific allegations raised by the Complainant, namely that the Accused tapped on her hand and that he required her to stand or sit in close physical proximity to him, do prima facie touch upon physical conduct and, if proved, are capable of meeting the legal threshold of harassment as defined under Section 2(h) of the Act. To that limited extent, the complaint is maintainable for consideration on merits. 24. With respect to the second question, namely whether the Complainant has satisfactorily substantiated the said allegations, the evidence on record has been examined with due care. 25. During her cross-examination, the Complainant admitted that she did not mention any specific date or time with respect to the alleged incidents of tapping on her hand or being required to stand near the Accused. She further admitted that she could not recall who was present at the time of the alleged tapping incidents. She also admitted that her complaint did not specify the
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		number of times such tapping allegedly occurred. She further admitted that there were material differences between the contents of her main complaint and her affidavit-in-evidence. The Complainant attributed these discrepancies and omissions to typographical errors and lack of legal assistance. She nevertheless admitted that she had read and understood the contents of her affidavit-in-evidence before signing the same. 26. Court Witness No. 1, Nabeela Naeem deposed that she joined the organization as HR Manager in June 2025 and worked there for a brief period of approximately eight working days. She described the overall work environment as unhealthy and unethical, alleging excessive working hours, disrespectful behavior by the Accused towards employees, and a culture of intimidation. She further alleged that the Accused preferred young female employees and required female staff to stand in his room for extended periods. While CW-1 stated that she never personally witnessed the Accused inappropriately touching any female employee, she deposed that on one occasion, when she entered his room to show something on her laptop, the Accused asked her to stand next to him, which made her uncomfortable. She further stated that she had heard from another female employee that the Accused would stand close to her and touch her hand/shoulder. 27. In her cross-examination, CW-1 admitted that she was not working at the organization during the Complainant's tenure and had no direct knowledge of the alleged incidents involving the Complainant. She further admitted that several assertions made by her were based on verbal interactions for which she had not produced independent corroborative evidence. Accordingly, while the testimony of CW-1 reflects her personal grievances and experiences of the workplace environment, her evidence, to the extent it relates to the Complainant, is largely hearsay and does not constitute corroboration of the specific allegations raised by the Complainant. 28. Court Witness No. 2, Muhammad Abid Ali deposed that he worked at Mega Marketing from February 2024 until February 2025 in various design-related roles. He testified to long working hours, frequent
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	managerial issues, abrupt terminations, salary-related disputes. He also stated that employees were often discouraged from raising concerns and that many left the organization on strained terms. With respect to the conduct of the Accused, CW-2 deposed that he had personally witnessed the Accused physically touching female employees by tapping their hands or shoulders and standing unnecessarily close to them while speaking, conduct which, according to the witness, was not directed towards male employees. He further stated that he had seen the Accused tap the Complainant's hands and shoulders on multiple occasions. 29. However, during cross-examination, CW-2 admitted that he had not filed any complaint regarding the alleged conduct before any internal or external forum. He further admitted that he had not produced independent documentary proof in support of his allegations and that several aspects of his testimony were based on his perception and understanding of the Accused's intentions. He also acknowledged that he himself had unresolved grievances relating to salary and legal notices issued by the organization. While CW-2 was working at the organization during an overlapping period with the Complainant, his testimony must be appreciated with caution, particularly in view of his admitted disputes with the Accused. 30. Court Witness No. 3, Umair Masroor, deposed that he joined Mega Marketing on 10.10.2024 and remained employed there until 15.03.2025. He described the overall working environment of the organization as toxic, alleging excessive working hours, harsh penalties and unreasonable monitoring of employees' activities. He further deposed regarding salary deductions, penalties imposed upon employees, and mismanagement by the Accused and senior staff. With respect to allegations of harassment, CW-3 categorically stated that he did not witness any direct sexual act. However, he deposed that he observed conduct which, according to him, made female employees uncomfortable. In this regard, he stated that he saw the Accused place his hand on the shoulder of a female employee, Mehak Mughal, and that on another occasion he observed the Accused touch the Complainant's hand twice while attempting to get her
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	attention. He further stated that he advised the Complainant that if she felt uncomfortable, she should speak up. 31. During cross-examination, CW-3 admitted that he did not report the alleged conduct to any authority, internal committee, or external forum at the relevant time. He also acknowledged that he had unresolved disputes with the organization regarding salary deductions and penalties. Accordingly, while CW-3 was employed during a period overlapping with the Complainant and claimed to have witnessed certain conduct, his testimony lacks specificity as to time and circumstance, and is intertwined with his own employment-related grievances. His evidence, therefore, must be appreciated with caution and cannot, by itself, conclusively establish the specific allegations raised by the Complainant. 32. Court Witness No. 4, Muhammad Usman Shah, deposed that he joined Mega Marketing in October 2024 and worked there for approximately five months. He described dissatisfaction with the overall work environment, alleging favoritism, internal politics, salary deductions, and conflicts with management. He further deposed that he himself suffered salary deductions. With respect to the Complainant, CW-4 stated that she used to sit in front of him and that the Accused would stand very close to her, such that even slight movement could result in physical contact. However, he expressly admitted that he never saw the Accused touch the Complainant. He further stated that the Complainant never personally informed him of any incident of harassment. 33. In his cross-examination, CW-4 admitted that he did not mention the Complainant in his affidavit-in-evidence and that he had not specified any date or time when he allegedly observed the Accused standing close to her. He further admitted that he had not filed any complaint regarding harassment of female employees during his tenure and that several of his assertions were unsupported by documentary proof. He also conceded that he had regular late comings and performance-related issues during his employment. In view of the above, the testimony of CW-4 does not provide direct
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	corroboration of the Complainant's allegation of physical contact. 34. Upon cumulative evaluation, the testimony of all the court witnesses reflects a pattern of dissatisfaction with the management style and employment practices of the organization. However, the mandate of this Forum is confined to determining whether the Complainant herself was subjected to harassment as defined under the Act, and not to adjudicate upon generalized allegations of workplace mismanagement or unfair labor practices. While CW-3 claimed to have observed limited instances of physical contact, the same lacked particulars as to time, date, and context, and were never contemporaneously reported. CW-4, on the other hand, did not witness any physical contact at all and relied upon his own perception of proximity, hence two opposite versions from separate witnesses. While CW-2's testimony lends some support to the Complainant's allegation of physical contact, the same must be weighed against the lack of specificity and absence of any complaints. 35. In contrast, the Accused, through his affidavit-in-evidence, categorically denied the allegations and placed on record material to rebut the assertion of close physical proximity, including photographs depicting the office seating arrangement. He stated that the table at which he was seated measured approximately 5 feet by 3 feet, and that, given these dimensions, any person seated across from him would necessarily be positioned at a sufficient distance, rendering the allegation of close physical contact less probable. The Complainant failed to cross-examine the Accused despite opportunity. Accordingly, the affidavit-in-evidence of the Accused remained uncontroverted. Thereafter, the Complainant filed an application alleging that the conduct of the Accused's side created an intimidating environment during the proceedings, including assertions that she was not allowed to speak and that the presence of several individuals accompanying the Accused affected the atmosphere of the office. 36. In the totality of the circumstances, this Forum is of the considered view that while the Complainant may have had genuine grievances arising out of her
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		employment and its termination, the allegations of harassment, as contemplated under 2010 Act, have not been established conclusively through cogent, consistent, and reliable evidence. The evidence led by the Accused, particularly his affidavit-in-evidence, remained un rebutted on material aspects due to the Complainant's failure to cross-examine him. The testimonies of the court witnesses, when examined in light of their admissions, inconsistencies, and the absence of corroborative material, do not sufficiently establish the alleged conduct to the requisite standard. The burden to substantiate such allegations lay upon the Complainant, which, for the reasons discussed hereinabove, has not been satisfactorily discharged. In view of the foregoing, the complaint is dismissed for lack of proof. 37. Be that as it may, the complaint stands dismissed on merits for want of proof. However, in exercise of its advisory and preventive jurisdiction under the 2010 Act, this Forum considers it appropriate to record certain institutional observations arising from the evidence placed on record. The statements of several witnesses, across different periods of employment, reflected concerns regarding workplace practices and professional boundaries within the organization. While these concerns did not meet the evidentiary threshold required for a finding of harassment in the present case, they are being addressed in this order for behavioural safeguards in the workplace. 38. The Accused's position that employees were regarded as members of a "family" has been noted. It is, however, important to reiterate that workplace relationships must remain professional in character. Expressions or modes of address that may appear socially or culturally informal such as "beta", "beti", "behen", "bhai" etc. can, in certain contexts and particularly within hierarchical employment structures, give rise to discomfort or perceptions of diminished professional autonomy. The maintenance of professional boundaries is an essential component of a respectful workplace. 39. Testimony was also led regarding physical proximity during workplace interactions, tone of
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		communication in official group forums, and circulation of official notices relating to other employees. While such matters were contested, I direct the management to ensure that managerial communication practices are measured, transparent, and free from any appearance of coercion or undue pressure. Workplace discipline must be exercised through formal, fair, and policy-based mechanisms. 40. The direction contained in the earlier order dated 06.10.2025 regarding issuance of an Experience Letter stands unaffected. The existence of an employment relationship and the rendering of duties during a defined period are matters of record, and acknowledgment of such service cannot be made contingent upon confirmation status or internal policy preferences. An experience letter is a factual record of engagement for a specified duration; it neither confers confirmation nor determines performance or broader service entitlements. The organization is therefore directed to issue an experience letter reflecting the period of employment and designation held, confined strictly to the factual terms of engagement. 41. The absence of a conclusive finding of harassment in the present matter does not dilute the continuing statutory obligation of employers to proactively ensure a safe, respectful, and compliant workplace, consistent with the object and spirit of the Act. Accordingly, in order to strengthen institutional safeguards and minimize the likelihood of future grievances, the organization is directed to constitute a duly notified Inquiry Committee in strict accordance with the Act and Rules within thirty days; to display and electronically circulate the prescribed Code of Conduct to all employees; and to conduct structured anti-harassment and gender sensitization training for both staff and managerial personnel. These directions are preventive and corrective in character and are intended to reinforce sound governance practices and sustained institutional compliance. FEDERAL OMBUDSPERSON
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