



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

FORM OF ORDER SHEET

Complaint No. FOH-ONL/0000145/2025

SAMIA IQBAL

V/S

HASHIM ALI & OTHERS

Date of Institution: 07.04.2025

Name of Organization: **CALL COURIER/POSTEX**
(Harassment)

ORDER

Date: 04/05/2026

Sr. No: 35

FINAL ORDER

*This complaint has been filed by Samia Iqbal (**Complainant**) against Hashim Ali, Assistant Manager Customer Services Department (**Accused No. 1**), Adil Naseem, Country Director Customer Services (**Accused No. 2**), Umair Azmat Butt, ex-Head Client Relations, Customer Services Department (**Accused No. 3**), (collectively they shall be referred to as the "**Accused**") employees of Call Courier Pvt. Ltd./Postex (**Organization**) under Section 8 of the Protection Against Harassment of Women at the Workplace Act, 2010 (**Act of 2010**). As the matter has been adjudicated upon, hence is hereby finally decided through this order.*

- 1. The Complainant worked remotely from 6:00 p.m. to 1:00 a.m. as a Social Media Officer in the Customer Service (**CS**) Department of the Organization, where she discharged her duties from the year 2020 till her termination. She submits that her employment remained satisfactory and free from dispute until April 2024, when she attended an office event in person. She states that thereafter, the Accused Nos. 2 and 3, notwithstanding her pre-existing remote work arrangement, allegedly began exerting pressure upon her through emails and other communications, requiring her to attend the office whereas all the meetings were conducted online. Moreover, she was repeatedly directed through various means, to report to the office for meetings which, according to her, were neither necessary nor required her physical attendance.*
- 2. Additionally, upon attending the office pursuant to the directions issued to her, the Complainant found that neither any meeting nor any training session had been*

scheduled. Accused No. 1 repeatedly directed her to ensure her physical presence at the office. Upon her objection to what she considered to be unprofessional conduct; he was informed that such directions were being issued on the instructions of Accused No. 2. Following the suspicion of mala fide intentions of the Accused, she promptly reported the matter to management. However, allegedly no action was taken in response to her complaint. She also alleges that she was informed that no TA/DA would be extended to her and was threatened to be terminated from the job in case she does not come to the office, thereafter she was subjected to continued pressure at the workplace, thereby creating an intimidating and hostile work environment.

- 3. She claims that when she asked for payment of her gratuity and remaining expenses, she was threatened of false accusation of taking the office laptop out of country although she had been using her own personal mobile phone and laptop to perform office work. Further, when she requested for allowing her leaves, Accused No. 1 told her that these would only be granted if she came to the office at night. It is alleged that on 31-05-2024, he called her to the conference room on the pretext of a meeting where he made a request for a sexual relationship, which the Complainant refused. When she attempted to leave the room, Accused No. 1 obstructed her way saying that he could force her to remain in the office until 1:00 a.m. He further threatened that if she did not accede to his request, he would terminate her employment. Thereafter, as a direct consequence of her refusal, Accused No. 1, in connivance with Accused No. 2, issued a termination letter to the Complainant. The Complainant seeks payment of gratuity amounting to Rs. 392,728/- and reinstatement in service, contending that the impugned termination was not grounded in any lawful cause, but was a punitive and retaliatory act arising from her rejection of advances and behavior constituting sexual harassment.*
- 4. In the end, she has prayed for reinstatement to her position, a formal inquiry into the allegations of sexual harassment, and payment of her gratuity and all outstanding dues. She further undertakes to return the office laptop, in compliance with any order passed by this Forum.*
- 5. In response, the Accused have denied all the allegations contending in their written defense that the complaint is merely a retaliatory action on the part of Complainant, filed after a lapse of more than three months from the date of termination and assert that the alleged incident dated 31-05-2024 was never reported by the Complainant before any forum prior to filing the present complaint. Further, the Complainant was permitted to work remotely only during the initial period of her employment due to the COVID-19 Pandemic. However, they admit that there were no defined written terms and conditions communicated to her specifying that she was required to work exclusively from home or that she was exempted from attending on-site meetings or trainings.*
- 6. Furthermore, the Complainant was only required to attend the office in person on a fortnightly basis as per the policies and SOPs of the company, which were*

required to be followed by all the employees including females. It is maintained that another female remote employee; Ms. Azka, in the CS Department had also been attending the requisite meetings and trainings under the instructions of management. It is asserted that the Complainant had merely raised concerns regarding payment of TA/DA and not reported any incident of harassment at the relevant time. Additionally, no formal request for approval of pending leaves was ever made by her and the termination letter was issued after due deliberation by the management regarding her alleged adamant behavior, as she had consistently refused to comply with the instructions conveyed to her from time to time. Moreover, in her letter dated 28-02-2025, the Complainant concocted the alleged incident without mentioning any specific date of the occurrence. A prayer of dismissal of complaint with costs has been made by the Accused.

- 7. Thereafter, evidence of the parties was recorded. The Complainant as PW-1 and Hira Aiman as PW-2 have deposed through affidavits Ex.P-1 and Ex.P-9 respectively. Termination letter dated 31-12-2024 has been tendered as Ex.P-2, letter addressed to Head of Department CS under the subject "Urgent Request for Reinstatement and Pending Dues Clearance" as Ex.P-3, salary details as well as pay-slips as Ex.P-4 and emails dated 06-05-2024, 10-05-2024 as Ex. P-5 and Ex.P-6 respectively and two emails dated 14-05-2024 as Ex.P-7 and Ex.P-8.*
- 8. The Accused Nos. 1 to 3 have also recorded their evidence as DW-4, DW-1 and DW-2 through affidavits tendered respectively as Ex.D-4, Ex.D-1 and Ex.D-2. Witnesses Mehwish Khan as DW-3 has deposed through affidavit Ex. D-3 and Talha Nisar Khan as DW-5 has deposed through affidavit Ex. D-7. The Accused No. 1 has tendered emails dated 18-12-2024, 22-08-2024, 12-08.024 as Ex. D5/1, Ex. D5/2. Ex. D5/3 respectively, two emails dated 09-08-2024 as Ex. D5/4 and D5/5, emails dated 23-12-2024 and 21-12-2024 as Ex. D5/6 and Ex. D5/7 and the application of employment of Complainant as Ex. D-6. DW5- has tendered attendance sheets of the Complainant, Mehwish Khan, the Accused Nos. 1 and 3 as Ex. D-8, Ex. D-8/1 to Ex. D-8/3 respectively. Moreover, the Complainant submitted her rebuttal evidence of WhatsApp chat with the Accused No. 1 as Ex. P-10, four photographs as Ex.P-11 and a WhatsApp message screenshot as Ex. P-12.*
- 9. Upon conclusion of evidence from both sides, the learned Counsels for the parties advanced arguments in support of their respective version. The learned counsel for the Complainant has argued that the evidence of Complainant is consistent and duly establishes that she was subjected to workplace harassment of a sexual nature by the Accused whereas evidence of the Accused was inconsistent and contradictory, thus negated their version. He maintained that her termination was unlawful, affected without issuance of any show-cause notice and in retaliation to her refusal to accede to the unethical demands of the Accused. It is further argued that the change in the work model of Complainant from remote to hybrid was never formally communicated through any official letter nor was her weekly or fortnightly*

attendance in office communicated formally, therefore, her termination based on unreasonable grounds was liable to be set aside and she was also entitled to her outstanding dues which had been withheld by the Organization without any justification. Reliance is placed upon a number of authoritative judgments, cited as **Muhammad Din vs. Province of Punjab and others (PLD 2025 SC 354)**, **Raja Tanveer Safdar Vs. Mrs. Tehmina Yasmeen and others (PLD 2024 SC 795)**, **Nadia Naz Vs. President of the Islamic Republic of Pakistan and others (PLD 2023 SC 588)**, **Uzma Naveed Chaudhary Vs. Federation of Pakistan and others (PLD 2022 SC 783)**, **Abdul Karim Lashari Vs. The Governor of Sindh and others (2025 CLC 734)**, **Muhammad Rizwan Dalia Vs. Ombudsman Sindh and others (PLD 2022 Sindh 213)**, and **Muhammad Javaid Afzal Vs. Office of the Governor, Punjab, Lahore and others (2025 PLC (C.S.) 1308)**.

10. Learned Counsel for the Accused has argued that the complaint arises from the refusal of Complainant to comply with the transition of her work from remote to hybrid, rather than any act of harassment. He maintains that the emails on record do not support her allegation of being forcibly called to the office, instead reflect routine communication involving the entire management, negating any mala fide intent on the part of any Accused. It is further argued that the case is marred by material contradictions, including inconsistent statements of the Complainant regarding her attendance at Company events, her reasons for refusing office attendance, and her alleged parallel employment, thereby undermining her credibility. The Counsel argues that despite being aware of Company policies and receiving multiple opportunities to comply, she remained non-compliant, leading to disciplinary action taken through proper HR procedures and not at the behest of the Accused Nos.1 and 2. **He maintains that attendance records prove that the Complainant was working remotely on the relevant date, she filed no contemporaneous complaint regarding the allegations against Accused and even her reinstatement request omitted specific date of the alleged harassment.** It is emphasized that the instant complaint is an afterthought following termination, primarily aimed at seeking reinstatement and recovery of dues, and fails to establish any element of harassment, hostile work environment, or retaliation

11. Allegations against the Accused precisely are that they caused sexual harassment to the Complainant by compelling her attendance in the office with mala fide intentions; the Accused No.1 in particular obstructed her way physically with ill motive and upon her refusal to abide by their requests, the Accused Nos.1 and 2 terminated her services in retaliation. Thus, to determine the controversial points, the following questions are formulated:

- i. **Whether the Complainant was subjected to sexual harassment within the meaning of the Act of 2010, particularly in the form of an alleged demand for sexual favors by Accused No. 1?**

ii. Whether the termination of the Complainant's employment by Accused Nos. 1 and 2 was actuated by mala fide and constituted retaliation for her refusal to accede to the alleged unlawful demands?

12. It is pertinent to mention here that each case is decided on the basis of evidence adduced by the parties. Thus, before adverting to the formulations, it is important to explicate the concept of harassment as defined in section 2 (h)(i) of the Act of 2010. The same is reproduced hereunder for ready reference:

“ any unwelcome sexual advance, request for sexual favours, stalking or cyber stalking or other verbal, visual or written communication or physical conduct of a sexual nature or sexually demeaning attitudes, including any gestures or expression conveying derogatory connotation causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment;”

13. As regards the first formulation of causing sexual harassment to the Complainant, the affidavits tendered by parties are almost a reiteration of their pleadings. Unveiling the cross-examination of parties for evaluation of evidence of the Complainant it is revealed that Jawad Mirza C.E.O. Call Courier appointed her on 01.06.2020, without issuance of any appointment letter or job description, on the work from home model. She stated that Call Courier and Postex merged three/four years ago, but management is the same and agreed that an employee cannot work according to his own desire and against the direction of an employer. She could not tell the exact dates of her visits to Lahore office except for the visits made in April and May 2024, however, stated that she went to the office whenever she was called or there was an event. She stated that the Accused No.3 sent her an email individually asking her to attend the office on a specific date, however, she never received any phone call from the Accused No.2.

14. While alleging sexual harassment against the Accused No.1, the Complainant states that she went to the office on Friday 31-05-2024, at 2/2:30 p.m., where she stayed till 4/4:30 p.m. and that the staff including female employees were sitting in the hall from where he led her to the conference room on the pretext of a training session. She maintains that she then went to the gallery in annoyance and tried to meet Jawad Mirza to complain against the Accused No. 1 but was told by his P.A. that he is busy, so she messaged him but received no response. As regards PW-2, the Complainant states that she came to her in the gallery as she had taken a long time to go back to her and that they left the office at 4/4:30 p.m. She states that she did not send emails to Jawad Mirza, Umer Khan-founder Postex, Adil Naseem or Ahmed HR Manager regarding the harassment incident nor filed a written complaint in the office. PW-2 submits that she went to the office only once on 31-05-24 and that the Complainant told her about the harassment incident in

the car while going back home. She admits that she had given statement regarding the earlier instances and that of 31-05-2024 as told to her by the Complainant.

- 15. The Accused No.1 has stated that work model of the Complainant was work-from-home with office timings from 6 p.m. till 1 a.m. and that she worked in his team, and he had met her once or twice only. He did not remember whether there were events of discussion in April 2024, however, stated that the Accused No. 2 addressed in such events and gave trainings but did not remember whether Complainant attended any event of discussion. He was aware of the emails which the Accused No. 3 had sent to the Complainant stating that he was copied in those emails. He also states that another employee Azka also worked from home and came to the office during trainings.*
- 16. Mehwish Khan DW-3 states in her cross examination that daily attendance as well as the attendance of meetings and trainings is marked through a biometric system and further states that the Complainant did not come to the office on 31-05-2024 as trainings are held in end of June or start of July. She was aware that work model of Complainant was work-from-home and stated that the HR Department looks into the complaints but was not aware whether there is any inquiry committee for harassment in the Organization. Talha Nisar Khan DW-5 has tendered attendance record of the Complainant, Accused Nos.1 & 3 and DW-3, stating that the Complainant resumed her duty on 31-05-2024 at 6:00 p.m. and left at 1:00 a.m. on 01-06-2024. He stated that he had not signed the attendance sheets and that these can be composed through Word and Excel formats and if print of attendance form is taken, it would be the same.*
- 17. Although the allegation of Complainant that the Accused No. 1 lead the Complainant to the conference room with ill intent, physically blocked her passage and said that he could make her stay in the office till 1.00 a.m., has been denied by the Accused No.1 in his written defense and affidavit Ex D4, he has not been cross examined on these accusations. Duty hours of Complainant were from 6.00 till 1.00 a. m., therefore, the afore stated words vividly reveal that this timing related to her office work time. Without any substantial evidence pertaining to the alleged harassment, it apparently reveals that he said so without any ill motive, in his authority as Assistant Manager. As regards the statements which are not subjected to the test of cross examination, there is a settled principle of law that such depositions are held on a high pedestal while evaluating the evidence. Reliance is placed on the case law reported as **Nur Jehan Begum Vs. Syed Mujtaba Ali Naqvi (1991 SCMR 2300)**. Relevant extract of the judgment is reproduced hereunder:*

“...where on a material part of his evidence a witness is not cross-examined it may be inferred that the truth of such statement has been accepted. Statement of a witness which is material to the controversy of the case particularly when it states his case and the same is not challenged by the other side directly

or indirectly, then such unchallenged statement should be given full credit and usually accepted as true unless displaced by reliable, cogent and clear evidence.”

18. A similar view has been taken in the case reported as **Haroon Zia Malik Vs. Mst. Fariha Razzak and others (2018 YLR 1557)**. It is held in the said judgment that “**...if a witness is not cross examined in respect of the material portion of his evidence, then that part of the evidence is considered to be admitted...**”. The aforementioned rulings are equally applicable to the instant case as the Accused No.1 was not cross examined on the material points of his evidence pertaining to the accusation of sexual harassment.
19. Conference room is stated to be adjacent to the hall where employees were working at the time the Complainant went there but she tried to approach the C.E.O. Jawad Mirza in his office to complain against Accused No.1 instead of confiding the occurrence in the colleagues sitting in the hall. It is important to note that while allegedly resisting the sexual requests and advances, she did not raise her voice in resistance so as to attract the nearby employees working in the hall room. DW-2 has also stated that allegations against the Accused No.1 are false as even a small administrative issue was brought to his notice and he never came across any complaint filed in this regard.
20. The Complainant filed no written complaint against the Accused No. 1 in the office nor brought the matter to the notice of her seniors till after her termination when she sent the letter Ex.P-3 to Head Customer Service, after a long silence of almost nine months maintaining that she had sent multiple e-mails regarding her concerns, however, as regards the alleged harassment caused by Accused No.1, no documented concern has been tendered. Further, the same facts of sexual harassment against the Accused as alleged in the instant complaint were mentioned in the said letter, however, without specifying the date i.e. 31-05-2024 which was mentioned subsequently, in the instant complaint for the first time.
21. The only document of communication of the Accused No.1 with the Complainant is Ex.D5/3 and this e-mail too has been copied to others. Further, the WhatsApp chat Ex. P-10 also does not reveal any inappropriate message by him. Moreover, there is no evidence to reveal that the Accused No. 1 communicated with her earlier or prior to the alleged occurrence with any ill intention. Ex. P-10 is the chat conversation which shows that he messaged her on 31-05-2024 at 3:46 p.m. saying “**Aajyin Ihr**” and then at the same time called her for ten seconds. However, the suggestion that the message read as “**Aajyin Lahore**” was denied by her. As already mentioned, the Complainant left office at 4:00/4:30 p.m. after spending some time in the attempt to meet Jawad Mirza, hence apparently the alleged meeting lasted only for a few minutes. Contention of the Accused that the Complainant did not come to the office on 31.05.2025 as google sites were shared with her in the WhatsApp chat conversation Ex.P-10, is of no significance as official

links can be referred to even to the employees sitting nearby. Further, the attendance sheet Ex. D-8 to show her absence on that date has not been attested by DW-5 who has clearly stated that such documents can be prepared through Word and Excel formats. Accused No. 3 has also stated that he has not mentioned in his written defense or affidavit that Complainant was on leave on 31-05-2024 whereas the Accused No.2 is not aware whether he has mentioned so. In the written defense and affidavits Ex.D-1 and Ex.D-4 there is no specific denial of physical presence of Complainant in the office on that date. Stance of the Accused regarding her presence in the office on the aforesaid date is contradictory, therefore, contention of the Complainant of her presence in the office on the alleged date outweighs the version of the Accused. However, the evidence is considered insufficient to fortify the allegation of sexual harassment against the Accused No.1.

22. As regards the Accused No.2, he has deposed that 30/35 employees were present in an event organized by the CS Department, where he being the Country Director CS addressed all the employees collectively and did not meet any of them individually, including the Complainant. As regards to her work module, he deposed that she worked from home but was also required to attend office as per the policy and SOPs of the Company, which were followed by all the employees including other females, however she adamantly retaliated whenever she was called officially to attend the office and wanted to remain on job on her own terms. He had no idea whether she ever came to the office for attending events and trainings and denied that she was forced to come to the office upon his order, stating that she was told to join office as it was a company policy. He stated that Call Courier and Postex merged in the year 2022 or 2023 and that he was a shareholder of the latter entity.
23. Accused Nos.1 and 3 have denied that emails were sent to the Complainant on the direction of Accused No.2. Admittedly, the Complainant attended an event where the Accused No.2 being Country Director CS Department was present and as alleged by the Complainant that he along with the Accused No.3 started sending e-mails to her after the event due to ill motives by forcing her to come to the office, he never contacted her either in person or through any other mode. There is no direct evidence against him except for a single e-mail Ex. P-6 which has been attributed to him of causing sexual harassment but in that e-mail it is merely stated **"... Mr. Adil has been involved in the matter and has been insisting on your weekly visit.."** In absence of any substantial evidence regarding the accusation, Ex. P-6 is considered insufficient to reveal his ill motive against the Complainant. Being Country Director of the CS Department, if any direction of personal attendance was given by him, it was on the administrative side on account of his authority and not in his personal capacity.
24. Accused No.3 joined the Organization in 2022 as Head of Client Relations in Customer Service Department. He stated that there was no harassment Inquiry

Committee and HR Department dealt with such matters. In the e-mail Ex.P-7 addressed by Complainant to Umair Hussain and copied to the Accused No. 3, she tells the addressee that he had told him that **“I’ll send you the training videos you just sit back and relax ...” Visit office for some days to show your face to Mr. Umair Azmat then we’ll see what to do” which is strange and felt a little disrespected.**” The referred words were not directly spoken to the Complainant and in absence of any substantial evidence, the said words do not indicate any ill motive of the Accused No. 3.

25. Documentary evidence vividly reveals that all communications between parties through e-mails were made in official capacity as each mail was copied to other office bearers for information. Evidence brought forth by the parties apparently reveals that the Accused caused no sexual harassment to the Complainant. Such allegations have to be adjudged impartially as they entail serious consequences for the Accused. Consequences of these allegations have been well articulated in the case law titled as **Maimoona Rajab Vs. Province of Punjab (PLD 2021 Lah. 598)**. Relevant excerpt of the judgment is reproduced hereunder for ready reference:

“There is no cavil that charge of harassment at workplace, in particular, involving allegation of unwelcome sexual advance and sexually demeaning attitudes entails serious consequences for the accused person, affecting person’s life, career and social relationships...”

(emphasis supplied)

26. It is observed by the Forum that the material factor of consideration is whether the Complainant has been able to substantiate her allegations of workplace harassment of a sexual nature. A careful appraisal of the material on record reflects that the Complainant’s version is not supported by cogent, consistent, and reliable evidence. On the contrary, her stance suffers from material contradictions, particularly with regard to her attendance, her reasons for refusing to comply with the Company’s policy shift to a hybrid work model, and other attendant circumstances.

27. As regards the second formulation, since the first formulation has been decided in the negative, therefore, termination of the Complainant from her service cannot be considered an act of retaliation for refusal to accede to the requests of sexual favors made by the Accused. However, we need to consider further whether the Complainant was discriminated while sending a Final Corrective Action letter to her, as claimed in Ex.P-8 which she has addressed to the Accused No.3. She states in the said e-mail, **“Now for the issuance of Final Correction Action, it is still unjustified as although I never got any communication regarding the instructions yet it still jumped the severity two times out of shared disciplinary criteria and ended up as a final warning. It is discriminating and feels more like a spontaneous action based on some kind of personal grudge.”**

28. Accused No.2 states that work model of Complainant was work-from-home but since they had no such policy, therefore, they had asked all the employees across the company to work in the office. He denied that the Complainant was not issued a show cause notice, and her termination was immediate. Admittedly the work model of Complainant at the time she was initially appointed by the Call Courier was remote. Postex and Call Courier were merged in the year 2022/2023, thus formulation of new policies and SOPs of the merged entities is quite evident. There was no written contract between the Call Courier and Complainant, and all the terms and conditions were verbal. E-mail Ex.P-5 dated 06-05-2024 was sent to Complainant by Umair Hussain saying, **“According to our last discussion, you failed to appear in the office even after multiple reminders. Based on the severity of this situation, you are being placed on Final Corrective Action for not appearing in the office. Please find attached and revert with your action plan.”** Ex.P-6 is an email dated 10-05-2024 sent by Umair Azmat to the Complainant on the same subject, informing her that in all their discussions, it was made clear that weekly visit to office was mandatory and that she was hired for a remote work but it was being shifted to hybrid and in case of further failure, she would be referred to HR. It was also mentioned that as she had mentioned earlier that her other commitments were really important therefore; to accommodate her she had been asked for two hours visit from 3 p.m. to 5 p.m. every Friday. She replied vide Ex.P-8 that weekly visits were never made clear among them and that she respected the decision of Company and would certainly visit office at properly communicated times/days and also claimed the commute expense. E-mail Ex.D5/5 dated 09-8-2024 is addressed by Zulfiqar Ali to Accused No.1 with the following note:

“During QA, we discovered abnormalities in Samia Iqbal chats. She repeatedly disobeys SOPs, didn’t generate CMS tickets. Some of her cases with CNs are mentioned below. We have already coached her multiple times but her performance has not improved and asked her to visit the office on an alternate Friday but she didn’t come. Please take the necessary action.”

29. On the same date Umair Siddiqui emailed Ex.D5/4 to the Accused No.1 asking him about the action he would take. Through email Ex.D5/3, the Accused No. 1 issued a Final Corrective Action to her on 12-08-2024. E-mail Ex.D5/2 of even date was issued by Zulfiqar Ali to the Accused No.1 with the same note as mentioned in Ex.D5/2. Consequent thereto, the Accused No.1 issued Ex.D5/1 dated 18-12-2024 to the Complainant informing her that it was the second incident and to share her feedback. However, the Complainant has not tendered any documentary evidence to reveal that she responded to Ex. D5/1 or that it was not delivered to her.

30. The documentary evidence explicitly reveals that the Complainant was issued Final Correction Action letters as she did not visit the office despite repeated

directions of the management to weekly visit and later fortnightly on Fridays' and due to the repeated abnormalities committed in her work. All the procedural formalities were followed before issuance of termination letter Ex.P-2 to the Complainant. Arguments of learned Counsel for Complainant that the termination was unjustified as a show cause notice was not issued to Complainant are not convincing as such notice is issued to provide a fair chance to an employee to respond to allegations if a penalty is to be imposed whereas Final Corrective Action is the final order passed after considering the reply of employee to the show cause notice. Through the Final Action Plan, the Complainant was asked to give her action plan to which she responded through Ex.P-8. However, no penal action was taken against her through these action plans rather she was given opportunity to file a reply, but she did not respond to such subsequent letters issued to her. She was thus well informed of the noticed abnormalities and was also given reasonable opportunities for her response. Although she was hired for a remote work by the Call Courier (Pvt). Ltd., the said company and the Postex merged in the year 2022/2023 and the Complainant continued to render services to the merged company. As this company was working on a hybrid system, therefore, it formulated new policies requiring periodical physical attendance of such employees; one of them being Azka abided by the company policy by visiting the office, hence no discrimination was caused to the Complainant. Thus, her termination was also not account of retaliation arising from gender-based discrimination.

31. The case law relied upon by the learned counsel of Complainant are distinguishable and do not attract the facts of the instant case, wherein the complainant has alleged sexual harassment and subsequent termination from employment, which involve entirely different questions of fact and law. The case law **Muhammad Din vs. Province of Punjab and others (PLD 2025 SC 354)** does not apply to the present matter, as the cited judgment primarily concerns the dynamics of power and the denial of gender equality, which are distinguishable from the facts and issues involved in the instant case. Moreover, the precedent of **Raja Tanveer Safdar vs. Mrs. Tehmina Yasmeen and others (PLD 2024 SC 795)** pertains to the principle of double jeopardy and is distinguishable from the present matter. The Judgements of **Nadia Naz Vs. President of Islamic Republic of Pakistan (PLD 2023 SC 588)** and **Muhammad Rizwan Dalia Vs. Ombudsman (PLD 2022 Sindh 213)**, establishes that gender-based power dynamics are not necessarily sexual in nature and in the latter it was held that the jurisprudence of the Superior Courts that this Forum cannot adjudicate upon service/disciplinary matters. Other cases relied upon by the Counsel for the Complainant **Uzma Naveed Chaudhary vs. Federation of Pakistan and others (PLD 2022 SC 783)**, **Abdul Karim Lashari vs. The Governor of Sindh and others (2025 CLC 734)** and **Muhammad Javaid Afzal vs. Office of the**

Governor, Punjab, Lahore and others (2025 PLC (C.S.) 1308) do not attract the facts of the instant case, wherein the complainant has alleged sexual harassment and subsequent termination from employment, which involve entirely different questions of fact and law.

32. This Forum is mindful of the fact that in matters of workplace harassment, direct evidence is often rare. However, in the instant case, testimony of the Complainant lacks the requisite clarity, consistency and detail. The Complainant has been unable to convince that she was sexually harassed by the Accused. Her arguments that her termination was on account of retaliation are also not convincing.
33. Consequently, taking into account the foregoing discussion, the complaint is **dismissed** for failing to satisfy the legal requirements laid down in Section 2(h)(i) of the Act of 2010.
34. Additionally, this Forum **directs the management of the Organization to immediately constitute an Inquiry Committee** as required under **Section 3(1)** of the Act of 2010. Furthermore, in compliance with **Section 11**, copies of the Code of Conduct against harassment must be **displayed in the office** to ensure visibility and awareness among employees. The management shall submit a **compliance report within 15 days** from the date of communication of this Order.
35. Further, this Forum deems it necessary to advise Call Courier/Postex to take concrete steps toward fostering a safer and more inclusive work environment free of harassment and intimidation. It is also recommended that gender-sensitization training for all employees be also carried out. Such proactive measures will serve to deter future incidents and ensure that all employees feel safe and respected in their workplace. Furthermore, the Organization is directed to take up the matter pertaining to outstanding dues of the Complainant on priority basis.

FAUZIA VIQAR
FEDERAL OMBUDSPERSON