

OFFICE OF THE FEDERAL OMBUDSPERSON

FOR PROTECTION AGAINST HARASSMENT OF WOMEN
AT THE WORKPLACE, REGIONAL OFFICE LAHORE
ORDER SHEET

REVIEW PETITION NO: 02/2025

In

COMPLAINT NO: FOH-ONL/0000008/2025

Date of Institution: 23-12-2025

Serial No. of Order of Proceedings	Date of order of Proceedings	Order of other proceedings with Signature of Federal Ombudsperson		
		AHMED RAZA	VS	SHEEZA ALTAF
1	2	DEPARTMENT: AHZ ASSOCIATES		
04	10-02-2026	<p>SUBJECT : ORDER ON REVIEW /RECALL APPLICATION</p> <p>This order shall dispose of a review/recall application filed by Ahmed Raza (Applicant/Accused) against decision of this Forum dated 24.11.2025 passed in a complaint filed by Sheeza Altaf (Complainant/Respondent) against the Applicant and others under section 8 of the Protection against Harassment of Women at the Workplace Act, 2010 (Act of 2010).</p> <p>1) <i>The Complainant maintained in her complaint that the Accused worked with her in AHZ Associates (Company) where he allegedly caused sexual harassment to her. The Accused contested the complaint through his written defense, however, after cross examining the Complainant, he absented himself from the proceedings and as Accused No.2, he was proceeded against ex parte on 27.06.2025. The remaining Accused including the Company through its Country Manager, Mafijul (Accused No.1); Ahsan, Current Branch Manager (Accused No.3); Talha, Regional Manager (Accused No.4) and Ahmad Shehzad, HR Officer (Accused No.5) also contested the complaint and adduced defense evidence. After recording evidence of the parties and hearing arguments, the complaint was decided by this Forum vide order dated 24.11.2025, holding the Accused guilty of causing sexual harassment to the Complainant. Relevant extract is reproduced hereunder:</i></p>		

“.....Ahmad/Accused No.2 caused sexual harassment to the Complainant and created a hostile, intimidating and offensive work environment for her. As he is no more in service of the Company, therefore, a major penalty of fine of Rs. 5,00,000/- is imposed upon him. Rs.100,000/- shall be deposited in the Government Treasury while the remaining amount shall be paid to the Complainant. As regards Talha Bin Mujahid/Accused No.4, since he facilitated the Accused No.2 in causing sexual harassment to the Complainant, therefore, minor penalties of censure and compensation of Rs. 50,000/- are imposed upon him. This amount shall be paid to the Complainant. The complaint is thus accepted to the extent of the Accused Nos.2 and 4 and dismissed as regards the Accused Nos. 1, 3 and 5.”

2) The Applicant seeks review of the impugned decision on account of error apparent on the face of record, jurisdictional defects, violation of due process and denial of fair hearing. These grounds are elaborated hereunder:

a) Objections raised on maintainability of complaint and limitation in the written defense were not adjudicated upon although the complaint itself disclosed that the alleged incident took place on 15.08.2024 whereas the complaint before this Forum was filed on 15.01.2025, beyond the statutory period prescribed in sections 9 and 11 of the Act and this is an error apparent on the face of record.

b) Definition of harassment has been expanded beyond the express statutory text without identifying any conduct or specific words of sexual nature as required by the Act of 2010 and findings are based on uncorroborated and insufficient material. Additionally, the decision is non speaking on material issues including jurisdiction and consequences already suffered by Applicant.

c) Reliance has been made on an alleged inquiry without examining its legality, which constitutes a manifest error apparent on the face of record.

- 3) The Applicant further maintains that he has been denied the right of fair hearing under Article 10-A of the Constitution of Islamic Republic of Pakistan, 1973 and has been condemned unheard in violation of the legal maxim of audi alteram partem. Furthermore, his absence from the proceedings was not intentional but on account of ailment of his father since June 2025. Additionally, the impugned order suffers from misreading and non reading of evidence inasmuch as the Complainant has admitted in her cross examination that the Applicant had contacted her only through official phone number issued by the Company and no private number of the Applicant was used and that omission to consider this statement constitutes a manifest error on the face of record.
- 4) Finally, it is prayed that the impugned decision be reviewed on grounds of limitation, lack of jurisdiction and denial of fair hearing or in the alternative it be recalled and the Applicant be granted an opportunity of hearing and the issues pertaining to jurisdiction and limitation be decided in accordance with law.
- 5) After hearing the learned counsel of Applicant and perusing the record, it is revealed that no objection on jurisdiction of this Forum or limitation in filing the instant complaint was raised in the written defense. The Accused while referring to the illegality conducted by inquiry committee of the Company on harassment complaint filed against him by the Complainant, claimed that the proceedings were in violation of Sections 3 and 4 of the Act of 2010; as neither any formal complaint was communicated to him nor he was given a chance to bring forth his defense. It is important to note that the Accused did not file any Appeal under Section 6 of the Act of 2010 against the decision of the Company so as to adjudge the legality of procedure rather agitated it in his written defense filed before this Forum. It has already been observed in paragraph No. 27 of the impugned decision that the Accused was terminated in an administrative

inquiry and not under the Act of 2010. Validity of the decision of the Company regarding termination of Accused or proceedings conducted by the inquiry committee in violation of Sections 3 and 4 of the Act of 2010, was therefore not required to be ascertained.

- 6) Additionally, Sections 9 and 11 of the Act of 2010 have been referred to in the instant application with regard to limitation. Though these legal provisions have not been mentioned in the written defense, they relate to “Representation” and “Responsibility of employer” respectively. In cases of harassment the superior courts have given a lenient view in matters of delay in filing complaints. The question of limitation in filing complaints of harassment has been well articulated in the case law reported as Uzma Naveed Chaudhary Vs The Federation of Pakistan (PLD 2022 SC 783). Relevant extract is reproduced hereunder:

“9. So far as the objection of the respondent that there is a long delay in lodging the complaint by the petitioners against him after the alleged incidents of harassment is concerned, the President has rightly rejected the same and observed that delay in such cases is understandable. In our social and cultural setting where prevailing notions of family honour and taboos play a dominant role, it is not easy for a woman to speak up about such deeply disturbing incidents. There is also the apprehension of counter allegations hurled against her character by the delinquent. For these and other reasons, many cases of sexual harassment remain unreported. Victims of sexual harassment who exhibit the courage to report the matter against all odds should not, therefore, be turned away on the ground of delay in lodging the complaint.”

7. The Applicant caused sexual harassment to the Complainant which stretched to two months continuing till 15.08.2025 whereas complaint before the Company was filed on

08.12.2025 and before this Forum, after about five months on 15.01.2025. The Act of 2010 does not provide a limitation period for filing complaints and as already mentioned above, there is an indulgent approach of higher courts in this regard. Further, since the objections on limitation in filing complaint and jurisdiction of this Forum were not mentioned in the written defense, therefore, these objections based both on legal and factual grounds do not constitute discovery of a new material not being in the knowledge of the Accused at the time of filing written defense. Thus, these objections calling for review of the impugned decision are of no legal significance.

8. The objections on maintainability, expanding the scope of harassment and not specifying any objectionable material to attract the provisions relating to sexual harassment also hold no legal force as the impugned decision is based on corroborated and convincing evidence of Complainant. Even otherwise, a conclusion drawn in a decision does not attract the principle of Review as has been held in the case law reported as Mehmood Hussain Lark Vs. Muslim Commercial Limited (2010 SCMR 1036). Relevant extract is reproduced hereunder:

“...Fact that the conclusion drawn in a judgment is wrong would not warrant review of the same but if the conclusion is wrong because something manifest has been ignored by the Court or the Court has not considered an important aspect of the matter, a review petition would lie.”

9. The principle of review is that it can be exercised only when there has been a discovery of new or important matter which after exercise of due diligence was not within the knowledge of the person seeking review or there is some mistake or error apparent on the face of record or there is any other sufficient reason. Scope of review is also limited in nature and cannot be invoked by parties to re argue their case on merits. Reliance is placed on the case law cited as Commissioner Inland Revenue Vs Messrs Switzerland Geneva. Relevant excerpt is reproduced hereunder for ready reference:

“ It is a well settled exposition of law that review may be entreated only instances or occurrences of errors in the judgment or order, floating on the surface of record with a substantial impact on the final out come of the lis, but it does not connote and entail a right of re hearing the decided case.”

10. In the present application the accused has not brought any new matter on the record. A perusal of the impugned decision reveals that all the contentions of the Accused have comprehensively been dealt with by this Forum. He has apparently failed to establish any defect in the impugned decision and has agitated points not raised in his written defense or already decided by this Forum.

11. So far as the request of Applicant to Recall the impugned decision in the alternative is concerned, the same is based on unsound reasons as he was never stopped by this Forum from exercising his right of fair trial nor the principle of audi alteram partem is applicable to his case as he was never condemned unheard and he himself absented from the proceedings and appeared before this Forum after about six months of the ex parte order passed against him. This fact apparently reveals that his absence from the proceedings was intentional. His father's ailment also does not constitute a reasonable cause of his absence. The grounds are thus not convincing so as to Recall the impugned decision.

In view of the foregoing, the application for review or recall is dismissed.

FEDERAL OMBUDSPERSON