

# OFFICE OF THE FEDERAL OMBUDSPERSON

## FOR PROTECTION AGAINST HARASSMENT OF WOMEN

### AT THE WORKPLACE, ISLAMABAD

#### FORM OF ORDER SHEET

Appeal No .FOH-HQR/0000113/20

**Date of Institution: 27-02-2020**

Serial No. of Order of Proceedings	Date of order of Proceedings	order of other proceedings with signature of federal ombudsperson <b>TITLE: SUMERA GHAFFAR VS PIA &amp; OTHERS</b>
1	2	<b>PIA</b>
<b>59</b>	<b>28-09-2023</b>	<p>Appeal No. <u>FOH-HQR/0000113/20</u></p> <p>Shortly narrated facts of the case are that Ms. Sumera Ghaffar (<b>hereinafter called the Appellant</b>) filed an appeal at this forum on 27-02-2020 against the inquiry report of PIA Inquiry committee. She alleged that the Inquiry Committee constituted in her case was under the influence and pressure of the management and that the committee members were not ready to listen her voice. She specifically alleged that the important piece of evidence i.e. footage of CCTV camera was not allowed by the Inquiry Committee despite her repeated requests.</p> <p>The Appellant prayed that her inquiry be conducted by FOSPAH instead of departmental committee to punish those who were guilty of her harassment.</p> <p>This appeal was contested by the opposite side. The proceedings were still going on when the Appellant was terminated from service vide order dated 02-11-2020. She filed an application dated 03-11-2020 for suspension of the termination order and to maintain status quo ante. The Respondents (PIA) resisted the said application. However, the said application was allowed by this forum vide order dated 30-03-2021, holding that the termination order of the Applicant-Appellant during pendency of the proceedings at this forum was</p>

the retaliation on part of the employer which was against the spirit of the Act 2010. The impugned order dated 02-11-2020 was suspended for the time being maintaining status quo ante till the final disposal of the appeal.

This order was assailed by the Respondents (PIA) through representation before the Honorable President of Pakistan. The representation was rejected by the Honorable President of Pakistan vide order dated 07-12-2021. Directions were issued to this forum to conduct expeditious proceedings to dispose of the main appeal pending before the forum. After receipt of the order from the Honorable President of Pakistan, notices were issued to the parties for their attendance and further proceedings in the matter.

During subsequent proceedings at this forum it was pointed out by the learned counsel for the Respondents (PIA) that there was no specific order of the competent authority on the basis of the inquiry committee report and hence the appeal was not competent.

In view of above, the matter was sent to the Respondents (PIA) to obtain order of the competent authority on the recommendations of the inquiry committee report. Respondents, however, were directed to comply with the order of this forum dated 30-03-2021 in letter and spirit and not to terminate the services of the Appellant till the final disposal of the appeal.

The above order dated 12-01-2022 was again assailed by PIA before the Honorable President of Pakistan in another representation but the said representation was also rejected vide order dated 31-10-2022.

Parties were summoned for regular hearing of the case. Notices were also issued to the third party i.e. Sky Room (Pvt) Ltd through whom the Appellant got the job. Representative of the Sky Rooms furnished reply praying to discharge Sky Room after deleting its name from the case as it had no nexus with the appeal filed by Sumera Ghafar.

		<p>The perusal and scrutiny of the available record would suggest that the Respondents (PIA) have taken this matter quite casual and lightly, ignoring and avoiding the compliance of the orders issued by this forum and upheld by the Honorable President of Pakistan.</p> <p>As discussed above, the Appellant was terminated from service during pendency of her appeal at this forum vide order dated 02-11-2020. The said order was suspended by this forum vide order dated 30-03-2021 maintaining status quo ante which meant that the Appellant was restored to her position of pre-termination order.</p> <p>This order was not complied with by the Respondents. Representation against this order was filed which was rejected. Then another order was passed by this forum dated 12-01-2022 which was also assailed before the Honorable President of Pakistan but again the representation of the Respondent was rejected.</p> <p>On the objection or pointation of the learned counsel for the Respondents the case was sent to the Respondents (PIA) to obtain the order of the competent authority in respect of termination of services of the Appellant in view of the recommendations of the inquiry committee but no such order has been passed by the authority so far.</p> <p>The Respondents cannot absolve themselves of passing such order because this forum passed the order dated 12-01-2022 on their pointation in their reply.</p> <p>The present position of the case is that, although, the inquiry committee report with its recommendations does exist on the file, yet, no order of the competent authority has been yet passed. This forum has already asked the Respondents (PIA) to pass order on the inquiry committee report by the competent authority in terms of Section 4(5) of the Harassment Act, 2010.</p> <p>In order to fairly resolve the issue at this stage, I thought it appropriate to direct the Respondents (PIA), firstly to comply with</p>
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