



**FEDERAL OMBUDSMAN  
For Protection against Harassment of Women at Workplace  
Islamabad**

**TITLE: Ms. Makhdoma Ayesha Khatak Vs. Mahmood-ul-Hassan & others**

**J U D G M E N T**

1. Complaint Number: FOH-HQR/0000527/18
2. Date of Institution: 02-01-2018
3. Date of Decision: 04-01-2019
4. Complainant: Ms. Makhdoma Ayesha Khattak  
Admin Officer (MF)  
Pakistan Broadcasting Corporation  
Islamabad
5. Opponents:
  - i. Mahmood-ul-Hassan  
Director Administration  
Pakistan Broadcasting Corporation  
Islamabad
  - ii. Pirzada Asghar Mehmood  
Controller Administration  
Pakistan Broadcasting Corporation  
Islamabad

**KASHMALA TARIQ  
FEDERAL OMBUDSMAN**

Complaint filed by Ms. Makhdooma Ayesha Khattak (herein after known as the Complainant) who is working as Administration Manager (MF) in Pakistan Broadcasting Cooperation Islamabad. In her complaint, she alleged that she is being harassed by senior officers of the department and that her ACRs were not shown to her and her probation period for promotion was not terminated on the basis of adverse ACRs. She has been transferred from one branch to another branch without any reason. She is not being provided other office facilities like water dispenser, office stationary, office furniture etc. When she went to the office of Controller Admin to check her ACRs, he refused to show her ACRs and threaten her to transfer to the other branch. In this way she was harassed by the said officer. She also alleged that the Director Administration did not cooperate with her in this regard and supported Controller Administration. Therefore, she prayed for taking action against the respondents under the Protection against Harassment of Women at Workplace Act 2010.

The notices were issued to Director Administration and Controller Administration Pakistan Broadcasting Cooperation Islamabad, who appeared before the Court in-person and submitted written replies.

On the final date of hearing Director Administration & Controller Administration (herein after referred as opponent no. 1 & opponent no. 2) and their witness Deputy Controller, Steno Grapher were present along with counsel Shahida Sukhera Advocate High Court. The Complainant was also present in person. The parties individually were heard at length.

Opponents counsel took the following preliminary objections:-

- i. That the complaint is not maintainable as it relates to official and administrative issue.
- ii. That the complaint does not fall under the ambit of the

Protection against Harassment of Women at Workplace Act 2010.

- iii. That the writing of ACRs / PER is purely a part of job which is based on her performance.
- iv. That the Complainant has misstated the facts and tried to mislead this office.

In facts, the respondents in person contended that the Complainant's ACRs were pending in the office of Controller Administration for countersigning on the report of reporting officer based on quality of performance. Her performance report is very poor since her induction and got adverse remarks in ACRs. Therefore, her probation period for promotion was extended for further period on the basis of adverse ACRs. Furthermore, she has a long history of professional misconduct. The record of department transpires that she has misbehaved with her senior officers many times and involved in the cases of misconduct and violation of office discipline. She exhibits aggressive attitude towards her senior officers and staff members. In addition, she was being transferred from one wing to another wing within same building in PBC headquarters Islamabad since her appointment in 2007. She was never transferred to any other city in her entire career. On 24-9-2018, she went to the office of Controller Administration and shouted upon him and said him to show her ACRs in a very rude tone. She even threatened him of dire consequences in front of his staff. She also gave an application to Director General which was sent to Director Administration who appointed Mr. Ali Zia, Controller Procurement Cell as Inquiry Officer to hold the fact finding inquiry into the matter. The opponents prayed for dismissal of the complaint.

Arguments heard, record perused.

The preliminary objections raised by respondents need consideration. Firstly, it is not denied by Complainant that the matter is related to administration her promotion and her ACRs. The examination of complaint

shows that no act of harassment mentioned in section 2(h) of The Protection against Harassment of Women at Workplace Act 2010 was done despite the exchange of hot words by the Complainant and Controller Admin on the issue of showing ACRs. Admittedly, the writing of ACRs / Performance Evaluation Report is purely a part of job which is based on employee's performance.

Complainant admittedly stated that she herself entered into the office of Controller Admin and misbehaved with him in front of his staff and demanded to show ACRs. In addition the relief sought by the Complainant is the perks and privileges of job i.e. promotion, ACRs, office facilities etc which is beyond the powers of this office under the relevant law.

In view of the above discussion, it is observed that the Complainant has not been able to prove any act of harassment in section 2(h) of The Protection against Harassment of Women at Workplace Act 2010 against the respondents. Non consideration of Complainants request for promotion, termination of probation period for promotion and showing of ACRs, does not fall within the purview of harassment of the act. Therefore, the complaint is hereby dismissed.

**KASHMALA TARIQ**  
**Federal Ombudsman**