

OFFICE OF THE OMBUDSMAN

Islamabad

FORM OF ORDER SHEET

Appeal No .FOH-HQR/0000113/20

Serial No. of Order of Proceedings	Date of order of Proceedings	order of other proceedings with signature of federal ombudsman TITLE: SUMERA GHAFFAR VS PIA (PIA)
1	2	3
	12-01-2022	<p>Appeal No. <u>FOH-HQR/0000113/20</u></p> <p>Appellant Ms. Sumera Ghaffar present in person.</p> <p>Mr. Umar Vardag, advocate present on behalf of the respondents (PIA).</p> <p>This file has been received back from the Secretariat of the honorable President of Pakistan on remand with direction to dispose off the main case pending at this forum.</p> <p>It transpires from the record that Ms. Sumera Ghaffar filed the present appeal against the decision/recommendations of the inquiry committee dated 17-10-2019 whereby it was held that her charge against the accused was not proved and hence it be dropped/withdrawn. Against the above recommendations Sumera Ghaffar filed the instant appeal at this forum.</p> <p>At present the recommendations of the inquiry committee are the subject matter of the appeal. During pendency of the case this forum passed the order on 30-03-2021 where it was held that termination order against Appellant Sumera Ghaffar by the authority was an act of retaliation which was against the</p>

		<p>provisions of the Protection against Harassment of Women at the Workplace Act 2010 and as such the Appellant's suspension order dated 02-11-2020 was suspended maintaining status quo-anti till the final disposal of the appeal.</p> <p>Opposite side assailed this order before the honorable President of Pakistan in a representation which was rejected remitting the case back to the forum for decision afresh on the main case.</p> <p>During the proceedings, today, before this forum, it has been brought to the notice of the forum that there is no specific order of the competent authority on the basis of the inquiry committee report and hence this appeal is not competent. On careful perusal of the record this plea of learned counsel for the respondents/PIA proves correct. On the record there is only the inquiry report with its findings and recommendations whereas neither the said inquiry report seems to have been submitted to the competent authority nor the competent authority has passed any order on the same as per required procedure of section 4 of the Act <i>ibid</i>. Since passing of the final order rested with the competent authority and since the competent authority has passed no such order only the recommendations of the inquiry committee are not sufficient. These recommendations of the inquiry committee are required to be submitted to the competent authority which in turn is needed to pass an appropriate order on the same and if any party is aggrieved of that order she/he would challenge the same at this forum in appeal in terms of section 6(2) of the Protection against Harassment of Women at the Workplace Act 2010.</p> <p>The above mandatory provisions to be followed by the inquiry committee, might have been oversighted during the proceedings</p>
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at this forum. Thus, to make the things appropriate and according to the law and procedure on the subject, this matter is essentially to be sent to the Respondents/PIA in order to obtain the orders of the competent authority on the recommendations of the inquiry committee report. In case the Appellant feels aggrieved of any such order she may challenge the same in a fresh appeal at this forum. However, as sufficient time has been consumed in this litigation that might have enhanced the agony of the Appellant, it seems fair that on account of the above discussed technicalities, the Appellant should not be affected adversely. Thus, I direct the respondents PIA to follow 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 this matter by this forum.

Copy of this order be sent to the respondents PIA for doing the needful, and send copy of the order of competent authority to the Registrar of this office within fortnight after receipt of the order.

To come up for further proceedings on **27-01-2022**.

OMBUDSMAN