

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P.No.2050 of 2020
Anis R. Syed
Versus
Jamshed Munawar & Rabia Jahangir and others

| S. No. of order/ proceedings | Date of order/ proceedings | Order with signature of Judge and that of parties or counsel where necessary. |
|---------------------------------|-------------------------------|--|
| | 30.07.2020 | The petitioner in-person. |

Through the instant writ petition, the petitioner, Anis R. Syed, impugns the order dated 06.07.2020 passed by the President of Pakistan (respondent No.3) whereby the petitioner's representation against the order dated 26.11.2019 passed by the office of the Ombudsman for the Protection against Harassment of Women at Workplace (respondent No.2), was dismissed. Vide the said order dated 26.11.2019, the learned Ombudsman dismissed the petitioner's complaint on the ground that the actual aggrieved person had passed away.

2. The petitioner appeared in-person and submitted that his late sister Ayesha Hafeez worked as Adult Literacy Worker in the Federal Social Welfare Department; that during her lifetime, she had been harassed by co-employees, Jamshed Munawar and Rabia Jahangir; that Jamshed Munawar had also torn her application for leave; that the harassment at her workplace had caused her mental distress causing her to file an application before the Director, Federal Social Welfare Department on 06.03.2015; that no action was taken against Jamshed Munawar on Ayesha Hafeez's application; and that respondents No.2 and 3 erred by not appreciating that action against Jamshed Munawar should have been taken under the provisions of the Protection against Harassment of Women at the Workplace

Act, 2010 (**"the 2010 Act"**). The petitioner prayed for the writ petition to be allowed in terms of the relief sought therein.

3. I have heard the contentions of the petitioner.

4. The 2010 Act was enacted to make provision for the protection against harassment of women at the workplace. An inquiry committee constituted in organizations under Section 3(1) of the 2010 Act and the Ombudsman appointed under Section 7 of the said Act can inquire into complaints submitted by the complainants on being aggrieved by an act of harassment. The word **"harassment"** has been defined in Section 2(h) of the 2010 Act in the following terms:-

"harassment" means any unwelcome sexual advance, request for sexual favors or other verbal or written communication or physical conduct of a sexual nature or sexually demeaning attitudes, 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."

5. I have gone through the application dated 06.03.2015 addressed to the Director, Federal Social Welfare Department. Assuming that the application dated 06.03.2015 had indeed been filed by the late Ayesha Hafeez, the said application has no allegation of **"harassment"** as defined in Section 2(h) of the 2010 Act against Jamshed Munawar. Under the provisions of the 2010 Act, an inquiry by the inquiry committee or the Ombudsperson can only be against the person against whom the complainant makes allegation of **"harassment"** as defined in Section 2(h) of the said Act, and none other. Therefore, I am of the view that the concurrent orders passed

by respondents No.2 and 3 do not suffer from any jurisdictional infirmity.

6. In view of the above, the instant writ petition is dismissed in *limine*.

(MIANGUL HASSAN AURANGZEB)
JUDGE

Sultan*

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