



PROVINCIAL OMBUDSMAN SINDH
THE PROTECTION AGAINST HARASSMENT OF
WOMEN AT THE WORKPLACE

Complaint No. : 30(KHI)/2020

Name of complainant : Ms. Mahreen Aziz Khan

Address of complainant : 107-D, 16th Street, Khayaban-e-Sehar, DHA Phase-VI, Karachi.

Name of Accused : 1. Moonis Abdullah Alvi
2. Muhammad Rizwan Dalia
3. Col (R) Wahid Asghar
4. Khalid Rafi

Address of Accused : K-Electric 39-B, Sunset Boulevard, Phase-II, DHA, Karachi.

Nature of Complaint : Harassment, intimidation and mental agony.

Date of Order : 31.07.2025.

Mr. Ali Umrao Advocate for the complainant
Mr. Ayan Mustafa Memon Advocate for accused No.1
Mr. Faisal Mahmood Ghani Advocate for accused No.2 to 4
Ms. Mumtaz Begum Noonari, State Counsel.

ORDER

JUSTICE (R) SHAHNAWAZ TARIQ, OMBUDSPERSON:- Complainant Ms. Mahreen Aziz Khan, ex-Chief Marketing & Communication Officer (hereinafter referred to as "CMCO") has filed instant complaint under section 8 of the Protection against Harassment of Women at the Workplace Act, 2010 (hereinafter referred to as "the Act, 2010") against accused No.1 Moonis Abdullah Alvi, CEO, K-Electric (hereinafter referred to as "KE"), accused No.2 Rizwan Dalia, Chief People Officer (HR) KE, accused No.3 Col (R) Wahid Asghar, Chief of Security KE and accused No.4 Khalid Rafi, Member of the Board of Directors and Chairman Board HR Committee KE for causing harassment, intimidation and mental agony, and has prayed that accused persons may be taken to the task.

2. Relevant facts narrated in instant complaint are that complainant got educated at Harvard and did Bar from Cambridge,

and worked with BBC, and consultant with the World Bank and United Nations. She has stated that KE offered her consultancy in October, 2019, and she was hired to work on four-points agenda covering gap analysis, crisis communications, media training and workshop but meanwhile, accused No.1 and 2 insisted her to join as CMCO on 26.12.2019 and she was also introduced to accused No.4 and Shan E Abbas Ashray of the Board HR Committee and they endorsed her. However, accused No.4 enquired about her children, as the job was very demanding and a woman with children would have not the time to do it properly and she replied him that she did not have children and looking after her mother, which reflects that the culture at KE was patriarchal, intimidating, sexist and offensive for women. She has stated that in the first week of her joining the KE when she was alone in the office of accused No.1 and discussing issues, he said that he wanted to take her to dinner or coffee in the night, wherever she would like and he would pick her from her house at night and said that "Sirf mein aur aap chalein gey." Therefore, she was a bit dumbstruck and said nothing just smiled politely but dismissed it. She has stated that in June 2020, accused No.1 commented on her figure "oh you've lost weight from tummy and kept your share (Feminine Curve) how did you do that" and he looked at her up and down and when she stood up, he said "it was very noticeable" whilst looking at her waist. Therefore, she felt very uncomfortable but he kept discussing her body, and to conclude the conversation, she told him that she had been fasting strictly. She has stated that in July 2020, in a meeting when she and the accused No.1 were discussing the bad press the KE was getting, he said "if you're getting raped you should lie back and enjoy it" and then laughed and made jokes about women's day in March saying "mera Khamba/billi, meri marzi" and referred to an obscene dance TikTok video and asked if she had seen it as those Pakistani girls were "kiya baat hai". She has stated that accused No.1's conversations with her were constantly clouded with sexual undertones and innuendos, and he also warned her to stay away from the Chief Distribution Officer Amer Zia and Chief Generation Officer Dale Sinkler and said "yeh log theek nahin hain" and even there was no official welcome lunch for her with other leaders and she got the distinct feeling as he wanted her not to interact with those two leaders in particular.

3. She has stated that she was not even spared by the accused No.1 on weekends and mostly on Saturdays, he would call her into



office or arrange external meetings, therefore, she had no days off even at weekends and he demanded that she be available 24/7 and usually summoned her office alone and no one else would be called on these occasions that meant that she and accused No.1 would be alone at the office which is usually locked on weekend. She has stated that she found that most of the time the discussions in those meetings were trivial matters which could have been discussed on the phone. She has stated that she felt that accused No.1 wanted to control her and have her at his beck and call at weekends. She has stated that during one on one meeting with her in office, the accused No.1 in order to give hints of his intention and to groom her, talked about KE's former Director Media (Sadia Dada) that she was successful and he liked her because "mein uss ko kaheen bhi lay ja sakta tha, aik baje raat ko bhi who tayyar hote thi" and she had "jadoo" and "knew how to handle men" and was a "tom boy" and would sit and chat with him and other men, smoke and laugh at the Sind Club at late night, therefore, he liked her and when she said that she wanted to leave the job because she forgot her husband's birthday, he told her to get lost and did not serve three month notice. Therefore, she felt very perturbed that he had unprofessional attitude and expectations and an irrational temper. She has stated that her probation was completed on 26th January but the accused No.1 extended it without giving any reason except that she was not seeing him enough. She has stated that accused No.2 also said her that "chehra dikhayein unko rozana" and she replied him that she updates the accused No.1 on email and WhatsApp, and whenever he summons her for a meeting, but accused No.2 insisted that she should visit accused No.1 and sit with him. She has stated that in March just before the lockdown, her floor was empty except for a couple of people, accused No.1 came to her room and said that she needed to be more friendly, as she was too formal and professional and she would never be successful if she did not please him and people close to him and said that "aap ki personality, shakl achi hai," and also reminded her that she is the first and only woman in top management so she would have to stop pushing back so much as she does not understand business like the men. Therefore, said conversation made her very disturbed and upset because it was all about her gender not about her work. She has stated that whenever she suggested for the top management meeting, the accused No.1 always said that there was no need and she should just come and see him one on one. She has stated that in late June, she asked the



accused No.1 several times that she and her team should meet weekly but he brushed aside her idea and insisted that she should go to see him. However, she took Taha DGM Media with her on 21.07.2020 and at the door of his office, accused No.1 said "you come to see me on your own, I want to talk to you privately." Therefore, she asked him that should they discuss the matter on the phone if it was urgent, but he said no, thus, she thought that he just wanted her to go to his office regularly. She has stated that on numerous occasions, the accused No.1 would spread his legs and tuck one leg on the sofa and his hands would be in his lap; he would sometimes take off his socks, tie and jacket in front of her which was very uncomfortable and inappropriate for her. She has stated that the accused No.1 has short temper and used foul language and yelled at people which is evident in a voice note to her from the accused No.2, and a video clip of NEPRA hearing in September 2020 when a lady complained publicly that he is "intihal badtameez and threatens women." She has stated that when she complained about the accused No.1 that he was being rude and threatening towards her to the accused No.2 and Aamir Ghaziani CFO, they both replied "woh thoray sey jazbatl hain laikin dil ke achey hain, and she should ignore him." Thus, the favour of HR to accused No.1 has created an intimidating work environment though she was under constant threat of his shouting and abusive behavior.

4. She has stated that the accused No.1 often used foul language one on one towards her and in front of her team, and on 11th July when she, accused No.1 and others came back from Governor House meeting, he said "who kameeni kahan hai?" referring to Nida Jaffery of his team. She has stated that the accused No.1's language got worst and he would use the word "f**k" when he was angry which was very often, and on 10th August, he used variations of "fuck you and you fucked up" several times to the complainant and her team members on a call. Thereafter on the very same day, he yelled so much and shouted at her in front of her team on the call and said "you are all pathetic and loose cannons and as long as I am here you will do what I tell you," which was a very threatening, humiliating and demeaning tone against her. She has stated that on 20.07.2020, in a meeting with the complainant's team in Dale's room, the accused No.1 said "yeh kiya chutiyapa pana hai" and he would tell the Board to "shut up and get lost" if they interfered in media strategy, and his tone was extremely unprofessional and he shouted to vent his frustration. Therefore, she was shocked as she does not have a



colorful vocabulary and her team was extremely embarrassed, therefore, one female team member made complaint to the accused No.2 about his foul language on 29th July, as another incident also occurred on 27th July when the accused No.1 had a go at the complainant in front of a big group meeting and she was mortified as he targeted her team with verbal abuse. She has stated that she was in the office of accused No.1 for a meeting one on one and he said to her "kiya bakwas baat thai yeh," when she was giving her feedback. She has stated that on 29.08.2020, after heavy rains, she did not have electricity and gas at her house for 48 hours, and she told the accused No.1 but he replied very rudely "just move to a hotel!" and she informed him that her mother was alone at home who has a heart condition, and he said that "kol aik to ghar ho ga pure Karachi mein jahan unko drop kr dein," and she was deeply hurt and offended by said remarks. Therefore, she made complaint to the accused No.2 on 17th July and Board Members, but instead of addressing her complaint, the accused No.2 started to harangue her and kept calling and messaging her on WhatsApp that "Moonis is the boss and if he said you go then you need to leave." She has stated that when she lodged complaint with Board Members on 5th September against accused No.1's bad language and yelling, she was heard by Shan E Abbas Ashray and Khaqan Khan, therefore, accused No.1 became extremely rude and in one on one meetings threatened her that "aap kee mujh se nahin bani tau aap ko jaana he hoga" and then he started dropping her from meetings, calls and media interactions. Therefore, her health was seriously impacted and she started getting attacks of vertigo, tummy troubles, insomnia and BPPV, thus, doctor recommended her rest and work balance but accused No.1 continued his hostile attitude.

5. Accused No.1 filed his written defence and has stated that the services of the complainant were terminated one month prior to the institution of her complaint as such she was not employee of KE, and the allegations leveled in complaint do not fall within the ambit of the harassment as defined under section 2(h) of Act of 2010, therefore, the complaint is liable to be dismissed. He has stated that the complainant was appointed as CMCO against market competitive salary of Rs.2,005,000 (Rupees Two Million Five Thousand) per month including company maintained Toyota Fortuner, 1800 cc car, club membership, provident fund, gratuity, medical facility and job security in case of change of ownership of



KE. He has denied that the culture at KE is patriarchal, sexist and offensive for women, but the KE believes on equal opportunities for women and men, while the HR department is actively vigilant in case of any misdemeanor and has also constituted inquiry committee in terms of the Act, 2010. He has stated that he is a highly professional with exceptional performance record and enjoys good reputation in the industry but the complainant has leveled false allegations against him only to take the revenge of her termination. He has stated that she has complained about the professional commitments and fabricated the professional conversations in order to malign him with ulterior motive and obtain unlawful gratification and unsubstantiated pay-outs. He has denied that he has a short temper and used foul language but complainant has twisted a professional voice note of accused No.2 to prove her allegations, while being the CEO, his job requires long working hours with rigorous responsibilities and he is known for his calm demeanor. However, a biased opinion and staged stunt of an individual at a public hearing is being used against him. He has stated that due to the problems faced by the employees of KE during unprecedented rains, the complainant was offered to move to a hotel so that she may carry out her duties without any hindrances and the KE would bear the costs, however, the allegations raised by her in this regard are misleading and concocted. He has denied that as the complainant made complaint against him, therefore, she was targeted by him, but in fact, she had grave performance issues for which feedback was given to her, upon which, she became hostile, therefore, the employer had no option but to terminate her service. He has stated that the complainant has raised the baseless allegations in her complaint which were never raised during her employment nor she had approached the inquiry committee. He has stated that she avoided the media despite insistence by him which became a grave concern for the KE and impacted her performance. He has denied the contents of the transcript and voice recording being inadmissible and incorrect. He has stated that the allegations leveled in instant complaint are false, misleading and defamatory for which he reserves right to initiate appropriate legal proceedings.

6. Accused No.2 filed his written defence and has stated that the allegations leveled in instant complaint do not fall within the ambit of harassment as defined under the Act, 2010, therefore, this complaint is liable to be dismissed. He has stated that the



complainant has falsely portrayed that she was uninterested in the post of CMCO, while she was appointed against market competitive salary package and benefits. He has denied that the culture at KE is patriarchal, sexist and intimidating for women but KE provides equal opportunities to women and men through awareness programs. He has stated that the HR department is vigilant in cases of misdemeanor and has constituted an Inquiry Committee under the Act, 2010, but the complainant did not file any complaint before the said committee during her employment. He has stated that the complainant has filed her complaint only to pressurize, blackmail and defame the accused persons. He has stated that he had received two complaints against the complainant from her team members for alleged unethical conduct and harassment which are self-explanatory. He has stated that the conversations as alleged by the complainant to him that he asked her to visit the accused No.1 never took place and she has twisted and fabricated the facts and made unsubstantiated allegations. He has stated that a professional voice note from him has been twisted in order to prove the aforesaid allegations while she had never lodged a complaint with the Board Members and had avoided the media despite insistence by the accused No.1 which became a grave concern for the KE and impacted her performance.


7. Accused No.3 and 4 have filed their written defences and have narrated almost similar and identical facts, therefore, their written defences are referred together. It is stated that instant complaint does not fall within the ambit of the Act, 2010, which only applies to employees in service while the complainant is not employee of the KE, therefore, the complaint is liable to be dismissed. It is stated that complainant is trying to achieve indirectly what cannot be achieved directly as she has sought a declaration against her termination. It is stated that they are highly professional with exceptional record and enjoy good reputation within the organization and the industry. However, the allegations levelled by the complainant are extremely shocking and disturbing them, and even professional commitments have been complained by her and the facts have been twisted as per her will. It is stated that she has filed her complaint to pressurize and blackmail them in order to obtain unlawful gratification and unsubstantiated pay-outs, and before the issuance of notice in present complaint, she started to publicize the entire episode on social media. Thus, it is obvious that



the complainant has ulterior motive to malign and deprecate their reputation which is out-rightly defamatory and they reserve the right to initiate appropriate legal proceedings against her. It is stated that the conversations as alleged by the complainant never took place and she has concocted and fabricated the facts and made unsubstantiated allegations. It is stated that the allegations raised by the complainant in her complaint have never been raised during her employment nor she approached the inquiry committee, therefore, the same are a figment of her imagination and totally false, and the transcript filed by the complainant is unreliable and do not establish her case of sexual harassment, therefore, instant complaint is not maintainable.

8. Complainant filed her affidavit in evidence and produced it as Ex:C-1. She has also produced photocopies of her profile and qualifications, consultancy agreement, contract of appointment, USB, screenshot of WhatsApp message, transcript of audio recording in USB, emails dated 19.04.2020 containing 4 pages, emails dated 20.06.2020 containing 2 pages, emails dated 21.06.2020 containing 2 pages, screenshots of WhatsApp messages containing 3 pages, email dated 12.10.2020 containing 2 pages, email dated 12.09.2020 containing 3 pages, email dated 27.09.2020 containing 4 pages, medical record containing 29 pages, letter of termination, code of conduct for Board of Directors and Employees, contract of appointment, screenshots of WhatsApp messages containing 8 pages as Exs:C-2 to C-62 respectively. Complainant's witness namely Sarah Dawood filed her affidavit in evidence and produced it as Ex:CW-1/1. She produced copy of certificate dated 14.07.2021 as Ex:CW-1/2.

9. Accused No.1 filed his affidavit in evidence and produced it as Ex:A-1/1. He also produced photocopy of CNIC, screenshots of WhatsApp messages dated 27.08.2020, 28.06.2020, 06.03.2020, 24.04.2020, 16.07.2020, 14.09.2020, 17.09.2020 and 22.05.2020, emails dated 31.07.2020 and 26.08.2020, reply of email dated 27.08.2020, news article dated 25.11.2020, another news article containing 8 pages, and WhatsApp conversation containing 106 pages as Exs:A/1-2 to A/1-22 respectively. Accused No.2 filed his affidavit in evidence and produced it as Ex:A-2/2. He also produced copy of his CNIC as Ex:A-2/3. He produced photocopies of documents attached along with his affidavit-in-evidence as Ex:A-2/4 to Ex:A-2/7 respectively. Accused No.3 filed his affidavit in



evidence and produced it as Ex:A-3/2. He produced photocopy of his CNIC as Ex:A-3/3. Accused No.4 filed his affidavit in evidence and produced it as Ex:A-4/2. He also produced copy of his CNIC as Ex:A-4/3. Accused's witness namely Shan E Abbas Ashray filed his affidavit in evidence and produced it as Ex:AW-1/2. He also produced minutes of Board meetings as Ex:AW-1/3 to AW-1/6 respectively.

10. Mr. Ali Umrao learned Counsel for the complainant, Mr. Ayan Mustafa Memon learned Counsel for accused No.1 and Mr. Faisal Ghani learned Counsel for accused No.2 to 4 advanced their arguments and also filed written synopses. Mrs. Mumtaz Begum Noonari learned State Counsel adopted and supported the arguments of the learned counsel for the complainant.

11. Accused persons have contended that the sexual harassment committee has been constituted in KE but the complainant instead of filing her harassment complaint before the said committee, has preferred her complaint directly before this office, therefore, instant complaint is not maintainable under the law.

While controverting the above plea, complainant has contended that she did not file her harassment complaint before the inquiry committee of KE because all the members of the committee were junior and subordinate of the accused No.1, therefore, there was probability that the committee would be biased and not conduct fair proceedings against accused No.1.

12. It is by now well settled law that where multiple remedies are available, the aggrieved party/victim has the right to choose/select the forum of its choice. Moreover, as per Section 8(1) of the Act, 2010, the complainant is at liberty to either approach the departmental inquiry committee constituted under section 3 of the Act, 2010, or directly to the office of Ombudsperson for redressal of grievances as per his/her convenience. For appropriate conclusion, section 8(1) of the Act is reproduced as under:-

"8. Ombudsperson to enquire into complaint: (1)
Any complainant shall have the option to prefer a complaint either to the Ombudsperson or the Inquiry Committee."



In light of the above discussion, the contention raised by the accused persons carries no weight in the eyes of law, therefore, the same is discarded.

13. Accused persons have alleged that the complainant was terminated from her service vide order dated 14.10.2020, therefore, she has filed present complaint with malafide intention and ulterior motive only to take revenge from them, while complainant has vehemently denied the above stance of accused persons.

Perusal of the record reveals that complainant had made complaints against accused No.1 to Khaqan Khan Member of the Board regarding the unfortunate incidents occurred with her and her team in the month of July, 2020 vide WhatsApp messages dated 05.09.2020 which are produced as Ex:C-55 to C-57. For convenience, the messages dated 05.09.2020, are reproduced as under:-

"Sat, 5th Sep:

Dear Khaqan,

Thank you so much for bringing up the issue so sensitively and acknowledging what my team and I have been through. I do hope we can address this and improve KE for everyone's well-being and morale, as it is a wonderfully exciting and meaningful place to work.

08:54 PM

Details Mon 20 July: my team and I met with CEO in Dale's office (as it was unoccupied) and he used the CH word and the Get Out & Shut Up phrases for us and the Board. Taha Siddiqui DGM Media can give full details (03002281183).

08:57 PM

27th July: meeting with Nadeem Husain, the CEO shouted at and humiliated Sarah Dawood DGM. She lodged a complaint about this and the above foul language (20 July) with CPO on 29 July.

08:59 PM

*28th July: During a call from CEO Secretariat my Director of Comms Imran Rana reported that Chief of Staff Nida Jaffery shouted at him on the phone and threatened him with dire consequences if he did not obey her. She claimed that the CEO had empowered her to do so. "F**k" word several times at my team (Imran/Taha/Noor) during a call.*

09:14 PM

Friday 17th July: I met with Rizwan and apprised him of the increasing frequency of CEO's temper, threats and use of inappropriate tone and language.

09:17 PM



As long as their names are kept confidential from CEO, Sarah, Imran and Taha are willing to speak to you to share their concerns. 09:19 PM

I have heard that there have been complaints about this type of behaviour from other departments too, which have apparently been lodged with HR. 09:25 PM

I hope this is helpful. Looking forward to putting this all behind us and focusing on the great things we want to achieve! 09:26 PM

Warm regards, Mahreen. 09:26 PM"

14. The above messages clearly reflect that the complainant was aggrieved by the abusive and inappropriate behaviour of accused No.1 and had reported his hostile attitude to Khaqan Khan and accused No.2 while she was employed with KE. Furthermore, accused's witness Shan E Abbas Ashary has admitted in his cross-examination that complainant had a conversation with him and Khaqan Khan on 05.09.2020, where she mentioned about harsh words and inappropriate language of the accused No.1 and also stated that he had reprimanded her for some work-related issue, and it appeared to him that she was upset as that happened in front of her colleagues.

15. Admittedly, Khaqan Khan and defence witness Shan E Abbas Ashary were members of the Board of KE and empowered to question the high handedness of accused No.1, however, they both overlooked the grievances of complainant and her team and favored the accused No.1 and did not initiate any proceedings against him to thresh out the truth and deliberately deprived them from the fundamental rights guaranteed under the Constitution of Islamic Republic of Pakistan, 1973, and the Act, 2010.

16. Moreover, it is demonstrated from the CV of the complainant filed with her complaint that she is highly qualified from the leading institutes of the world. She has worked with various international organizations and was holding a commanding position being a part of higher management of KE based on her qualification and experience. In view of the above material and evidence available on record, the circumstances establish that she was deprived of justice in the KE, and has therefore, approached this office for redressal of her grievances which were not addressed earlier by the management. Therefore, the above referred plea of accused persons is discarded.



17. Accused No.1 has alleged that complainant's work performance was poor which is evident from email dated 31.07.2020 sent by him to her as well as the minutes of the Board meetings produced by his witness Shan E Abbas Ashary as Ex:AW-1/3 to AW-1/6 before this office.

Conversely, complainant has denied the allegations of her poor work performance and has stated that at the time of her appointment at KE, she was selected by the management on the basis of a 15 minutes interview. Moreover, she was offered a permanent position of CMCO at KE during her contractual period of consultancy. The record shows that the complainant had sent message dated 16.07.2020 at 09:22 PM to accused No.1 expressing her grievances over his attitude and not assigning the work, hence, requested him to utilize her and her team for the progress of the company. For the adequate conclusion, complainant's above message is reproduced as follows:-

*"Moonis-you have a lot to deal with, I really respect you and like you. Please let me help you. Please utilize me, my education and experience. My team is really hard working and talented Alhumdulillah. we want to work for you. But we are **disheartened.**"*

18. To contradict the grievances of the complainant in the message referred above, accused No.1 sent email dated 31.07.2020 to her and leveled allegations of non-performance against her which is reproduced as under:-

"Subject: observations

Dear Mahreen,

I have few observations from the meeting today;

- 1. It seemed like you did not know any of these bureau chiefs from before and you were meeting them for the first time. You should have direct contact with them.*
- 2. They did not have basic information so while the teams seemed acquainted, but the level of understanding was so low that it appears that the team has not able to communicate anything and the myths were oozing out from everyone.*
- 3. None of the people knew anything about Sarbulandi, which is our largest project now*
- 4. Your team should have all the key messages that are important and even on FO point, I asked Imran to respond but because of his surprise, I immediately started to answer.*



5. *There should be videos shown to them that we have made in the past in these meetings and would have appreciated if they had some background or awareness of the good work.*
6. *I also need to understand as to why you have not appeared on any TV channel. Everyone has noticed it even in the board.*

I have to say that while you are doing fine in terms of the branding but struggling badly with the day to day operations. I need to have a discussion since let me tell you that the Board and other senior people are again suggesting that the narrative is not there. We need to discuss this ASAP. Regards."

19. The available record reveals that during the entire tenure of complainant at KE, no explanation, show cause notice or advise was ever issued to her by the management of KE regarding her poor work performance. Moreover, defence witness Shan E Abbas Ashary has stated in his cross-examination that it was brought to the notice of some members of the Board, that the complainant has some grievance with accused No.1. He has also admitted that in the minutes of the Board meetings produced by him, there is no specific discussion of CMCO or the complainant by name and he has not submitted any record of the complainant relating to her performance evaluation report. In view of the foregoing discussion, it has been established that on the false pretext of her poor performance, complainant was victimized by accused No.1 as she dared to raise her voice against him.

20. Complainant has alleged that since her appointment at KE, she has been subjected to acts of harassment by accused No.1 as he invited her to go out alone for dinner or coffee at night, commented on her physical appearance "You have lost weight from your tummy and kept your shape (feminine curve) how did you do that" while looking at her figure. She has further alleged that in a meeting in July, 2020, while discussing about the bad press KE was getting, he said "if you're getting raped you should lie back and enjoy it" and made jokes about women's day saying "Mera Khamba/bifli, meri marzi." She has also alleged that on 20.07.2020, during a meeting in Dale Sinkler's room, accused No.1 shouted and said "yeh kya chutiya pana hai" and he would tell the Board to "shut up and get lost" and thereafter on 27.07.2020, accused No.1 verbally abused her team member Sarah Dawood.

21. Complainant's witness Sarah Dawood, Deputy General Manager, has narrated in Para-4 of her affidavit-in-evidence that accused No.1 was extremely rude and hostile and shouted at her in front of everyone during a meeting in July, 2020, while she was trying to talk, he interjected with a verbal onslaught and effectively shut her off from participating further in the meeting, thus, he intimidated her from doing her job and the complainant was a witness to said incident as she was present on Zoom Online meeting being the head of department. She has also narrated another incident in Para-5 of her affidavit-in-evidence that on 20.07.2020, a meeting was held with accused No.1 in Dale Sinkler's room where she, complainant and other team members were present. During the meeting, accused No.1 used the word "Chutiyapa" and its variations repeatedly which shocked them. She has stated that accused No.1 kept talking in a braggadocious tone that he would tell the Board of Directors of KE to "Shut up and get lost" if they interfered with his way of doing things especially media strategy.

22. She has further stated that she informed both the above incidents to accused No.2 who assured that he will look into the matter. Accused No.2 has also mentioned in Para-11 of his affidavit-in-evidence that "I say that Ms. Sarah Dawood once informally approached me in relation to a routine meeting that she had attended (as part of the Marketing team comprising of men and women) with the CEO. She mentioned that the CEO was generally upset at the whole team and had also expressed his strong dissatisfaction in relation to the performance of the department." Moreover, the incidents dated 20.07.2020 and 27.07.2020 have also been reported by the complainant to Khaqan Khan vide WhatsApp messages dated 05.09.2020 and produced by her as Ex:C-55 to C-57. The demeanor of accused No.1 can also be assessed from a NEPRA public hearing video produced by the complainant as Ex:C-6, wherein a lady has alleged that accused No.1 has misbehaved with her and complained publicly that he is "Intihai badtameez and threatens women," and his staff have taken bribe from her to restore the electricity of her house.

23. Complainant's witness Sara Dawood has deposed in a natural manner and fully corroborated the allegations of inappropriate language against accused No.1 and accused persons have failed to shatter her evidence during her cross-examination. It is well settled law that the evidence of a sole witness is sufficient to convict the accused if the statement is trust worthy and inspiring confidence.

Therefore, while deciding the accusations of harassment at workplace, this office has to scan the acts of harassment on the basis of quality of evidence and not the quantity. In the case of Sajid Mehmood v. The State (2022 SCMR 1882), the honorable Supreme Court of Pakistan has observed as follows:-

"9. In case of Abid Ali v. The State (2011 SCMR 208), this Court has held that to believe or disbelieve a witness, all depends upon intrinsic value of the statement made by him."

It was further held by the August Court that *"As a rule of criminal jurisprudence, prosecution evidence is not tested on the basis of quantity but quality of evidence. It is not that who is giving evidence and making statement. What is relevant is what statement has been given and it is not the person but the statement of that person which is to be seen and adjudged. In the case of Nizam-ud-din v. The State (2011 SCMR 725), it was held that conviction in murder case can be based on the testimony of a single witness, if Court is satisfied that he is reliable and it is the quality of the evidence and not the quantity which matters. The same was view of this Court in the case of Asim v. The State (2005 SCMR 417), Lal Khan v. The State (2006 SCMR 1846), and Muhammad Sadiq v. The State (2022 SCMR 609).*

The facts discussed above are sufficient to establish the hostile and abusive conduct of accused No.1 towards his subordinates especially females and that he has no respect for them.

24. Indeed, the harassment is committed when the victim and predator are usually alone and all of sudden, therefore, the availability of eye witness is not possible and it is sufficient to believe such allegations if the victim informs any colleague, friend or officer etc. Similarly, clause No.xii of the Schedule [See Section 2(c) and 11] Code of Conduct for Protection Against Harassment of Women at the Workplace reiterates the similar view, which is reproduced as under:-

"xii. The harassment usually occurs between colleagues when they are alone, therefore, usually it is difficult to produce evidence. It is strongly recommended that staff

should report an offensive behavior immediately to someone they trust, even if they do not wish to make a formal complaint at the time. Although not reporting immediately shall not affect the merits of the case."

In present case, the complainant had reported her allegations against accused No.1 to accused's witness Shan E Abbas Ashary, Khaqan Khan and accused No.2.

25. Complainant has alleged that accused No.1 on numerous occasions would spread his legs and tuck one leg on the sofa and his hands would be in his lap, and he would even sometimes take off his socks, tie and jacket in front of her and due to said acts, she felt very uncomfortable being a female.

The available record reflects that accused No.1 in his written defence has not denied the above allegations of complainant mentioned in Para-19 of her complaint. However, in his affidavit-in-evidence filed before this office, he has stated that he used to remove his tie, socks and jacket for the purpose of Wuzu to perform Namaz, and acted in a good faith, therefore, the above allegations leveled by the complainant against him have no legal substance.

When confronted with the above allegations during her cross examination, complainant had stated that "sometimes accused No.1 took off his socks, tie and jacket in front of me and other persons. Voluntarily said that accused No.1 used to take off his socks in front of other people also for the purpose of Wuzu, but in my presence he used to take off his jacket, tie and spread his legs." She further stated that "It is correct to suggest that accused No.1 was also in habit to remove his tie, socks, jacket to offer namaz."

26. From above discussion, it has been reflected that accused No.1 has categorically admitted that he used to remove his tie, socks and jacket in presence of complainant. These acts in office space especially in presence of women are condemnable and unacceptable and against the good norms of the society and barrier of ethics. At this juncture, it has become necessary to hold here that it is essential for male officials/officers of any organization to uphold proper decorum and foster a congenial and respectful environment at the workplace, particularly in the presence of their female colleagues or subordinates. They are obligated to practice decency and demonstrate graciousness, ensuring that women do not feel uncomfortable or insecure due to their actions or behaviors.

Furthermore, in accordance with Islamic teachings, the recitation of the Holy Quran and the performance of Namaz serve to create a bond between a person and Allah, not intended for the observation of others. It is important to create an atmosphere where individuals, especially women, are not impacted by the behaviors of others.

27. In the case of Raja Tanveer Safdar v. Mrs. Tehmina Yasmeen and others (PLD 2024 Supreme Court 795), the honorable Supreme Court of Pakistan has held as under:-

In terms of the 2010 Act, harassment means gender-based harassment and discrimination which can be sexual in nature. Any action that causes interferences work performance or creating and intimidating, hostile or offensive work environment falls within the definition of harassment under section 2(h) of the 2010, Act."

It is further held by the honorable August Court as under:

"10..... This is a crucial objective of the 2010 Act being to uphold and protect the right of dignity of employees at the workplace by ensuring fair treatment, non-discrimination, mutuality of respect, and socio-economic justice."

Likewise, in the case of Uzma Naveed Chaudhary and others v. Federation of Pakistan and others (PLD 2022 Supreme Court 783), the Honorable Apex Court has held as under:-

"It is underlined that dignity is an inherent and inseparable right of a human being and has thus been guaranteed by our Constitution as an absolute, non-negotiable and inviolable fundamental right that is not subject to any qualification, restriction or regulation. Dignity values the worth of each person and requires the recognition of each person's worth to be held in equal measure for all. It is harmed when individuals are marginalized, ignored or devalued, and is enhanced when the full place of all individuals within the society is recognized. The right to dignity under Article 14 and the construct of "gender equality" turns "sexual harassment" on its head and buries it deep underground. The universal value of human dignity provides that "all human beings are born free and equal in dignity and rights." It shuns patriarchy, misogyny and the age-old

archaic and dogmatic social norms, and nurtures progressive and forward-looking constitutional ideals of liberty, equality and social justice. It is time to bid farewell to gender biases and prejudices, and pave the way towards the actualization of these robust and unwavering constitutional ideals and values by embracing the participation of women in all spheres of life with honor and dignity. "No nation can rise to the height of glory", in the words of the Founder of our Nation, Muhammad Ali Jinnah, "unless your women at side by side with you. We are victims of evil customs. It is a crime against humanity that our women are shut up within the four walls of the houses as prisoners. There is no sanction anywhere for the deplorable condition in which our women have to live."

28. The allegations of sexual harassment leveled by the complainant are heinous in nature and reveal the dark side of the corporate sector. In our conservative and patriarchal society, it is usually difficult for a woman to report such deeply disturbing incidents due to fear of future career prospects; apprehension of counter allegations hurled against her character; and to protect her dignity, self-esteem and self-respect amongst her family, friends, organization, and society at large where prevailing notions of honour and taboos play a dominant role.

29. It is pertinent to mention that complainant for redressal of her grievances made complaint to accused No.2 and leveled allegations of harassment, vulgar language and derogatory remarks against the accused No.1, however, accused No.2 neglected his official duty in capacity of head of HR and instead of investigating the authenticity of allegations leveled by the complainant, he favored the accused No.1 and directed the complainant to visit him on daily basis which is evident from the message dated 22.04.2020 at 10:29 PM produced as Ex:A-2/7, wherein accused No.2 has stated that **"MRD: Great, Alhamdulillah. Please try to get some face time with Moonis on regular basis."** Moreover, in a voice note produced as Ex:C-8, accused No.2 has said to the complainant that accused No.1 is a **"Passionate"** individual **"Who thorey se jazabati hain but dil ke achey hein."** Transcript of said voice note is reproduced as under:-

"Assalamalaikum Kia haal hain. Acha I was just having some couple of thoughts so I thought kay main share karloon. Moonis ki recently interaction kafi barh gai hai

with politicians aur media appearances bhi hain kafi aur Kal aik ocp Pakistani grup ka bhi aik hai silsia toh I was thinking that if moonis agrees toh unko koi media training type ya iss tarha ki kam jaldi se arrange karain kyunke main Ne 2 cheezain note ki hain aik toh something which obviously moonis bhai passionate admi hain jazbati admi hain toh thora ghussa hojaty hain. Who toh ham sab ko pata hee hai. The other thing which I have noticed recently is he's very easily getting dragged into longer and non productive arguments aur jo politicians hain aur media k loag hain they basically love it toh I personally feel k we need some kind of unki hamain mazed tools denay ki zaroorat hai maybe moonis ko ya some sort of interaction with media coach or some sort of stuff so what do you think."

"السلام علیکم کیا حال ہیں۔ اچھا، میں کچھ سوچ رہا تھا، تو سوچا شیئر کر لوں۔ مونس کے حال ہی میں سیاستدانوں کے ساتھ روابط اور میڈیا کے درمیان موجودگی بھی کافی بڑھ گئی ہے اور کل ایک اسی پی پاکستانی گروپ کا بھی ایک سلسلہ ہے تو میں سوچ رہا تھا اگر مونس رضامند ہوتا ہے تو اسکے لیے کوئی میڈیا تربیت یا اس طرح کے کسی کام کا جلدی سے انتظام کریں کیونکہ میں نے دو چیزیں غور کی ہیں ایک تو ظاہر ہے مونس بھائی تھوڑا غصہ والے آدمی ہیں، جذباتی آدمی ہیں تو تھوڑا غصہ ہو جاتے ہیں وہ تو ہم سب کو پتہ ہی ہے۔ دوسری چیز جو میں نے حال ہی میں غور کی کہ وہ بہت آسانی سے طویل اور غیر نتیجہ خیز دلائل میں الجھ جاتے ہیں اور جو سیاستدان ہیں اور میڈیا کے لوگ ہیں وہ بنیادی طور پر یہ پسند کرتے ہیں، میرا ذاتی خیال ہے کہ ہمیں انہیں مزید تربیت دینے کی ضرورت ہے شاید مونس کو میڈیا کوچ کے ساتھ کچھ بات چیت کرنے یا کسی قسم کی مطلبات۔۔۔ تو آپ کیا سوچتی ہیں۔"

30. Similarly, complainant's witness Sarah Dawood also made complaint to accused No.2 against the abusive language and inappropriate behavior of accused No.1, therefore, accused No.2 being the head of HR was bound to inquire into the allegations or refer the matter to the inquiry committee if already constituted in KE to thresh out the truth, but the accused No.2 has deliberately deviated from law of land and deprived the complainant and her witness from the rights guaranteed under the Constitution of Islamic Republic of Pakistan, 1973 and the Act, 2010.

31. The employer, supervisor, or manager under any circumstances, has no right to disrespect, insult, or abuse his subordinates especially women as this offensive behavior of employer constitutes harassment as envisaged under section 2(h) of the Act, 2010. In the case of Raja Tanveer Safdar as referred supra, the August Court has held as under:-

"Harassment under the 2010 Act goes to the basic and most fundamental of rights, that being the right to dignity, where a citizen must be able to live and work with respect and value. The preamble of the 2010 Act begins by recognizing the constitutional command of the inviolability of human dignity as envisioned in Article 14

of the Constitution. Dignity is, thus, an inherent right well-accepted in the international legal order, which ensures that everyone who works has the right to just and favorable remuneration ensuring an existence worthy of human dignity, which is supplemented by social protection. Respectability, acceptability, inclusivity, safety and equitability are the prerequisites for a safe and dignified workspace. This is a crucial objective of the 2010 Act being to uphold and protect the right of dignity of employees at the workplace by ensuring fair treatment, non-discrimination, mutuality of respect, and socio-economic justice. These statutory objectives are also in conformity with the Principles of Policy set out under Articles 37 and 38 of the Constitution, which promotes social justice and the social and economic well-being of the people."

32. Indeed, workplace harassment is characterized by a sustained pattern of mistreatment influenced by gender, power relations, or hierarchical disparities, which cultivates an atmosphere of fear and oppression in the workplace. Sexual harassment is widely recognized as a reflection of power dynamics, rather than simply a sexual act, highlighting its deep ties to workplace harassment and the broader context of gender inequality. In the case of Muhammad Din v. Province of Punjab through Secretary, Population Welfare, Lahore & Others (2025 PLD Supreme Court 354), the honorable Supreme Court of Pakistan in its landmark judgment has held as under:-

"6. Workplace harassment as a concept embodies a pattern of persistent mistreatment based on gender, power, or hierarchical disparities that creates a climate of fear and oppression in professional settings. It is deeply intertwined with institutional culture and functions as a mechanism of exclusion, discouraging women from fully participating in professional and economic life. Rooted in power imbalances, discrimination, and systemic inequalities, workplace harassment not only undermines an individual's autonomy and dignity but also erodes broader principles of liberty, equality and social justice, particularly for women and transgender persons. Workplace

harassment and sexual harassment are deeply interconnected, as both stem from power imbalances, systemic discrimination, and entrenched societal norms that reinforce gender hierarchies. Sexual harassment is indeed widely understood as a manifestation of power dynamics rather than merely a sexual act. This perspective is well-documented in standard literature, which emphasizes that harassment often stems from an individual's desire to assert dominance, control, or exploit power imbalances, particularly in hierarchical settings like workplaces, schools, or other social structures. Pioneering feminist legal scholar Catherine MacKinnon reframed sexual harassment not as individual misconduct but as systemic sex-based discrimination that reinforces gender hierarchies in the workplace. She identifies two primary forms of workplace harassment. The first, "quid pro quo" meaning (meaning "this for that"), involves explicit demands for sexual favours in exchange for job benefits or avoiding negative consequences. The second, "hostile work environment" harassment, occurs when unwanted sexual conduct—conduct rooted in gender—creates an intimidating, hostile, or offensive work environment affecting an employee's ability to work. Unlike "quid pro quo" harassment, which involves direct coercion, "hostile work environment" harassment is more pervasive and indirect, yet equally damaging. According to MacKinnon, both forms of harassment originate from gender-based discrimination, impeding women's equal opportunity for employment, performance, and professional advancement. For her, sexual harassment is the mechanism through which women are kept in their place in the workplace."

33. For the facts, circumstances and identical case laws referred supra, I am of the considered view that accused No.1 Moonis Abdullah Alvi has committed harassment, created hostile environment and caused mental agony at the workplace to the complainant Mahreen Aziz Khan and her team as envisaged under section 2(h) of the Act, 2010. Consequently, accused No.1 Moonis Abdullah Alvi is penalized under section 4(4)(ii)(c) of the Act, 2010, and is removed from his service instantly, and he is further

penalized under section 4(4)(ii)(e) of the Act, 2010, in the sum of Rs.25,00,000/- (Twenty Five lacs only). The fine amount shall be paid to the complainant Mahreen Aziz Khan as compensation through the Registrar of this office within 30 days from passing of this order, without fail. If the accused No.1 failed to pay the fine amount within the stipulated period, same shall be recovered as land revenue in terms of the Land Revenue Act, 1967, through the concerned Deputy Commissioner from the moveable and immovable properties including bank accounts of the accused No.1. Furthermore, CNIC and Passport of the accused No.1 shall be blocked through NADRA and Ministry of Interior till recovery of the fine. This order is self-executory and in case of its non-compliance, contempt proceedings under section 10(1)(vi) of the Act, 2010, shall be initiated against the concerned delinquent officers. Office is directed to transmit the copy of this Order to NADRA, Ministry of Interior and Chairman of Board of Directors of KE for its compliance in letter and spirit.

34. As regard to the allegations leveled by the complainant against accused No.2 Rizwan Dalia, accused No.3 Col (R) Wahid Asghar and accused No.4 Khalid Rafi, there is no direct evidence for committing harassment to the complainant, therefore, they are discharged from the allegations of harassment as alleged by the complainant in instant complaint for want of plausible evidence.

OMBUDSPERSON

Approved for reporting