

### **Appeal No. 1(211)/ 2015-FOS.**

1. Complainant Syeda Sapna Shah TV Artist has filed this complaint against four opponents including Khalid Latif the main alleged person who is said to have committed act of harassment with her. It is stated by complainant that on 25.09.2014 when she had gone in office of opponent No. 4 Khalid Latif for having role in Drama. Opponent offered her two minor roles which were refused by her. Soon thereafter opponent No. 4 Khalid Latif deliberately send two boys present in room out of it under pretext of some work and thereafter locked room and tried to sexually harass her by putting his hands on her shoulder. On high protest of complainant opponent No. 4 moved back and said he just wanted to have friendship with her. After this incident complainant told him to discuss the matter for which she was called. Wherein opponent No. 4 Khalid Latif informed her that almost work of serial is over. However he has two small roles, if she wants to do then, she may inform. Then complainant asked opponent No. 4 to call someone who may leave her at stop.
2. This incident was reported by her on 26.09.2014 through an application to General Manager PTV Home but no action was taken thereon therefore next application was moved by her on 14.04.2015 to MD PTV. Inquiry committee was constituted and it has given its report on 20.01.2015. Thereafter another inquiry was constituted on 19.02.2015 by competent authority of PTV after quashing first inquiry conducted under orders of GM PTV center vide order dated 10.11.2014.
3. Opponent No. 1 to 3 have filed their defence. According to them complainant is not PTV worker. On complaint of complainant inquiry committee was constituted and it has given its report on 20.03.2015 observing that complainant has not been able to prove allegations leveled against her however Khalid Latif opponent No. 4 was found responsible for mismanagement of dealing with female artists as such reprimanded letter was

issued on him on 02.09.2015.

4. Complainant has no concern with promotion of Khalid Latif opponent No. 4. Promotion in PTV is done as per criteria of promotion as laid down in PTV employees service rules. Khalid Latif fulfilled that criteria therefore he was promoted to post of Producer Group-7 with approval of competent authority. There is no gender discrimination, both male and female employees, guests and artists are treated equally. Notice dated 28.08.2015 sent by complainant through advocate was replied. Complaint is liable to be dismissed.
5. Opponent No. 4 Khalid Latif in his defence has stated that during inquiry proceedings full opportunity was given to complainant to prove allegations leveled by her but she was unable to prove them. Opponent was exonerated by inquiry committee. No cause of action arose to complainant to file this present complaint. It has been filed with malafied intention. According to him Naseem Ahmed Arif Producer and his Assistant Mst. Beenish had introduced complainant to him to give role to her in his drama serial name "Sangee" of which almost 80% work was completed. In spite of that complainant was insisting to give her main character in said drama series. Complainant does not have enough skill or talent for main role in drama series. On the other hand 80% work of drama serial was completed and main roles were already booked and work was done, therefore he excused complainant and told his Assistant to get cab for complainant. No act of sexual harassment was ever committed by him with complainant. There is two shift recording and editing in PTV. In second shift which starts from 4:00 to 10:00 pm opponent No. 4 along with his two Assistants was present in his office till 10:00 pm. On complaint of complainant to GM and MD inquiries were conducted and in both inquiries complainant has failed to prove her case. Opponent No. 4 served PTV for 25 years and was awarded with three PTV awards and number of appreciation letters / certificates. Intention of complainant was to stop Drama "Sangee" wherein she succeeded and further progress of said drama has been stopped because of which PTV has suffered huge financial loss. During inquiry

proceedings complainant wrote different letters to management PTV and interfered in inquiry proceedings.

6. After going through record of inquiry committee's proceedings which though have not been done in proper manner, may be, because of lack of knowledge of procedure to hold inquiry, but at least statement of witnesses have been brought on record therefore these inquiry proceedings helped me in reaching at the conclusion.
7. According to complainant on 25.09.2015 she had gone to opponent No. 4 Khalid Latif to have role in his drama Sangee. According to complainant Khalid Latif offered two minor roles which were refused by her. Soon thereafter opponent No. 4 after locking room attempted to sexually harass her. This statement of complainant in the circumstances of the case which have been brought forward by complainant herself before inquiry committee seems suspicious as before inquiry committee she has not been able to prove the incident. If according to complainant opponent No. 4 Khalid Latif tried to harass her by locking room, it is obvious that first reaction could have a protest from her side on locking room which according to her she did, but it is very strange that even after alleged incident complainant feel herself very comfortable and in spite of attempting to rush out of room she remained in room and had discussed about role in Drama and contract if to be executed, and on failure to arrive at settlement she while sitting in room with opponent No. 4 Khalid Latif told him to send someone with her to have conveyance. This conduct of complainant in an alleged incident is not understandable.
8. According to complainant she resisted herself at time because she do not want to be defamed otherwise she could had called news conference to highlight matter, but this statement too in scenario of evidence produced and given by complainant herself during inquiry proceedings on 23.02.2016 negates her own version which read as under:

میں اور خالد لطیف صاحب اکیلے کمرے میں تھے۔ یہ اٹھے اور کمرہ لاک کیا اور میرے کندھے پر ہاتھ رکھا۔ میں نے ان کو دھکا دیا اور کہا کہ میں سید زادی ہوں۔ میں نے بڑی مشکل سے اپنے غصے کو کنٹرول کیا اور استغفار پڑھی اور ان کو کہا کہ مجھے سکرپٹ دے دیں۔ انہوں نے رسمی سکرپٹ دیا۔ پھر فون کر کے Editing سے اس لڑکے کو بلایا اور کہا کہ ان کو چھوڑ آؤ۔

9. This fact of discussion about roles even after the alleged incident has also been stated by complainant in her complaint moved to GM PTV home on 26.09.014 and to MD PTV Head Office Islamabad moved on 14.04.2015.
10. Veracity of complainant further becomes doubtful when in her complaint moved on 14.04.2015 it is alleged by complainant that because of this incident she was in continuous state of harassment because of which she has miscarriage. In support of her statement she has filed photocopy of Holy family Hospital Rawalpindi medical treatment document. But from perusal of these documents I do not find any relevancy of them with alleged incident. Medical documents produced by her do not support her version of her miscarriage because of alleged incident. Though complainant witness Mst. Farkhanda is strong supporting witness of her during inquiry proceedings but her partial attitude towards complainant reflects from her statement during inquiry proceedings in spite of holding a senior post in PTV. Her statement rather supports case of opponent No. 4 that this incident is a conspiracy against him to stop his drama "Sangee" which complainant has been able to succeeded and this drama now has been stopped which has caused huge financial loss to PTV as well as artists who were part of it. This statement of opponent no. 4 Khalid Latif find support from statement of Mst. Farkhanda Shaheen wherein it is stated by her that this drama was given to opponent No. 4 by DP whereas according to her opponent No. 4 Khalid Latif was not capable to run this serial and being PM and GM for last four years in PTV she know that who can work and how many he can work. It is further stated by Mst. Farkhanda Shaheen that when opponent No. 4 Khalid Latif discloses before her that it is conspiracy against him and when he named Naseem Arif another producer she disclose that neither opponent No.4 Khalid Latif nor

said producer Naseem Arif will do serial and it will be stopped.

11. In view of above discussion and facts brought on record I am of the opinion that no such alleged incident had happened and complainant has acted as a tool in conspiracy against opponent No. 4 Khalid Latif. With this observation complaint is hereby dismissed having no merit.
12. Announced in open court.
13. Parties be informed accordingly.