



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

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

1. Complaint Number: 1(228) / 2015-FOS (Reg)
2. Date of Institution: 15.12.2015
3. Date of Decision: 07.04.2016
4. Complainant: Shaista Iftikhar  
Deputy Superintendent,  
Nadra Headquarters,  
Islamabad.
5. Opponents: i. Rafat Sharif  
Ex-Director, Compliance Operations  
Division, Nadra Headquarters  
Islamabad and 10 others.

**Justice (R) Yasmin Abbasey,****Ombudsman:****Complaint No. 1(228)/ 2015-FOS.**

1. Complainant Deputy Superintendent in NADRA w.e.f 31.05.2011 has filed this complaint stating that during her tenure from 2008 till initiation of inquiry against her she worked with zeal and honesty. No adverse remarks was ever given to her, but all of a sudden on 24.12.2014 without any statement of allegations inquiry was initiated against her. All mandatory procedure under Govt. Servants Efficiency and Disciplinary Rules, 1973 and other enabling rules were altogether ignored while conducting inquiry against her. After two months no proper inquiry was conducted however show cause notice was issued to her on 26.02.2015 which was denied by her stating that after lapse of almost more than three years she do not remember said lady Mst. Sumera Kosar. Complainant has provided all relevant documents required for said inquiry. Complainant has never committed any fault on her part. Defence pleaded by complainant before inquiry committee was pushed back and without assigning any reason of plausible justification vide order dated 08.06.2015 major penalty of removal from service was imposed.
2. In against to her removal complainant placed her matter before Chairman NADRA who after examining the matter reinstated her with observation that no opportunity was provided to her during inquiry proceedings and ordered for denovo inquiry.
3. Though law does not give any recognition of denovo inquiry as malafides of opponent No. 1 to 4 were already prove but complainant with assurance that she would be exonerated from false allegations leveled against her participated in denovo inquiry. But unfortunately this inquiry committee also acted with same spirit as that of first inquiry committee. Opponent No. 5 to 9 deliberately for their own sake harassed and blackmailed complainant which ultimately continued till today. Even in second inquiry no right of fair trial was given to complainant nor any document was provided to her till filing of this complaint which itself make proceedings of inquiry null and void. She was never given right to access to

information, documents, cross-examination, leading evidence, presentation through council. In para 9 of complaint, complainant has highlighted conduct of inquiry committee in following words:

“That the element of the constant blackmailing, harassment and atrocities continued till today and especially at the time of 2<sup>nd</sup> verbal inquiry the said respondents / accused were after to drag forcibly her in planted intrigues, resultantly she was forced to accept to their unlawful immoral and unethical wishes who and other above mentioned respondents had blue eye upon the petitioner, at times by gestures as well as their conduct proved their inner stannic wishes, ultimately on her denial a new stance was raised by respondent No. 5 to 11 leveling the allegations of another lady Miss Rehman Bibi along with Sumaira Kosar just to give strengthen their wrong allegations as they were badly failed to prove any illegality committed by the complainant, so having disappointed for fleeing the complainant from their unlawful tactics, finally they opted another way to involve the complainant in such case in one way or the other.”

4. Falsity of opponents fully proved from fact that in earlier statement of allegation name of Rehman Bibi was not mentioned, which subsequently has been included during second inquiry. Opponents also threaten complainant to be prosecuted by FIA and opponent No. 5 also sent some unknown person pretending to be officers of FIA and through this conduct they forcibly took signatures of complainant on blank paper to declare her culprit which she resisted but failed. One of the inquiry member i.e opponent No. 9 had also shown his distrust upon proceedings and kept him in isolation realizing personal vindictum with complainant by other board / inquiry committee members and ultimately coming up with same conclusion of imposing penalty which makes board / inquiry committee itself suspicious as well as coram-non-judice.
5. It is stated that process of moving application for NIC is not based upon single person. It has involvement of data entry operators for issuance of token, reception of form, HOD Department, T&D Department, Data Ware House and

Production but in spite of that none of persons from these departments were called during inquiry proceedings nor they were held guilty of alleged offence which itself proves act of harassment, illegal and unlawful action against complainant beyond stretch of any imagination. Findings of inquiry committee were also not provided to complainant nor she was able to have any access to relevant record of inquiry proceedings which itself is proof of utilizing opponents position with dishonest way and trying to exert their authority in illegal way by declaring complainant as accused of their deliberate effort, as a matter of revenge.

6. Inquiry committee members themselves are involved in misconduct therefore they are not eligible persons to hold inquiry because opponents No. 6 and 9 are also facing departmental inquiries against them. Opponent No. 6 who was involved in ERP password sharing was exonerated from such misconduct. Opponents deliberately defamed, disrespected her and damaged her reputation before her family members, staff and other persons. So much so they had got published all material. All this has been done against complainant just to cover up real culprits who even at times tried to demand illegal things. On denial of complainant this drama has been played against complainant. Hence this complaint has been filed.
7. According to opponents this complaint does not fall with section-2(h) of Act of 2010 in view of observation given in 2013MLD Page-198.
8. Mst. Sumera Kosar processed her CNIC for modification of her husband name from Liaquat Ali to Muhammad Rafique without supporting documents as per SOP i.e divorce deed and marriage certificate vide TID No. 109001011877 of VIP NRC Headquarter NADRA for illegal human trafficking of under age children. Mst. Sumera Kosar actual husband is Liaquat Ali residing in Hong Kong to find out facts behind fake processing under TID No. 109001011877 of Mst. Sumera Kosar, fact finding inquiry was ordered by Chairman NADRA. Show cause notice was issued to complainant. In reply to it complainant has confessed her mistake. On confession of complainant detail inquiry was dispensed under rule 5(iii) of Government Servant Efficiency and Disciplinary rules 1973. On 08.06.2015 complainant was removed from service.

Complainant preferred departmental appeal before Chairman NADRA who after ordering for denovo inquiry reinstated complainant in service. In compliance of direction of Chairman NADRA dated 03.10.2015 charge sheet and statement of allegations were served on complainant and after completing all formalities show cause notice was issued to complainant which was replied by her.

9. Complainant has deliberately violated NADRA registration policy of SOP and without supporting documents i.e. Nikah Nama and divorce paper she processed papers of Mst. Sumera Kosar. It was duty of applicant Mst. Sumera Kosar to provide supporting documents and not of any employee of NADRA i.e complainant to provide relevant documents. There is no bar in conducting denovo inquiry nor it can be said to be an illegal inquiry. Denovo inquiry was ordered to provide an opportunity to complainant to defend her case. During inquiry neither any question was asked from complainant nor she was compelled for any act which can be termed as harassment. Inquiry committee members had no deliberate intention to harass and humiliate her. As complainant was found guilty therefore she was penalized. It is denied that complainant was not intimated about inquiry proceedings conducting in the matter. She had shown her satisfaction and had also signed on inquiry proceedings. Charge sheet issued to complainant during denovo inquiry clearly mentioned name of both ladies i.e. Mst. Sumera Kosar and Mst. Rehman Bibi. During inquiry it was revealed that another illegal processing of ID card of Mst. Rehman Bibi was conducted by complainant. ID card was process during lunch break which is against NADRA rules. Though Mst. Sumera Kosar was shown resident of Jhelum and Mst. Rehman Bibi belongs to Peshawar but both of them have same temporary address of Islamabad. All allegations leveled by complainant against NADRA officials are baseless. Instead of defending her she has started character assassination of NADRA officers. If complainant had any reservation or grievance against NADRA officers she could have assailed them before NADRA anti-harassment cell at the time when she was regular employee of NADRA but she never used that forum.
10. Father of complainant in December, 2015 visited office of Director IDO Operations NADRA Division Headquarter Islamabad, opponent No. 5 and requested for imposing less penalty of demoting her to lower scale with freezing

of her increment. Complainant tried to approach opponent No. 5 through some influential persons. Complainant was never harassed to hand over her to FIA. In case of Mst. Sumera Kosar and Mst. Rehman Bibi complainant did all processing singly handedly herself. No inquiry is pending against opponent No. 6 however inquiry against opponent No. 9 is on initial stage. Complaint is liable to be dismissed.

11. After going through the file and hearing parties representatives, I found that although there are lot of defects in holding Inquiry, of cases of illegal processing of NIC forms of Mst. Sumera Kosar and Mst. Rehman Bibi. But inspite of that I am of the view that in all the inquiries conducted against complainant the main course was to find out that who was behind these illegal processing and what was the purpose of the same.
12. It appears that an application of Mst. Nazer Begum mother in law of Mst. Sumera Kosar, duly verified by Numberdar of Baral was received by Director Vigilance wherein Mst. Nazer Begum has disclosed that Mst. Sumera Kosar illegally modified her CNIC having no. 3730115714010 with fake husband name as Muhammad Rafique without any valid supporting documents. Whereas her real husband name is Liaqat Ali who at that time was in Hong Kong. It was further stated by Mst. Nazer Begum in her application moved on 12-09-2014 that Mst. Sumera Kosar has also processed for CRC from NRC HRO Islamabad vide TID#102201043141 endorsing the name of two fake children's that is Bilawal Ali and Zara Fatima as her children along with name of his real son Abu Bakar Ali with fake father name as Muhammad Rafique. Bilawal Ali and Zara Fatima are children's of Gazanfar Ali who is real brother of Liaqat Ali. Mst. Sumera Kosar again applied for CRC from NRC Jhelum Executive vide TID#503831017103 and has tried to include name of her second son Muhammad Ali in her CRC with fake father name of Muhammad Rafique. On this complaint of Director Vigilance of HRO Nadra Islamabad, Inquiry was conducted. On 29-12-2014 President of board of Inquiry committee has submitted this report with the observation that:-

"Keeping above facts in view, it is evident that ERP # 8919 Mst. Shaista Sattar, processed the applicant Mst. Sumera Kosar for change of husband name against TID 109001011877 without

following the requirement with malafied intensions and also confess the same in her statement as well. Hence it is recommended that action may be taken against ERP # 8919 Mst. Shaista Sattar as per E&D rules.”

13. This report of 29-12-2014 was challenged by complainant before Chairman Nadra. Her appeal was allowed merely on the ground that “as per complainants claim no inquiry was conducted and only show cause notice was issued. Hence no right of defence was provided to her”. She was reinstated in service with immediate effect, however, Chairman Nadra has directed to conduct denovo inquiry. Second Inquiry was conducted with the issuance of charge sheet on 13-10-2015. In this charge sheet beside the name of Mst. Sumera Kosar, name of Mst. Rehman Bibi was also included. This inclusion of name was objected by complainant that this act of adding a new name in charge sheet of 13-10-2015 while conducting denovo inquiry is an afterthought plan of Nadra authorities which is an act of harassment against complainant. Here it cannot be denied that the charge leveled on complainant of processing of tracking Id’s of both Mst. Sumera Kosar and Mst. Rehman Bibi with reference to change of husband’s name without documents required as per policy has been admitted by complainant at different stages. During Inquiry proceedings on 02-12-2015 it is admitted by her that it was her responsibility to check the illegal processing but she did not know how these cases were processed. In answer to question no. 22 at page 176 of file that “who approved these cases? She admitted that both these cases were approved by her. Further stated that “I do not know / remember how these cases were approved without supporting documents. It might have been over looked by me”. It is also noteworthy that though admittedly required documents as per Registration policy 1.1.4 that is divorced paper and marriage certificate were not produced by both these ladies i.e. Mst. Sumera Kosar and Mst. Rehman Bibi but complainant at her own during second inquiry conducted against her managed to get these documents through Assistant Commissioner Deena and when she was asked about authenticity and genuineness of these documents she replied that Assistant Commissioner Deena has confirmed these documents as genuine so also she got confirmed the same from Union Council / tehsil mufti of mir pur Azad Kashmir and found these documents registered. Whereas in Nika Nama of Sumera Kosar with

Muhammad Rafique produced at page 27 of the file show resident of both these persons at district Jhelum. Witnesses of this Nika Nama also shows resident of Jhelum but it has not been explained that what was the purpose of getting this Nika Nama registered at Azad Jammu and Kashmir. This very conduct creates doubt as to the authenticity of this document. It is also important to note that in processing forms of both Mst. Sumera Kosar and Mst. Rehman Bibi their addresses are shown as same and one of Islamabad. Although Mst. Sumera Kosar is resident of Jhelum and Mst. Rehman Bibi is resident of Peshawar. Further no relation in between these two has also been brought on record to justify this fact. These malafidies are seems to have been tried to cover up by Shaista Sattar in her statement moved on 22-12-2015 by leveling allegation against some unknown persons of Nadra whose names have not been disclosed by her in her application. It is also pertinent to note that as per Operation Division HQ operation department policy issued on 27-10-2009 certain guidelines were provided to the officials of Nadra who were entertaining processing of applications in headquarter NSRC. As per these guidelines no applicant will be entertained without appointment proforma duly signed and approved by DGM Headquarter operation. The second condition that has been highlighted during arguments is that "no processing will be carried out during lunch / prayer break from 13:00 hours to 14:00 hours from Monday to Thursday and from 13:30 hours to 14:30 hours on Friday". But in the present case it is admitted position that processing work of both Mst Sumera Kausar and Mst. Rehman Bibi were done on 11-05-2012 at 13:06 hours and almost all the work except for two user i.e. "photo user" and "thumb user" was done by Mst. Shaista Sattar, the complainant single handedly as is evident from User Log produced as Exhibit C/3.

14. Complainant has tried to safe her by referring a note put up by her on NIC form of Mst Sumera Kosar and Mst. Rehman bibi "to produce divorce paper and Nika Nama". Complainant has also tried to shift her responsibility in appeal to Chairman Nadra stating that Mst Sumera Kosar delivered her forms at VIP NRC which was received by junior staff at NRC desk who accepted the form and forwarded to her for further processing which does not find support from Exhibit C/3, but at the same time in appeal as well as in reply to show cause notice dated 26-02-2015, at page 16 of file, she admitted that she processed by

mistake and over looked all the documents which were required under instance rush at NRC but with no ill will.

15. But the question is that how complainant ignored the note of herself put a few moment before process of the forms. This mistake admitted by her at different stages referred above cannot cover up the gross mistake and particularly in the case when the issue of human trafficking with fake names is involved, even if it may be a case of three years or four years later. So apparently I do not find any issue of harassment as alleged by complainant. It is purely a case of departmental inquiry of following the rules and regulations formed by Nadra authorities to avoid any criminal activities.
16. In view of above discussion I found that this forum has no jurisdiction to entertain the issue of malafidies committed by any employee of any organization which definitely do not fall within the ambit of harassment as alleged.
17. In view of above, complaint is hereby dismissed for want of jurisdiction.
18. Parties be informed accordingly.
19. Announced in open court.

**JUSTICE (R) YASMIN ABBASEY**  
**Federal Ombudsman**