

**Justice (R) Yasmin Abbasey,**

**Ombudsman:**

**Appeal No. 1(172)/2015-FOS.**

1. This appeal has been filed against the decision of the Inquiry Committee dated 20-04-2015 of Pakistan International airline (PIA), Sukkur.
2. According to appellant respondent no. 2 is habitual in making complaints against her colleagues. Charge leveled and penalty imposed on him by Inquiry Committee is not based on the statements and evidence produced by the parties because in audio recording produced by the inquiry committee, respondent no. 2's misbehavior with the staff in presence of passengers is sufficient evidence to show her conduct and vulgar language use by respondent no. 2 on 17-02-2015.
3. Respondent no. 2 in her reply alleged that opponent wanted to be her friend but on her refusal he threatened her and also warned her to make her job miserable as he has full support of CBA and no one can remove him. Opponent made her sick

by texting her at late night. Once when she wanted to go to Karachi because of her father's illness, appellant instructed SSM Raza Wassan not to allow her travel till she did not accept appellant's friendship. Appellant has also support of other staff of PIA. On 17-02-2015 when respondent no. 2 was working on her counter, SSM Raza Wassan started misbehaving with her and told her that she cannot work at the counters until and unless she compromise with appellant. He grabbed her and pushed her from the counter. There SD Junejo recorded her voice, which was preplanned. They also recorded her video in inspite of the fact that such video recording of women is a big crime. He brought this situation in the knowledge of DSM Mansoor Jalal who told her to contact SM and then she contacted SM. He refused to take any action against appellant and the persons named above on the pretext that they have political support behind them. Finally compliant was moved by her to women protection committee of PIA.

4. After going through the record I found that beside the incident

of 17-02-2015 which though at the first instance was not accepted by Inquiry Committee, finding of which has been attached as Annex-A along with the statement dated 30-07-2015. Brief history of case with no signatures of its author has been placed on record at page 90 to show the conduct of respondent no. 2 at different stages while performing duties. It is to be noted that during first inquiry proceeding it has been briefed at Annex-A, that respondent no. 2 had shown her reservation on formation of Inquiry Committee through a written application to DSM, PIA, Sukkur and has requested for change of inquiry officer. Thereafter matter was again reinvestigated by another inquiry committee and on its recommendation Chairman WPC by letter dated 12-04-2015 had sent recommendations of Inquiry Committee of 20-04-2015 for approval of competent authority and in the light of that recommendations, warning letter was issued to appellant on 04-05-2015 following with the transfer letter of appellant from Sales Office at Begum Nusrat Bhutto Airport Sukkur to District Sales Office Sukkur as duty officer.

5. On 27-05-2015 a letter was written by Chairman WPC of PIA that warning letter dated 04-05-2015 issued to appellant was not in accordance with the recommendations of WPC and was also in against to section 4 of Act 2010. In view of above it was recommended that penalty of "Censure" be awarded to appellant as recommended by inquiry committee. This proposal was accepted and a corrigendum was issued on 11-06-2015 by Deputy General Manger HR, Marketing Department imposing a penalty of "Censure" along with the transfer order.
6. Record reveals that the penalty imposed on appellant is in accordance to law in view of the evidence placed on record by parties. The allegation leveled by respondent no. 2 beside the evidence produce before inquiry committee are also supported by the text messages of appellant sent to her on different days and in different hours. Appellant has not been able to explain that why these text messages were sent to respondent no. 2 and what was the reason behind that. If respondent no. 2 do not want to have any friendship with him

how she can be forced to develop such relation. Act of sending text messages particularly in late hours is also against the moral ethics. Harassment does not mean as is commonly observed to the extent of sexual harassment. Such kind of text messages at late hours with no reason and which too have not been denied by appellant, just to put a person under constant tension is an act of harassment with malafidly intent and immoral turpitude which bound to have a counter action as is appearing in audio recording produce by Inquiry committee of PIA.

7. In view of above I do not find any reason to interfere in the finding of Inquiry Committee of 20-04-2015 and the orders passed on 05-05-2015, 27-05-2015 and 11-06-2015. Appeal stands dismissed having no merit.
8. Announced in open court.

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