



FEDERAL OMBUDSMAN
For Protection against Harassment of Women at Workplace
Islamabad

J U D G M E N T

1. Complaint Number: 1(226) / 2015-FOS (Reg)
2. Date of Institution: 01.12.2015
3. Date of Decision: 23.02.2016
4. Complainant: Mst. Asifa Naz
Former Teacher
Sargodian Spirit Trust (SST)
Public School
Rashidabad Tando Allahyar
5. Opponents:
 - i. Irshad Ahmad, CEO
SST Public School
Rashidabad Tando Allahyar
 - ii. Nayar Qayum Khawaja, Principal
SST Public School
Rashidabad Tando Allahyar
 - iii. Ameer Nawaz, Admn Incharge
SST Public School
Rashidabad Tando Allahyar
 - iv. Zulfiqar, Security Incharge
SST Public School
Rashidabad Tando Allahyar
 - v. Tayab, Security Guard
SST Public School
Rashidabad Tando Allahyar
 - vi. Ali Asghar, Security Guard
SST Public School
Rashidabad Tando Allahyar

Justice (R) Yasmin Abbasey,

Ombudsman:

Complaint No. 1(226)/ 2015-FOS.

1. Complainant-former teacher of Sargodian Spirit Trust (SST) Public School Rashidabad Tando Allahyar has filed this present complaint against 6 opponents including Principal of SST Public School Tando Allahyar. According to her on 15.08.2014 she joined school and during her tenure of service she performed to satisfaction of school authorities. She was sent by school authorities to USA along with students from 19.07.2015 to 11.08.2015. An amount of 500\$ was given to her for purchase of miscellaneous items. Advance salary of two months and an additional imprest amount of 2000\$ was also given to her. According to complainant on 25.08.2015 she resigned from job with advance notice of one month, although same was not required. Resignation was not accepted by Principal in spite of that she had informed about her joining to Fatima Fertilizer School Sadiqabad Rahim Yar Khan. Principal of school and other opponents unnecessary detained her and confined her in her house in order to pressurize her to take back her resignation. It is alleged that on 08.09.2015 when complainant along with her family members tried to go out of residential premises provided by opponent she was restrained and was physically harassed by opponents Nayar Qayyum principal, Zulfiqar, Ali Asghar, Tayab security guards, Amin Abbas Administration incharge and other persons. Security guards fixed their weapons on them. Finally with great request opponents allowed them to leave premises subject to condition that all her house articles will remain with them in premises provided by them. Complainant's husband Muhammad Waseem also reported matter on 07.09.2015. Complainant also wrote letter to Chief Justice of Pakistan which was forwarded by him to Session Judge Tando Allahyar, but till now no progress has been made therein therefore complainant approached this office of Federal Ombudsman.

2. Opponents in their defense have denied allegation of harassment. It is alleged that as per service rules 2009 she has to returned advance salary of two months and imprest advance of 2000\$ which she has denied to return. It is stated that on 08.09.2015 when complainant and her family members tried to leave school premises at 1:30 am in a taxi, security guard stopped them as taxi driver has informed that complainant and her family members are going to Hyderabad Divo bus stand. Matter was also reported to Police Station Tando Allahyar and complaint was also lodged at DIG Police Hyderabad against constable who tried to facilitate complainant. It is also reported that amount of 500\$ were also given by one Mr. Denis NGO Head who had sponsored USA trip for purchase of certain equipment to be used by students for project. Complainant neither purchased any equipment nor has returned that amount of 500\$.
3. Both parties have produced number of documents in support of their case. After going through documents I found that it is a case of involvement of money. According to complainant two months advance salary was given to her for July and August for work performed by her during vacation therefore opponents cannot demand same, on contrary they have to pay double salary to her for work performed by her. Amount of 2000\$ was also given to her when she has taken students to USA for used of any emergency. Out of them 300\$ were spent on students, and rest of amount was returned with a camera given by US Department for project.
4. Whereas on other hand opponents have lodged FIR against complainant for misappropriation of amount given to complainant at time of US trip and for return of advance salary. Although opponents has filed report of 16.11.2015 showing that complainant's application moved to Police authority was rejected, but that document is a simple copy with no signature of authority that who has prepared this report. It is also an admitted position that matter in between parties is subjudice before Session Judge Tando Allahyar with reference to entitlement of amount

claimed by both parties.

5. After going through record I conclude that whole case involves around entitlement of amount with reference to advance salary and imprest money said to be paid to complainant by opponents and amount of 2000\$ and 500\$ said to be given to complainant for purchase of items and equipment for students who had gone on trip with her to USA. Apparently there is no issue of any harassment. Solitary statement of complainant as to harassment in the circumstances even if from the date when she left school premises of opponent and incident alleged if happened on 08.09.2015 is taken as correct, filing of present complaint on 01.12.2015 with a lapse of about three months with no sufficient cause puts a dot on happening of incident. Even then after approach of her to Chief Justice of Pakistan and on his direction when the matter is subjudice before Session Judge Tando Allahyar this forum of FOS has no jurisdiction to entertain it because the act of harassment as alleged by complainant in present complaint before FOS have also been reported by her to Chief Justice of Pakistan and to Session Judge Tando Allahyar.
6. With this observation present complaint is hereby dismissed for want of jurisdiction.
7. Announced in open court.
8. Parties be informed accordingly.

JUSTICE (R) YASMIN ABBASEY
Federal Ombudsman