



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

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

1. Complaint Number: 1(285) / 2016-FOS (Reg)
2. Date of Institution: 05-08-2016
3. Date of Decision: 17-10-2016
4. Complainant: Mst. Asma Shahid  
Resident of House No. 400/14 T,  
Lane #6, Peshawar Road,  
Rawalpindi
5. Opponents:
  - i. Waqar Zubair, Head of HR  
Ovex Technologies, Ground Floor  
Evacue Trust Complex, F-5/1  
Agha Khan Road, Islamabad
  - ii. Khursheed Zaman  
Director Floor Operations,  
Ovex Technologies, Ground Floor  
Evacue Trust Complex, F-5/1  
Agha Khan Road, Islamabad

**Justice (R) Yasmin Abbasey,**

**Ombudsman:**

**Complaint No. 1(285)/ 2016-FOS.**

1. According to complainant she was serving in Ovex Technologies Private Limited Islamabad since 01-09-2015. During tenure of her service one month back to the filing of complaint Higher Manager of Ovex Technologies Private Limited including Waqar Zubair, Head of HR, Khurshid Zaman, Director Operations and Amir Hussain CEO called her in office of Waqar Zubair and was forced to write statement against her manager about her personal acquaintance with her manager through email. She was assured by Waqar Zubair and Khurshid Zaman that this is only way to secure her job in the company. Thereafter on basis of her statement her manager was terminated and confidential matter of her statement taken by opponents was also spread all over the floor. She further states that when she raised voice against causing damage to her dignity and character and also inquired about status of her job in the company she was told by Khurshid Zaman that it is under consideration. Even thereafter Waqar Zubair and Khurshid Zaman again pressurize complainant during office timing to give some more statement against her manager which they want to use against him because of their personal grudge with manager. Upon realizing situation complainant immediately recall her first statement made on 30-06-2016 against her manager. Thereon Waqar Zubair called her in his office, snatched her mobile phone and started harassing her and pressurizing her to take back her statement of 08-07-2016 of recalling previous statement of 30-06-2016 against her manager, being mistake committed by her. Waqar Zubair has further threatened her that if she will not recall her statement of withdrawal of her previous statement against her manager her personal matters will be shared at her home and will also be charge legally by involving in different matters and get her punished for five years in jail and penalty of Rs. 5 lac. Because of threats given by Waqar Zubair she was under serious fear but still refused to cooperate with them. In result thereof complainant was terminated from service on 18-07-2016 without any reason and justification.
2. According to complainant as she was new in company and was not in knowledge of impact of her statement taken by Waqar Zubair and Khurshid Zaman against her manager therefore under extreme pressure she made that

statement. Last week when she went to Ovex Technologies Private Limited to collect her final settlement cheque they again told her to sign documents that she will not take any legal action against company along with some other illegal demands which were refused by complainant. On refusal of complainant cheque was also not issued to her by company because of which she is facing financial problems. Complainant request to take action against Waqar Zubair and Khurshid Zaman and Amir Hussain for harassment act done by them with complainant.

3. All three opponents have filed joint defense. In their preliminary objection it is stated that allegations as leveled by complainant does not come within purview of harassment as defined in Section-2(h) of Protection against Harassment of Women at Workplace Act 2010 or code of conduct framed there under. This complaint has been filed to take revenge from opponents. By this, complainant wants her reinstatement in service and disbursement of benefits which does not fall within jurisdiction of this forum.
4. According to opponents on 25-06-2016 at 4:00 am there was commotion on operation floor in between Hassan Eusafzai and complainant Asma Shahid. They were having heated arguments in between them. Matter was brought in knowledge of Waqar Zubair by Hassan Eusafzai, Waqar Zubair found that it was personal matter in between these two individuals and as there was break down in their relationship which caused that disturbance in office premises. Matter was brought in knowledge of higher management. On 30-06-2016 complainant voluntarily sent email to Waqar Zubair disclosing background of matter through her laptop. There was no threat or any act of harassment on part of opponents.
5. Inquiry committee was formed in matter which had investigated the matter and finally on 21-07-2016 it was observed by inquiry committee that incident happened on 25-06-2016 was inappropriate behavior on part of parties i.e. complainant and Hassan Eusafzai. Hassan Eusafzai on extra marital affairs with complainant had misbehaved and threatened her, as such he had committed gross misconduct and had violated company's code of conduct. On basis of Inquiry Committee report, Disciplinary committee was constituted.
6. Seeing development in matter complainant in order to protect Hassan Eusafzai on 08-07-2016 at 12:04 pm sent email to Waqar Zubair that she "just want to disown below email as she was emotionally very disturb and being dictated to

make it official as she had no intention of doing so”.

7. Complainant also threatened management through email dated 14-07-2016 that if any action will be taken against her she will highlight injustice done with her in media and will approach to court of law against HR and management.
8. Complainant contract was terminated as this post of Vendor Partner Specialist as it was no more required by company and it was abolished. All benefits was offered to complainant under company contract. After termination complainant filed this complaint on 05-08-2016 to bargain with company. On 17-08-2016 complainant again sent an email to management that “with that being said I would like to humbly request you to withdraw termination and restore my service and enquire the matter under supersession through honest officers”. This message show real intention and motive behind these proceedings. Complainant contention is illogical and false just to take benefit from opponents. Delay and behavior of complainant till filing of this complaint show her false imputation. Opponents are seniors and responsible members of management. Complaint of complainant being false is liable to be dismissed.
9. My findings on the basis of facts and evidence brought on read are as under:  
  
Complainant's case is that on 30-06-2016 opponents Waqar Zubair and Khurshid Zaman forced her to write complaint against Hassan Eusafzai otherwise she will lose her job. In that state of circumstances she wrote an application and send it through email to Waqar Zubair Head of HR, but soon thereafter she realized her mistake and by another email dated 08-07-2016 leveling allegation on Waqar Zubair had stated that she feel that she has been trapped by HR and management just to get rid of Hassan Eusafzai Manager from the company, therefore she disown her previous statement made on 30-06-2016. It is alleged by complainant in this very statement of 08-07-2016 that facts narrated in previous application of 30-06-2016 were personal matters, but Waqar Zubair had made it public which has affected her character.
10. Record shows that just after incident happened on 25-06-2016 inquiry committee was constituted and it had given its preliminary investigation report on same day and it is thereafter on 08-07-2016 complainant Mst. Asma Shahid has shown her distrust on HR and management of the company that she has been trapped by management and HR Waqar Zubair just to terminate Hassan

Eusafzai from his service, although she was been promised by the management that Hassan Eusafzai would not be terminated and complainant be saved too, but now what you guys did is totally opposite to what you said. In second last para of this very letter of 08-07-2016 she seeks information from management that whether her job will be secure and there will be no consequences for her. This conduct of complainant with changing statement on 25-06-2016, 30-06-2016 and then on 07-07-2016 and 14-07-2016 show greed of complainant for her job and to save it, she does not feel any hesitation to level allegation on any person at any stage as is appearing from record. It is with this intent she had moved complaint for the incident happened on 25-06-2016 and on 30-06-2016 to department. Thereafter disciplinary committee had terminated job of Hassan Eusafzai on 25-07-2016 and complaint was removed from service earlier on 18-07-2016.

11. It is thereafter on 05-08-2016 present complaint was filed by complainant alleging same allegation as made on 08-07-2016 against Waqar Zubair and Khurshid Zaman with an addition that that during meeting with Waqar Zubair he had snatched her mobile phone while she was in her office and started harassing and pressurizing her to write that complainant's statement of 08-07-2016 recalling her statement of 30-06-2016 was mistake. Although in her statement in chief she has repeated same statement as has been stated in complaint with addition that on 25-06-2016 she was forcibly made to sit late till 7:00 pm by opponent Waqar Zubair pretending to be her well-wisher but was trying to find out personal information about herself only to hold and use it against her. It is further alleged that on 29<sup>th</sup> and 30<sup>th</sup> June, 2016 she was forced by opponents Waqar Zubair and Khurshid Zaman to make defamation statement against Hassan Eusafzai with a threat that they will lodged disciplinary actions against both of them at the same time they promised that if complainant would make official statement, job of complainant as well as Hassan Eusafzai would be safeguarded. It is very unfounded statement on part of complainant that inspite of threat given by opponents that on the basis of statement of complainant which they are going to take, opponents will terminate job of both complainant and Hassan Eusafzai, even then complainant had sent email of 30-06-2016. This statement made by complainant neither has any logic therein nor find support from record because if opponents were not going to disturb job of complainant or Hassan Eusafzai than what was the need of taking

such statement. Beside that if complainant in fact wants to secure service of Hassan Eusafzai why she conceded to make such statement because contents of complaint moved on 30-06-2016 are self-explanatory which too find support from email send by complainant to opponent Waqar Zubair requesting that "Aoa want to tell something it's a request pls pls Pls dont change my department my team is very cooperative and I am happy here except Hassan .. uske sath bura zeroor hoga.. but mera kia fault hai".

12. Even otherwise act of harassment as has been expressed by complainant is that beside forcibly taking statement from her Waqar Zubair had also snatched her mobile phone but no such question was put to Waqar Zubair, however Khurshid Zaman was asked that he and Waqar Zubair tried to snatched cell phone of complainant which was denied in negative. Twisting stand of complainant can be look into when same question of snatching cell phone with a blame on witness Mudassar Fayyaz was put to him.

In the same way it is unacceptable that in a meeting all members of meeting would force complainant to sit with them as has been suggested to Khurshid Zaman, reply of witness is reproduced as under:

"It is incorrect to suggest that I forced complainant to sit with me".

Same question has been put to opponent's witness Mudassar Fayyaz which is replied as under:

"It is incorrect to suggest that I forcibly tried complainant to sit with me".

13. According to complainant she shared the alleged incident and what happened on 25-06-2016 with Mst. Mehwish Mushtaq. Whereas according to Mehwish Mushtaq on 25-06-2016 complainant told her to wait after office hours as she want to go with her but has categorically denied about any harassment act done by opponents with complainant stating that I cannot say that whether company management has harassed complainant to give particular statement against Hassan Eusafzai. It is further stated by Mst. Mehwish Mushtaq that on her return from HR office complainant informed her that she was called by Waqar Zubair as from some resource he came in knowledge of conversation took place in between her and Hassan Eusafzai. The other witness produced by complainant is Hassan Eusafzai for whom it is alleged against opponents that they forced her to give statement, but this witness also has not stated single word about

receiving of any forced statement from complainant by opponents in against to him.

14. So far allegation of complainant that on 25-06-2016 she was forced to sit late after office hours have been disclosed by Waqar Zubair in his statement that in fact on 25-06-2016 there were hot words conversation in between complainant and Hassan Eusafzai in office premises and both Hassan Eusafzai and complainant asked Waqar Zubair to take notice of that incident. Therefore beside considering the relation in between complainant and Hassan Eusafzai and its distortion, as incident took place in the office premises therefore it was also an issue of maintenance of administration therefore he first heard complainant and thereafter immediately reported to management of the company whereon action was taken by company. There is no issue of any harassment on part of opponents. Email dated 17-08-2016 sent even after filing of this complaint before Federal Ombudsman show that she even thereafter tried to persuade the management of Ovex Technologies Private Limited to withdraw her termination and restore her service and when from every corner she failed to get her job restore this allegation of harassment have been alleged which do not find support from record.
15. In view of above, complaint of complainant is hereby dismissed.
16. Announced in open court.
17. Parties be informed accordingly.

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