



FEDERAL OMBUDSMAN
For Protection against Harassment of Women at Workplace
Islamabad

J U D G M E N T

1. Complaint Number: 1(288) / 2016-FOS (Reg)
2. Date of Institution: 23-09-2016
3. Date of Decision: 13-12-2016
4. Complainant: Mst. Ayesha Siddiqa
LDC, National Saving Center
Okara
5. Opponent: Muhammad Hanif
National Saving Officers
NSC-1, Okara

Justice (R) Yasmin Abbasey,

Ombudsman:

Complaint No. 1(288)/ 2016-FOS.

1. Above complaint has been moved by complainant Mst. Ayesha Sidiqa LDC in National Saving Center Okara against Incharge National Saving Center Okara Muhammad Hanif alleging that opponent misbehaved and harass her. She had already moved application to DG Islamabad and ID Multan, but till now no action has been taken on her complaints because of which complainant is being defamed. Complainant has also moved an application to Punjab Commission of Women Right Lahore, but there too no response has been given to it.
2. Still now opponent is sending different person to her and is unnecessarily harassing and humiliating her. He threatened to ruin life of complainant. He speaks such words which are cause of mental distress to her. Opponent Muhammad Hanif had made life of complainant miserable, if immediate action is not taken against opponent and no proper inquiry is conducted, there is apprehension of great loss to complainant's life.
3. Opponent in his defense has stated that he served in different saving centers in last 33 years. No female had ever complaint against him. Before 20-06-2016 complainant had not moved any application against him. Before present complaint an application has been moved by complainant to Joint Director National Saving Center Multan. Three members inquiry committee was constituted. They had investigated the matter, recorded statement of witnesses. Copy of decision of that inquiry committee can be obtained from Directorate of National Saving Center Multan.
4. It is alleged that on 20-06-2016 complainant had tried to withdraw amount of Rs. 38,400/- through bogus cheque. Complainant was caught red handed. Director Head office was informed accordingly. Thereafter on

22-06-2016 complainant was transferred from Markaz Qomi Bachat to Okara. On report of incident happened on 20-06-2016 Ch. Basharat Aziz, Officer Incharge National Saving Center Sahiwal was appointed as investigation officer and in his report dated 01-08-2016 Investigation Officer held complainant responsible of that fraud and forgery and withdrawal of Rs. 38,400/-. Advice to take departmental action against complainant is still pending.

5. Thereafter special audit of this very branch was conducted by Kalimullah Tahir, Assistant Director Inspection and he in his report dated 07-09-2016 and 27-09-2016 had held complainant responsible of committing fraud of Rs. 2,60,000/-. As opponent had informed to concerned authorities of National Saving Center about misappropriation and committing of fraud by complainant, therefore complainant is leveling baseless and false allegations against him. Opponent had never harassed complainant nor had ever thought of it. All allegations leveled by complainant in her application are false and frivolous. Complaint be dismissed.

6. After going through record my findings are as under:

It is alleged by complainant that once when she was on her duty at National Saving Center Okara Manager Muhammad Hanif was watching some movie on computer network of office. He called her and asked that how pictures can be forwarded on this computer. When she came near to Manager she was astonished to see that he was watching immoral videos and pictures on that computer. In state of fear and weeping she returned to her counter and told Nasir Ali to leave her at her mother house. Next day when complainant reached office opponent made excuse from her. Therefore under fear of God and considering his ailing mother she had forgiven opponent, but even thereafter opponent continued on his immoral activities. After some time he pinched on her thigh. Audit officer Shabir and Cashier Rao Zulfiqar were also present at that time and has seen act committed by opponent. They got realized opponent that he has not

committed good act. According to complainant she warned opponent that she will complain to Director General National Saving Center Multan. Finally on 20-06-2016 she moved complaint to Director General National Saving Centre Islamabad, Joint Director National Saving Center Multan region and Muhammad Sagheer Riaz, National Saving Treasury CDNS Islamabad. Record shows that inquiry committee was constituted on her report. Matter was investigated by inquiry committee and finally it was observed by inquiry members in their report at Page-55 of file that “on basis of available record and keeping in view the circumstantial evidence, committee reached to the conclusion that as complainant is involved in scam of financial irregularities which have been proved by investigation officer in an another inquiry. Audit officer who conducted special audit has also reported financial irregularities of thousands of rupees through special reports of same nature against complainant Mst. Ayesha Siddiqa. Complaint of 20-06-2016 was filed by complainant against opponent as opponent has disclosed her fraud”.

7. With these observations it was held that complaint filed by complaint is baseless and fabricated and not based on facts. Inquiry committee further recommended that she be proceeded under E&D rules 1973. Beside this undated inquiry report having file No. NSC-VI, Multan F7-331 at Page 55 of file there are four more reports of 28-06-2016, 01-08-2016, 07-09-2016 and 27-09-2016. Perusal of all these reports reveal that reports of 01-08-2016, 07-09-2016, 27-09-2016 are outcome of fraud committed by complainant and detected by opponent on 20-06-2016 which was reported to Regional Director National Saving Center Multan. In first report of 01-08-2016 at Page-6 of file it has been observed “Keeping in view above record, I have concluded that Mst. Ayesha Siddiqa has made an attempt to get amount of Rs. 38400/- fraudulently. This activity is very dangerous particularly done by an official of National Savings”. In second report of 07-09-2016 Assistant Director (Insp) SUB-ZIAO, NS-Bahawalpur in his special report regarding financial irregularities pointed out during

regular audit NSC-1 Okara has observed with detail statement that amount is being withdrawn through fake profit coupons by complainant Mst. Ayesha Siddiqa with fictitious registration numbers. Finally it has observed that four persons named in report are involved in negligence / gross irregularity in National Saving Center Okara, wherein both complainant and opponent are included. Second committee report of 27-09-2016 also shows that complainant has been involved in withdrawal of amount from National Saving Center through illegal means and fraud.

8. It is noteworthy that according to complainant as stated by her in complaint moved to Chairperson Punjab Mrs. Fozia Waqar, Punjab Commission for women right that just after joining National Saving Center opponent has evil eye on her, however she tolerated same but neither in her complaint before this office nor in complaint said to have been moved by her to different authorities she has been able to give particular date when alleged incident took place. Even in inquiry proceedings before harassment committee of organization she has used alleged day of incident as one day.
9. According to complainant Shabir Assistant Director and Rao Zulfiqar INSD were also present at time of incident when opponent pinched on her thigh, but both of them have not been produced by complainant as her witness. Even if it is taken as per statement of complainant that Rao Zulfiqar is friend of opponent therefore he will not give any evidence against him then at least Shabir should have been produced before this forum to support her version. Further this very audit officer Shabir Hussain who has been named by complainant as eye witness was called by inquiry officer, in his statement he had clearly stated that he has not observed such an omega story while he was conducting audit.
10. Out of rest of four witnesses who have been produced before this forum two are closed relatives of complainant. Mst. Halima Zahid is her maternal aunt while Malik Muhammad Ishaq is her uncle. Statement of Mst. Halima

Zahid, Mst. Farhana Tancir and Mst. Firdos Kosar whose are neighbors of complainant are stereotype and no conclusive opinion can be formed from their statements in favor of complainant nor do they prove allegations leveled by complainant against opponent. Malik Muhamamd Ishaq in his statement in chief has tried to repeat same statement of showing immoral videos to complainant with further addition that when after alleged act he himself had gone to opponent along with some other persons to warn him and restrained from his ill acts, opponent started misbehaving but in very second line he twisted his statement that

“I had not gone inside National Saving Center of opponent nor I met with opponent, however Rao Naeem one of my friend who had gone along with me had called one another person. I do not know name of that person to whom Rao Naeem had called. That said person had scolded opponent on his immoral acts, thereafter opponent excused from my niece, the complainant”.

This contradiction and twist in statement of Malik Muhamamd Ishaq doubts his veracity. Even otherwise this statement of Malik Muhammad Ishaq does not tele with statement of complainant made before this forum of Federal Ombudsman on 23-09-2016 or in applications filed by her on 20-06-2016 to different authorities. Nor Rao Naeem has been produced to support statement of Malik Muhammad Ishaq. So also name of that person who was called by Rao Naeem and who met with opponent has been disclosed or produced in evidence to support Malik Muhammad Ishaq's statement.

11. Here it is also pertinent to note that if opponent was continuously sexually harassing complainant from first day of her joining in National Saving Center Okara why complainant chose very date of moving her complaint to different authorities and particularly to Director General, Joint Director and Director of National Saving Center Multan when opponent had reported against her for committing fraud and withdrawal of amount by her

through forgery.

12. In view of reports placed on record of harassment committee, audit officers and in fraud cases against complainant, her step of moving applications to different authorities on 20-06-2016 and subsequent thereto to FOS is retaliation act of her against opponent. Here it also cannot be ignored that as per record of this case neither of reports of 28-06-2016, 01-08-2016, 07-09-2016 and 27-09-2016 have been challenged by complainant to disprove allegations leveled against her. Complainant in her written arguments has countered findings given against her in audit matter, but this is not the proper forum to make inquiry on any fraud alleged or committed by her in National Saving Center. Proper forum is of organization or as provided in law.
13. Upshot of above discussion is that complainant has not been able to prove allegations leveled by her against opponent. Filing of complaint is seems to be because of alleged fraud reported by opponent, and its report to higher authorities, whereon different inquiries were conducted against complainant. In order to save herself from recommendations of those inquiry reports this present complaint has been filed with no cogent and satisfactory evidence.
14. In view of above complaint of complainant is hereby dismissed.
15. Parties be informed.
16. Announced in open court.

JUSTICE (R) YASMIN ABBASEY
Federal Ombudsman