



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

**TITLE: Dr. Shaista Habibullah Vs Syed Mazhar Hussain**

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

1. Complaint Number: 1(463)/2018-FOS-Reg
2. Date of Institution: 30-04-2018
3. Date of Decision: 03-01-2019
4. Complainant: Dr. Shaista Habibullah  
Director (Technical)  
National Institute of Rehabilitation  
Medicine (NIRM)  
G-8/2, Islamabad
5. Opponent: Syed Mazhar Hussain  
Deputy Director (Services)  
National Institute of Rehabilitation  
Medicine (NIRM)  
G-8/2, Islamabad

**KASHMALA TARIQ  
FEDERAL OMBUDSMAN**

A complaint, dated 14-05-2018, was brought before this honourable forum by Dr. Shaista Habibullah, Director (Technical) at the National Institute of Rehabilitation and Medicine (NIRM) against Dr. Mazhar Hussain, Director (Services), NIRM, on the allegations of harassment and intimidation.

For perusal of the matter, notices were issued to the opponent and case was fixed for hearing of both parties. The opponent submitted a written reply to the complaint and arguments were heard from both sides. The opponent also filed an application for rejection of the complaint.

Referring to the brief facts of the case, the complainant contested that the opponent, since her promotion to the post of Director had been intimidating and harassing her. He repeatedly sent her threats of getting her arrested on charges of corruption which the complainant terms baseless. Also, he threatened her to “drag her through the courts” for her promotions being “*illegal*”. Another time, he accused her of misusing the office ambulance, whereas, the complainant stated that the vehicle in question was an official vehicle and not an ambulance. Furthermore, the opponent wrote several applications against the complainant to higher authorities at Capital Administration and Development Division (CA&DD) and also to Aiwan-e-Sadar where he sent it anonymously and also added that the complainant was promoted due to “*illicit relations with senior officers*”. Also, the complainant further alleged that the opponent had been disclosing these letters and applications to media to cast aspersions on her integrity. The complainant stated that since the Supreme Court took notice of the case for appointment of regular and permanent heads of health institutions in Islamabad, the opponent stepped up his game in the campaign of her character assassination by spreading all kinds of rumors about her. Lastly, the complainant alleged that the opponent threatened her using the words “*The year 2018 will be a bloody year for Dr. Shaista*” in front of her subordinates and also threatened the staff members with boasts of possessing a large stock of firearms. The complainant claimed that she felt threatened and bullied by the aforementioned acts and despite her repeated

requests to the Executive Director, no action was taken to address her grievance.

The opponent, Dr. Mazhar Hussain, Director (Services), submitted his written reply denying the allegations leveled against him by the complainant. As per him, the complainant and her group deliberately withheld his application and did not forward it to the DSB convened for promotion to Director (BS-19). Upon his serious agitation and repeated reminders, his working papers were sent to CA&DD on 05-05-2017 but were again tactfully withdrawn by the complainant and her group. The opponent stated that finally when the third time his working paper had been sent for placement before the competent DSB, the complainant and her group started a campaign of *“harassment”* against him. The opponent had also filed a writ petition (No. 1676/2018) for his promotion case not being processed to the DSB held on 05-01-2017 at first and then its withdrawal on 26-07-2017 from the DSB held on 11-08-2017, whereby the High Court (W.P. No. 1676 Of 2018) decided in his favour.

The opponent filed an application for the rejection of the complaint on 24-05-2018 on the grounds that the complaint was filed with a mala fide intention to delay his promotion. Secondly, as per procedure and requirement, a committee to tackle such issues had already been constituted; however, no such complaint was referred to the committee by the complainant. The complainant had issues regarding the official matters due to which she adopted this tactic. He further contended in his application that the complaint does not fall within the ambit of section 2(h) of the Protection Against Harassment of Women At The Workplace Act, 2010. Furthermore, he stated that the complainant only intends to malign the integrity and growth of the opponent through this complaint. Hence, the opponent, in his application, submitted for the dismissal of the complaint on grounds of non-maintainability. The arguments of both parties were heard and record was perused.

In light of the above, the matter seems to be more of an administrative rift than of harassment under section 2(h) of the Protection of Women Against Harassment at Workplace Act, 2010. Upon hearing both parties, the allegations of harassment formed no factual ground on the basis of evidence and the matter appears to be

an internal administrative issue that is not maintainable before this forum. In this case, the complainant alleged that the opponent harassed her; however, the same could not be proved in fact. On the other hand, the opponent also stated that the complainant did not process his documents for promotion. Reference imperative in this regard is to the case law **6 MLA 134**, *“Whenever jurisdiction is given subject to certain terms, such terms must be complied with in order to create and raise the jurisdiction and in their absence jurisdiction does not arise”*. The scope of this forum in spirit is to deal with the element of harassment only and in its absence, this court does not have the jurisdiction to entertain the matter. Therefore, on examining the application from all aspects, the application of rejection of complaint by the opponent is hereby accepted and the complaint is dismissed.

**KASHMALA TARIQ**  
**Federal Ombudsman**