



FEDERAL OMBUDSMAN
For Protection against Harassment of Women at Workplace
Islamabad

J U D G M E N T

1. Complaint Number: 1(125) / 2015-FOS (Reg)
2. Date of Institution: 18.02.2015
3. Date of Decision: 23.06.2015
4. Complainant: Mst. Fozia Nisar,
Business Sales Officer,
Jubilee Life Insurance Company
HBL, Karachi
5. Opponents:
 - i. Zia-ul-Qamar,
Branch Manager,
HBL, Omerabad,
Tehsil Pattoki, District Kasur
 - ii. Abdul Ghaffar,
Operation Manager,
HBL, Omerabad,
Tehsil Pattoki, District Kasur
 - iii. Rao Qaramat Ali,
RHQs Compliance Cell,
HBL, Omerabad,
Tehsil Pattoki, District Kasur

Justice (R) Yasmin Abbasey,

Ombudsman:

Complaint No. 1(125)/ 2015-FOS.

1. This complaint has been filed by Mst. Fozia Nisar against Zia-ul-Qamar, Abdul Ghaffar and Roa Karamat employees of HBL Omerabad Branch, Tehsil Pattoki, District Kasur.
2. It is alleged by complainant that she was appointed by Jubilee Insurance as Business Sales Officer on 11.10.2011 at HBL Phool Nager Branch, thereafter she was transferred to HBL Omerabad Branch, Tehsil Pattoki, District Kasur.
3. On 01.04.2013, an incident of cheque payment amounting to Rs. 30,000/- to an underage customer occurred, complainant advised and guided boy for encashment of cheque. On 02.04.2013 Branch Manager Zia-ul-Qamar alleged that cheque of Rs. 30,000/- has been stolen from drawer of Operation Manager Abdul Ghaffar. On this charge, both these bank officials detained complainant for more than two hours at an adjacent building of HBL for the purpose of inquiry. During that inquiry they used abusive language and harassed her. Thereafter on intervention of JLIC Area Manager Qureshi and other HBL members she was released by both officials i.e. Zia-ul-Qamar and Abdul Ghaffar. Matter was again inquired verbally by Qureshi Area Manager JLIC Sahiwal Region and Zia-ul-Qamar Branch Manager HBL at Omerabad Branch.
4. Complainant was telephonically informed to appear before inquiry committee on 16.04.2013, no written intimation was issued to her before inquiry proceeding. A bogus inquiry was conducted by Rao Qaramat Ali from RHQs Compliance Cell HBL on 16.04.2013 at private venue near HBL Omerabad. Complainant's statement was recorded and she was told to remain at home till issuance of findings of inquiry committee.
5. Again on 19.04.2013 Zahir Shah from JLIC Karachi through telephone

informed that he has been appointed as Inquiry Officer by JLIC Karachi. He also took statement of complainant through telephone and later on inquiry was also conducted with her on telephone, but no result of that inquiry also came out. On 13.09.2013 Zahir Shah informed complainant that her case has been closed on instructions of Israr Qureshi RM Multan.

6. Complainant never resigned from her job till now. Every finding of so called inquiry is based on false statements and assumptions. No inquiry report was ever shared with complainant, however before holding those bogus inquiries letter dated 03.06.2013 was issued to her leveling two charges, both were replied. In spite of act of harassment by Zia-ul-Qamar Branch Manager and Abdul Ghaffar Operation Manager against complainant, no action was taken against them by HBL. She has been deprived from salary since April, 2013 to date. Nothing has been provided to complainant in writing about her status.
7. Notices were issued to opponents. On 12.03.2015 opponent Zia-ul-Qamar filed his defense and on 03.04.2015 opponent Abdul Ghaffar has filed his defense. Defense filed by both these opponents are almost same, wherein they had stated that HBL Branch Manager and RHQs Compliance Cell had shared their views and findings with Higher Management of JLIC. Keeping in view of facts and after holding inquiry, JLIC management had discontinued services of complainant under clear intimation to her. No resignation was requisite from complainant as she was informed by concerned management that her services are no more required. Issuance of termination letter and its delivery does not pertain to HBL staff.
8. As Senior staff member of HBL Omerabad Branch it was primary duty of Branch Manager and Operation Manager to inquire about two major incidents of fraud occurred in branch. After inquiry, all available facts and evidence, complainant was removed from service. No act of harassment was ever conducted against complainant. Complainant was employee of Jubilee Life Insurance Company and her salary was stopped by

concerned department i.e. JLIC.

9. Both parties have not produced any verbal evidence, therefore relying on documents available on record my findings are as under:

According to complainant on 01.04.2013 an underage boy came with cheque of Rs. 30,000/-, because of his underage as per rules cash cannot be handed over to him, therefore she helped him in encashment of cheque. On 02.04.2013 when she was on duty Branch Manager Rao Qamar and Operation Manager Abdul Ghaffar of HBL alleged that she has stolen cheque of Rs. 30,000/- from drawer of Abdul Ghaffar. Both these official detained her for more than two hours at an adjacent building of HBL on pretext of inquiry. During that so called inquiry abusive language was used against her and she was harassed. After release, matter was again inquired verbally at Omerabad Branch Tehsil Pattoki District Kasur in front of Area Manager Qureshi JLIC Sahiwal Region and Zia-ul-Qamar Branch Manager of HBL. On 16.04.2013 again complainant was informed to appear before inquiry committee conducted by Rao Qaramat from RHQs Compliance Cell at private venue near HBL Omerabad which was a bogus inquiry conducted by him. This statement of complainant after perusal of record seems to be correct, because no order of any competent authority for conducting matter is appearing on record, only an email dated 02.04.2013 of Zia Munis Shahzad Sales Manager Sahiwal addressed to Abbas Tirmizey of Jubilee Life Insurance is appearing on record, whereby Zia Munis Shahzad had informed to Abbas Tirmizey about reporting of cash mishandling of Rs. 30,000/- by Fozia Nisar. By this very email Sales Manager Zia Munis Shahzad had requested Abbas Tirmizey to take this matter in his own hand or advice him for further doings, "as the matter is complicated and both sides i.e. BSO and Operation Manager are denying allegations".

10. Thereafter one another memo is appearing at Page-58 of this file. As per contents of this document in inquiry conducted against Fozia Nisar allegation against her have been proved and Zia-ul-Qamar Branch Manager has been advised to “expel” BSO on immediate basis, as her services are not required further more to safeguard bank interest and finally termination letter was issued on 05.07.2013.
11. Despite all these proceedings by official of HBL on record, I do not find any order of competent authority of HBL for holding inquiry or any intimation to complainant or to reporting authorities to investigate the matter nor any order is appearing on record that who was appointed as inquiry officer to investigate in matter and by whom.
12. On call from this office of FOS to produce inquiry report on 19.04.2013 it has been placed on record. It shows that Rao Qaramat held that inquiry. Contents of this inquiry report are again very surprising that instead of holding inquiry at HBL Omerabad, inquiry officer on showing inability of complaint to come at the place on insistence of complainant Fozia Nisar himself moved at petrol pump situated on By pass Omerabad to record statement. Even there whether statement of complainant was reduced in writing or not is also not on record. Inquiry report further show that beside complainant, statement of Khadim Hussain, Qari Zafar, Muhammad Abbas Cashier of HBL and Zia-ul-Qamar Branch Manager was also recorded, but again inquiry report of 19.04.2013 is silent that whether any opportunity was provided to complainant to cross examine these witnesses or reporting authority i.e. Abdul Ghaffar and Zia-ul-Qamar also had opportunity to cross examine complainant, to find out truth.
13. Bank statement with reference to cheque is also contradictory, as per statement of Abdul Ghaffar Operation Manager on 01.04.2013 he moved an application to DGM Operation HBL that a blank cheque duly signed by his brother Abdul Majeed S/o Atta Mohammad was handed over to him for withdrawal of amount of Rs. 10,000/-. He kept that cheque in his drawer

with intention that while leaving office he will withdraw the same, but in between all of sudden he was asked by Manager to go Resham Textile Mill in hurry he forgot to lock the draw. At about 4:50 pm he returned back and found that cheque was missing from drawer. On inquiry he came to know that said cheque has been stolen by complainant and has been encashed through one Khadim Hussain. That Khadim Hussain has also admitted that after encashment of cheque he has given amount to complainant Mst. Fozia Nisar. To support his version Abdul Ghaffar has also filed joined statements of Khadim Hussain and Zafar Iqbal dated 01.04.2013. If this statement of defense or of Abdul Ghaffar Operation Manager of bank is taken as correct, then same does not find support from letter issued by Zia-ul-Qamar HBL Omerabad Branch addressed to Shehzad Saeed, DGM Operation and Service Quality RHQ Sahiwal on 09.12.2013, wherein while seeking permission to have legal advisor to handle criminal case filed by Fozia Nisar, it is stated by him that complainant was removed from service because she was involved in fake signature on cheque. In this scenario it is very important that no criminal case against Fozia Nisar was lodged either by bank officials or by Abdul Majeed whose cheque is alleged to had been encashed by complainant. On the contrary, complainant Fozia Nisar has lodged FIR against Abdul Ghaffar Operation Manager on 25.05.2014 at PS Saddar, Tehsil Pattoki Distict Kasur. From an order dated 07.12.2013 passed by Additional Session Judge Pattoki, it appears that Abudul Ghaffar has also lodged complaint against Fozia Nisar, but that was subsequent to the complaint filed by complainant and seems to be a counter blast. Although FIR filed by Fozia Nisar was disposed off as false and frivolous only because of statement of Abdul Ghaffar intimating that services of complainant Fozia Nisar has been terminated because of this very incident.

14. But no separate finding of investigation officer declaring FIR of complainant to be false and frivolous is there but it has been cancelled by an unreasoned order of 07.12.2013 and in the circumstances of the case,

no conclusive decision can be made that whether complainant is a person who has stolen cheque from drawer of Abudul Ghaffar Operation Manager. Although complainant herself has admitted to facilitate that underage boy in encashment of cheque, but according to her she only facilitated boy, but main responsibility was of authority i.e. cashier or person stamping cheque as "posted" to verify its authenticity before clearance. Further stamp of "posted" was affixed thereon by Abdul Ghaffar himself, which has not been denied at any stage by Abdul Ghaffar or by HBL authorities representing the matter.

15. It is further worth mentioning that during so called inquiry of 19.04.2013, no clarification was made from cashier or from Abudul Ghaffar who pasted stamp of "posted" which is said to be a sign of clearance.
16. In the circumstances of this case, I am of the opinion that termination of complainant on the basis of inquiry report of 19.04.2013 is illegal and without any reason. Her services are hereby restored in the Institution of Jubilee Life Insurance Company. Competent authority of Jubilee Life Insurance Company is hereby directed to reinstate complainant on job with full back benefits. However, they are at liberty to initiate inquiry through competent and impartial persons under a valid order following procedures prescribed under their rules for holding inquiry.
17. Complaint disposed off accordingly.
18. Issue letter to Jubilee Life Insurance Company to reinstate complainant with full back benefits from date of termination and intimate to this office within fifteen (15) days about implementation of recommendations. Parties be informed accordingly.

JUSTICE (R) YASMIN ABBASEY
Federal Ombudsman