

OFFICE OF THE FEDERAL OMBUDSPERSON
FOR PROTECTION AGAINST HARASSMENT OF WOMEN
AT THE WORKPLACE, REGIONAL OFFICE QUETTA
ORDER SHEET
Appeal NO. 0006/2025

Date of Institution: 18-02-2025

Serial No. of Order of Proceedings	Date of order of Proceedings	Order of other proceedings with Signature of Regional Head		
		GHULAM HAIDER BUTT	VS.	COLLECTORATE OF CUSTOMS APPRAISEMENT QUETTA THROUGH ITS COLLECTOR AND OTHERS
		DEPARTMENT: COLLECTORATE OF CUSTOM APPRAISEMENT		
1	2	3		
01	24.03.2025	<p><u>SUBJECT: DECISION ON APPEAL FILED UNDER SECTION 6 OF THE PROTECTION AGAINST HARASSMENT OF WOMEN AT THE WORKPLACE ACT, 2010</u></p> <p>1. By this order I shall dispose of an appeal filed by the Appellant named Ghulam Haider Butt against the Collector, Customs Appraisement Quetta (Respondent No.01) and Ms. Eesha Rahim Deputy Collector, Customs Adjudication Quetta (Respondent No.02) under the Protection against Harassment of Women at the Workplace Act, 2010 (Act). The Appellant was serving as a Lower Division Clerk (BS-11) at the Collectorate of Customs Appraisement Quetta. He was dismissed from service vide order dated 07.01.2025 on the recommendation of the Inquiry Committee, which found that he had harassed a senior lady officer.</p> <p>2. In his appeal, the Appellant submitted that his behaviour was beyond his control as he was suffering from Schizophrenia and Bipolar Disorder. He asserted that his medical condition granted him protections under Constitutional, Statutory and Judicial precedents. He stated that the inquiry proceedings suffered from procedural and substantive legal deficiencies. He was not provided a fair chance to defend himself. The Inquiry Committee did not even provide him an opportunity to present his defense within the stipulated time. Further, that the Inquiry Committee failed to act impartially and conducted the proceedings in a one sided manner based on the statement of the Complainant, without verifying</p>		

the veracity of the same or realizing that the Appellant was medically unfit and under treatment at the time when the warnings and harassment proceedings were initiated. As a result, a fair trial was not provided to him, which is guaranteed under **Article 10-A** of the Constitution of the Islamic Republic of Pakistan, 1973. He, therefore, prayed that in light of the legal and factual grounds mentioned in his appeal, his dismissal order dated 07.01.2025 may kindly be set aside and be declared null and void and he may kindly be re-instated to his previous position with all back benefits.

3. Upon admission of the appeal, notices were issued to both the Respondents and they appeared before the Forum along with their written statement/reply.

4. Respondent No.01 in its written statement raised some preliminary objections. On merits, it prayed that the Collectorate received a harassment complaint from Respondent No.02 which was duly forwarded to the Collectorate of Customs Adjudication, Quetta, vide Letter No. **C.no 04-Misc/Adj/2023/901**, dated **15.11.2024**. It was lodged against the Appellant, who was then a Lower Division Clerk (BS-11) at the Collectorate. After receipt of the complaint, the Collectorate constituted an Inquiry Committee to investigate the matter in accordance with the provisions of the Act of 2010. Respondent No.01 in its reply further stated that the Inquiry Committee conducted a thorough investigation, strictly in accordance with the prescribed legal and procedural framework laid down under the Act. All the relevant evidence, testimonies and circumstances were examined to ensure a fair and just outcome. After completion of the investigation, the Inquiry Committee submitted detailed findings and recommendations to the Collector, who was the Competent Authority. The Competent Authority passed an order after considering all the aspects of the case, including the Report of the Inquiry Committee and the supporting evidence. Further, Respondent No.01 denied the medical ground taken by the Appellant because at the time of his appointment no such disease was pointed out by the Civil Surgeon Medical examination report of the Executive Director,

Balochistan Institute of Psychiatry and Behavioral Sciences, Quetta in letter No. **1-2/Estt/BISPBS/2017/18/4284-286** dated 29.01.2018:

"Mr. Ghulam Haider Butt was examined and assessed as a patient from **17.01.2018** to **24.01.2018** at Balochistan Institute of Psychiatry and Behavioral Sciences Quetta on current mental state examination there is no Psychiatric issue. He is of sound mind and can perform government duty."

Respondent No.01 further replied that prior to the harassment, neither the Appellant nor his family informed the department about his **Schizophrenia** and **Bipolar Disorder**. The said illness was cited as an afterthought, coinciding with the initiation of the harassment proceedings. Notably, he only became unwell once proceedings commenced and as soon as the decision of the Competent Authority was issued, he became fit. Further, Respondent No.01 strongly denied the allegations and averments made in the appeal by the Appellant. It, therefore, prayed that the appeal may kindly be dismissed.

5. Respondent No.02 vehemently contested the appeal by filing her written reply, wherein she stated that the Appellant began sending inappropriate and untimely messages including poetry, voice notes and unrelated personal documents on her WhatsApp. As a professional officer she snubbed him immediately and took the necessary step of blocking his phone number to prevent further contact, but instead of stopping his behaviour the Appellant started using alternative methods of communication, including various social media platforms and emails. He tried to contact her through other people from different numbers. Respondent No.02 also stated that she received a package from the Appellant containing mix dry fruits with a **Live Bullet**, which left her feeling threatened and emotionally perturbed for her safety along with that of her family's. However, the Appellant did not stop harassing her and she received a 7-page long letter from him containing nonsense poetry remarks and highly inappropriate content, including an offer of marriage despite knowing that she is a married woman and has a son. Respondent No.02 further alleged that the said

letter was also formally sent to different officers of the Department, including the Collector, Collectorate of Customs Appraisement Quetta, which resulted in the letter getting viral across the Customs community which caused her emotional, psychological and mental distress. She thereafter filed an official complaint against the Appellant before the Collector, Collectorate of Customs Adjudication of Quetta as provided under the law. Respondent No.02 further denied all the contents of the appeal with the assertion that the Appellant is blowing hot and cold in the same breath using his alleged medical condition to hide his act of harassment, because at the time of committing these acts he claims to have been suffering from **Schizophrenia** as well as **Bipolar Disorder** but now suddenly he claims to have fully recovered. Further, that both **Schizophrenia** and **Bipolar Disorder** are separate and unrelated mental conditions which are highly unlikely to inflict an individual at the same time. She further queried that if the act of the Appellant sending inappropriate, untimely, nonsensical unprofessional messages/emails and sending a **Live Bullet** and proposing to a married senior officer having a child is not an unwelcome sexual advance then what is? Lastly, Respondent No.02 requested that the appeal may kindly be dismissed and that appropriate measures be ordered to ensure her safety and security.

6. I have heard the arguments in detail from the counsels of the parties and have also perused the available record.

7. The Counsel for the Appellant in his arguments repeated the contents of the appeal and stressed that the Appellant being a patient of **Schizophrenia** and **Bipolar Disorder** has unconsciously committed the acts, otherwise it was not his intention. Further, added in his arguments that the Inquiry Committee did not provide a proper opportunity to the Appellant for his defense within the stipulated time which is against the principle of justice. The inquiry was not impartial and the proceedings were one sided. He requested for setting aside the order dated 07.01.2025 and for the reinstatement of the Appellant.

8. On behalf of Respondent No.01, the Deputy Collector appeared before the Forum. He strongly opposed the arguments of the counsel for the Appellant and

argued that the case is very clear regarding the attitude and behavior of the Appellant, who threatened Respondent No.02 through different means and manner. On the complaint of Respondent No.02, a proper Inquiry Committee was constituted as per the procedure and law. Opportunity was provided to the Appellant to appear before the Inquiry Committee but he did not do so. Ultimately, action was taken against the Appellant which was according to the facts and the requirements of law. He, therefore, requested for the dismissal of the appeal for being baseless.

9. The Counsel for Respondent No.02 during arguments totally denied the plea of the Appellant and repudiated his contention. The counsel pointed out that a 7-page letter, containing a proposal for marriage, written and signed by the Appellant was sent to Respondent No.2, which is more than sufficient evidence of his harassment of Respondent No.02. Furthermore, the Appellant consciously harassed Respondent No.02 through different media channels, sending WhatsApp messages, emails and a packet of mixed dry fruits with a **Live Bullet**. He pointed out that the Appellant has submitted copies of many prescriptions from different hospitals of Pakistan, but these have no authenticity because the Appellant had never informed the office or obtained any permission for leave. Lastly, in his argument he added that the order of the Inquiry Committee is according to the law and facts as the Appellant has mentally tortured Respondent No.02 and sexually harassed her. He, therefore, requested for the dismissal of the appeal being frivolous and based on a self-created story.

10. The primary issues that have emerged from the submissions of the parties are whether the Appellant was mentally incapacitated at the time of the commission of harassment due to suffering from **Schizophrenia** and **Bipolar Disorder** which prevented him from understanding the consequences of his actions, and whether the inquiry proceedings were conducted in accordance with the provisions of the Act.

11. Dealing first with the question of the Appellant's mental status, the Appellant in support of his plea has filed a bulk of prescriptions relating to different hospitals and private clinics at Quetta, Karachi and Lahore from which

he got treatment for his mental sickness. However, these prescriptions are suspicious as these show that the Appellant within mere days changed hospitals/clinics and doctors in Quetta, Lahore and Karachi. For instance, he was discharged from CMH, Lahore (where he was admitted as a private patient) on 18.12.2024 and the very next day he got admitted at Asghar Hospital, Karachi for treatment. The factum of travelling from Lahore to Karachi and then securing admission in another hospital within a single day is highly unlikely, more so when the Appellant alleges that he was not mentally sound at the time. Moreover, upon query, the counsel for the Appellant replied that for the purposes of medical treatment, the Appellant never obtained any permission or requested the higher authority for leave, which was required for leaving the station being a Government Servant. This behaviour of the Appellant shows that his attitude towards his job was very casual and corroborates the stance of the Respondents that the Appellant is using the excuse of mental illness to avoid liability for his actions. The stance of the Appellant is also belied by the fact that on 29.01.2018 the Balochistan Institute of Psychiatry confirmed that the Appellant was of sound mind and fit for duty. It is also important to note that despite apparently suffering from such serious conditions, the Appellant neither acted inappropriately towards any other employee nor neglected his duties at work. Accordingly, the Appellant's claim that he was suffering from **Schizophrenia** and **Bipolar Disorder** which affected his mental capacity and caused him to sexually harass Respondent No.02 is rejected for being without merit.

12. Insofar as the second question regarding the proceedings before the Inquiry Committee is concerned, on the complaint of Respondent No.02 an inquiry was conducted by the Inquiry Committee. The Report of the Inquiry Committee reveals that despite being served with a Charge Sheet and Statement of Allegations and notice for hearing, the Appellant neither furnished a written reply nor entered appearance. Applications were submitted on his behalf to postpone proceedings till his recovery from his alleged mental conditions but the same were rejected by the Inquiry Committee on the ground that the Act mandated it to decide the complaint within a period of 30 days. No cavil can be

taken with this decision of the Inquiry Committee as it has already been held above that the Appellant was merely using the conditions of **Schizophrenia** and **Bipolar Disorder** to escape the consequences of his actions. In any event, the evidence against the Appellant – which includes a 7 page-long letter signed by him and photographs of the mixed dry fruit along with a **Live Bullet** – has been admitted by him. Therefore, in the presence of irrefutable material, the Inquiry Committee rightly found the Appellant guilty of sexually harassing Respondent No.02 and imposed on him the penalty of dismissal from service. It is also not denied by the Appellant that Respondent No.02 did not welcome his advances and offers of marriage, yet he still persisted. Under Section 2(h)(i) of the Act any advance, communication and/or conduct of a sexual nature which is unwelcome constitutes sexual harassment. The Appellant's persistence in soliciting Respondent No.02 and asking her hand for marriage, going so far as to request the Collector to arrange his marriage with her, despite her marital status, squarely falls within the scope of sexual harassment and so has rightly been penalized by the Competent Authority, on the recommendation of the Inquiry Committee. No fault can thus be attributed to the process followed or the finding issued by the Inquiry Committee. Therefore, the Appellant's contention that the Inquiry Committee violated the provisions of the Act in conducting the inquiry is rejected for lacking force.

13. In light of the above discussion, it has become clear that a case of sexual harassment is made out against the Appellant. Thus, the appeal in hand having no merit is dismissed.

14. File be consigned to record room.

FEDERAL OMBUDSPERSON