



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

**TITLE: Haji Muhammad Vs Sadia Malik**

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

1. Appeal Number: (475)/2018-FOS(Reg)
2. Date of Institution: 09-06-2018
3. Date of Decision: 09-01-2019
4. Appellant: Mr. Haji Muhammad, Audit Assistant,  
Multan Electric and Power Company  
(MEPCO) Headquarters Multan
5. Respondent: Ms. Sadia Malik  
Assistant Manager Internal Audit,  
Multan, MEPCO

**KASHMALA TARIQ  
FEDERAL OMBUDSMAN**

This appeal has been preferred by Haji Muhammad, Audit Assistant, Multan Electric and Power Company (MEPCO) Headquarters Multan, hereinafter referred to as “Appellant” against on being aggrieved by the findings and decision of inquiry committee of Multan Electric And Power Company Limited (MEPCO).

The impugned order dated 30-05-2018 reproduced below:

***“One step down in time scale for a period of one year without future effect.”***

Brief Facts of the case are that on 05-10-2017 complaint was moved by Sadia Malik, Audit Assistant Manager Internal Audit, Multan Electric and Power Company (MEPCO) Headquarters Multan hereinafter referred to as “Respondent” against Appellant Haji Muhammad, she alleged that in her complaint she was sexually harassing her through different tactics. He used his links to pressurize her in different ways i.e. reporting unsatisfactory working explanations, job threats, transfer in far-flung areas etc.

That the matter was referred to the inquiry committee. That the inquiry committee recorded the statements of both the parties. The inquiry committee had completed its proceeding and submitted its report while imposition of penalty against the Appellant i.e. ***One step down in time scale for a period of one year without future effect.***

In his appeal, the Appellant took the ground that Appellant filed the appeal on grounds that the impugned order was against the law and the facts of the case as there was no harassment in the first place and the complaint was filed with a mala fide motive. Secondly, the inquiry committee was biased and not constituted as per the requirement of the law and did not provide ample opportunity to the Appellant to defend himself. Despite repeated requests of the Appellant, he was denied the right of cross-examination and the inquiry committee did not record any evidence in the presence of the Appellant and the proceedings were conducted in a dubious manner. Furthermore, the Appellant states that the order

dated 30-05-2018 reflects that the punishment is awarded on the basis of recommendations of the inquiry committee but no such recommendation is available in the report of the inquiry committee. The Respondent states that the whole story of harassment is fabricated and the complainant has done all this on instigation of other people and tried to defame his position in front of his family as well as higher officers. The reason behind arising of this issue was the audit notes of Rs.28 lac approximately.

According to Respondent Sadia Malik that Haji Muhammad was clearly guilty of sexually harassing her and he was only demoted by one scale down which is not enough and needs to be enhanced.

On the other hand, Respondent Sadia Malik claimed that the Appellant Haji Muhammad is not innocent in this case and requested to exonerate him is turn down and to dismiss this appeal.

Argument heard and record was perused. The preliminary objection raised by the Appellant requires some consideration. Record shows that complaint against Appellant was made subsequently; the Appellant admitted his fault and tender an apology. The inquiry committee's report was submitted before this court. this court is of the opinion in connection with section 2 (h)---Harassment, definition of – scope-- 2 (h) of Protection Against Harassment of Woman at Workplace Act 2010 clearly reflects the meaning of harassment means **“Harassment means any unwelcome sexual advance, request for sexual favors or others verbal or written communication, physical conduct of a sexual nature, or sexually demeaning attitudes, causing interference with work performance or creating an intimidating, hostile or offensive work environment, or to attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment;**

Perusing the inquiry report and material of evidence on record, it appears that as Appellant at very first stage in his statements filed before Inquiry Committee admitted that Respondent reconciled with her and “Mafi Nama” was written in the

presence of Mazhar Iqbal Mehmood Islam and others including audit officers upon certain conditions.

In view of the above discussion, in the instant appeal, finding and recommendations of the inquiry committee were relied upon. This office possess a lawful jurisdiction to confirm, vary or modify, and set aside the decision under the Act of 2010 on the basis of available record and reach its own conclusion. Hence the instant appeal is dismissed.

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