

OFFICE OF THE OMBUDSMAN

Islamabad

FORM OF ORDER SHEET

Appeal No. **FOH-HQR/0000175/2021**

Serial No. of Order of Proceedings	Date of order of Proceedings	Order of other proceedings with Signature of Federal Ombudsman			
		TITLE:	IFTIKHAR AHMAD Senior Personal Assistant	VS	Managing Director & others i. Managing Director/CEO ii. ED (HR/Admin)/Chairman iii. Shazia Talat/Member iv. Irum Khawaja, Senior Geologist
		Department: Oil & Gas Development Company Limited (OGDCL)			
1	2	3			
	09-12-2021	<p>Appeal No. <u>FOH-HQR/0000175/2021</u></p> <p>This appeal under section 6 of the Protection against Harassment of Women at the Workplace Act 2010 is directed against the decision of MD/CEO (Oil & Gas Development Company Limited Human Resource department, head office Islamabad) dated 10-08-2021, whereby the Appellant has been imposed upon the following penalties w.e.f 06-08-2021:</p> <p>i. Reduction to the Lower Post.</p> <p>ii. Withholding of Promotion for a period of ten years</p> <p>His pay fixation OM will be issued later on.</p> <p>Mr. Iftikhar Ahmed (E#211584) will be held responsible if pictures or videos of female employee are circulated at any stage.</p> <p>It has been prayed by the Appellant that the impugned order may be set aside and his due promotion to the post of Private Secretary (BS-17) may not be cancelled. According to the Appellant, the filing of a complaint against him by Respondent No. 4 (Ms. Irum Khawaja), senior geologist,</p>			

	<p>Exploration department, OGDCL Islamabad was a result of preplanned evil designs of Respondents No. 3 & 4 jointly/commonly and on the basis of false allegations against him, a fake inquiry was conducted which recommended the given penalties against him. The Appellant took the stance that the impugned order dated 10-08-2021 was unlawful, false and against the norms of justice because it was passed against the factual position depriving him of his legitimate rights.</p> <p>It may be relevant to mention here that in continuation of the impugned order dated 10-08-2021, the Appellant was also transferred from production department, head office Islamabad to regional office Hyderabad without transfer benefits till his retirement.</p> <p>Briefly narrated facts of the instant case are that respondent No. 4 Ms. Irum Khawaja, Senior Geologist , Exploration department, OGDCL Islamabad filed a formal complaint before the departmental inquiry committee alleging harassment by the Appellant on 9th June, 2021 when she was sitting in the office of her colleague on 10th floor of OGDCL Head office building, Islamabad. As per allegations of the Complainant on the relevant day i.e. 9th June, 2021 she was sitting in her colleague's office in room No. 1011-T at around 12:30 pm when she saw a man pointing at her with cell phone camera with his phone flash on. Upon her seeing him that man ran away and she called after him to stop. At this time the staff of AGMPG gathered in their offices for having lunch. The running away of the individual was witnessed by 4, 5 persons. Two of them chased the running man. She immediately reported the incident to AGMPG and incharge Exploration who had also witnessed him running away. PA to AGMPG identified the man as Muhammad Iftikhar SPA in production department, 8th floor. She then told the HOD and AGM that this man had been stalking her and her other female colleagues for the last 3, 4 years</p>
--	--

	<p>and more so he also lurked around her car and was seen following her in his car on multiple times.</p> <p>In view of the above formal complaint the concerned harassment committee initiated the proceedings and recorded the statements of several witnesses who confirmed the incident on the relevant day. Appellant-Accused although denied the allegations of harassment on his part, yet, he admitted his presence on the place of the incident. According to him he climbed to the 10th floor to meet his colleague Mr. Farooq in connection with some consultation of his cardiac ailment.</p> <p>The inquiry committee after considering all the pros and cons of the matter unanimously concluded that the Appellant was guilty of the charge of harassment within the meaning of section 2(h) of the Act 2010. The committee, therefore, recommended imposition of major penalty of reduction to lower post, transfer to the regional office without transfer benefits till his retirement and not to be considered for promotion till his retirement.</p> <p>Consequent upon the recommendations of the departmental inquiry committee the Appellant was imposed the above mentioned. Penalties by the competent authority vide the impugned orders dated 10-08-2021 are hereby set aside.</p> <p>In the above background I heard the arguments of both the sides and gone through the relevant record in this respect.</p> <p>After fair and proper scrutiny of the case I am convinced that the inquiry committee has rightly hold the Appellant guilty of the charge, yet, keeping in view the nature and gravity of the charge I thought that the imposed penalties are on the harsh and severe side. I consider it appropriate to lessen the punishment to make it balanced. In my view minor penalty of withholding for a specific period increment of the Appellant would be</p>
--	---

		<p>appropriate penalty in the given circumstances. In addition to it, recovery of compensation payable to Respondent No. 4-Complainant from pay or any other source of the accused is also imposed. Accordingly, I modify the impugned order in terms of sub section 3 of section 6 of the Act 2010 and impose the minor penalty of withholding increment of the Appellant for the period of two years and recovery of Rs. 50,000/- as compensation payable to Respondent No. 4-Complainant from pay of the appellant.</p> <p>Disposed off accordingly.</p> <p style="text-align: right;">OMBUDSMAN</p>
--	--	--