



FEDERAL OMBUDSMAN
For Protection against Harassment of Women at Workplace
Islamabad

J U D G M E N T

1. Complaint Number: 1(53)/2013-FOS
2. Date of Institution: 04-04-2013
3. Date of Decision: 24-5-2013
4. Complainant: Muhammad Ijaz-ul-Haq
Principal, GCEE, Uthal, Quetta
5. Respondent: Ehsan Ahmed
Director,
Bureau of Curriculum & Extension
Centre, Directorate of Education,
Quetta.

Yasmin Abbasey,

Ombudsman:

Complaint No. 1(53)/ 2013-FOS

1. This complaint has been moved by complainant against his illegal transfer proposals by some officers of Secondary Education Department Quetta. It is stated that he is patient of hypertension and unstable angina and without considering his health condition, Mr. Ehsan Ahmed, Director Bureau of Curriculum and Extension, Directorate of Education Quetta alongwith some officers are part of harassment to him with the above said proposal of transfer of complainant.
2. According to complainant he is posted as Principal of GCEE Uthal, and during his absence of medical leave he was replaced by Mr. Rasool Bakush ignoring the circular issued by Chief Secretary Balochistan on 13-12-2012. It is stated by him that till now he has not relinquished the charge of the college but in his absence on medical leave, charge of college has been illegally taken over by Rasool Bakhsh and simultaneously his salary has been stopped from February 2013.
3. Opponent Ehsan Ahmed Director Bureau of Curriculum and Extension, Directorate of Education Quetta in the reply placed

on 30-4-2013 has stated that they never harassed or victimized the complainant. They have concerned with the transfer and posting of the complainant as the transfer and posting directly came within the domain of Secretary Secondary Education Department with the approval of Minister Education, Chief Secretary and Chief Minister Balochistan Quetta. As complainant mostly remained on medical leave therefore keeping his sickness the higher authorities decided to transfer him from District Uthal to District Quetta where he can take proper treatment.

4. It is further stated by opponents that Quetta is complainant home district as well as his family is also settled there. According to opponent after 18th amendment and NEP 2007 the new degree program that is associated degree of education has been launched in all government colleges of elementary education of province of Balochistan, therefore keeping in view of new professional degree program the role of Principal is vital and to give rest to complainant he has been transferred to Quetta to live with his family.
5. It is alleged that the attitude of complainant towards his colleagues is not proper nor he is taking interest in his job due to his illness. It is stated that after his transfer vide notification dated 04-02-2013 he left the office without relinquishment of

charge and proceeded on medical leave w.e.f. 07-02-2013 without relinquishment of charge and thus have violated the service rules.

6. Heard complainant in person and representative on behalf of respondent and perused the record. My findings are as under:
7. The grievance placed by complainant before this forum is that opponents are passing posting / transfer orders of complainant from one place to another ignoring his ill health, he is suffering from hypertension and heart problem. According to him he was performing well as Principal of GCEE Uthal Balochistan but in order to please one Rasool Bakhsh he was transferred from the post of Principal GCEE Uthal. During the course of argument it is alleged by complainant that Ehsan Ahmed Director Bureau of Curriculum and Extension, Balochistan alongwith some officers of Secondary Education Department, Provincial Civil Secretariat Quetta are proposing his transfer to District Kallat which is a continuous harassment from him because of his ill health and the critical condition of Kallat. This apprehension of his transfer to Kallat was also placed by complainant before Secondary Education Department, Government of Balochistan Quetta.

8. On the contrary opponent in their replay have categorically denied to such proposal of transfer of complainant to Kallat Division. According to them complainant has no interest in job because of ill health and in support of their submission they have referred number of leave applications moved by complainant on medical ground and particularly after issuance of notification of his transfer from Uthal to Quetta on 04-02-2013. After going through the date of transfer notification dated 04-02-2013 and the date of notification issued on 14-01-2013 of medical leave of 30 days to be started from the date of availing, the contention of respondent and reasons to be covered that as soon complainant came in the knowledge of his transfer order, he taking benefit of prior grant of notification dated 14-01-2013 proceeded on leave.
9. The record further shows that after issuance of notification on 04-02-2013 complainant on 06-02-2013 had drafted a note that from 07-02-2013 as he is proceeding on medical leave therefore Ghulam Mustafa, Senior Subject Expert will be incharge of the college. This note alongwith signature of complainant have different signature of some other person whose names and designations cannot be ascertained from them as to whether they are employee of the college or otherwise. Even otherwise this charge relinquish report as prepared by complainant is not in accordance with rules and

procedure prescribed under law nor it seems to have been communicated to the concerned authorities for appropriate orders.

10. If we go through the date of notification of transfer i.e. 04-02-2013 and this note of 06-02-2013 it will make it clear that complainant in order to avoid the implementation of notification of 04-02-2013 has managed to prepare such document.
11. Although complainant has placed one document of 22-12-2012 a proposal by Director, Bureau of Curriculum and Extension, Balochistan for transfer of complainant from Uthal to Loralai as Principal Government College of Elementary Education but that seems to have been a just proposal as thereafter on 04-02-2013 he was transferred from Uthal to Quetta and neither at Loralai nor at Kallat as alleged by him.
12. In these circumstance the grievance of the complainant that he under the threat to his life being proposed to be transferred to Kallat is not correct, but it is admitted fact that after transfer notification of 04-02-2013 inspite coming in knowledge of this transfer notification to Quetta he moved on medical leave without proper relinquishment of charge and it is because of that he is facing problem in getting the salary.

13. The upshot of above discussion is that the complainant is directed to join his new posting at SROBOC Quetta without any further delay and the opponents Ehsan Ahmed, Director, Bureau of Curriculum and Extension, Balochistan and the Secretary Secondary Education Government of Balochistan Education Department are directed to release the salary of complainant with immediate effect on joining of his new assignment. Compliance report be send to this office within fortnight time from the receiving of this order.

YASMIN ABBASEY
Ombudsman