



FEDERAL OMBUDSMAN
For Protection against Harassment of Women at Workplace
Islamabad

J U D G M E N T

1. Complaint Number: 1(84)/2014-FOS
2. Date of Institution: 24-01-2014
3. Date of Decision: 13-06-2014
4. Complainant: Khalida Gulnar, Dy PMG
5. Opponent: Raja Munir, PMG

Justice (R) Yasmin Abbasey,

Ombudsman:

1. Ms. Khalida Gulnar, Deputy PMG (Admn) Federal Capital Area AJK and Gilgit Baltistan Circle has lodged a complaint against PMG Raja Munir of the same circle, stating that the PMG has used un-parliamentary and abusive language in the presence of male colleagues. She has stated that Raja Munir has also withdrawn her financial and administrative powers when she under the rules is empowered to exercise the same powers as she is a BS-19 officer. Not only that, she has been discouraged to field visits. As per procedure of the Pakistan Post she has to pay at least five visits to sub post offices under her jurisdiction.
2. Besides that PMG has recalled her from the official tour to Muzaffrabad in an insulting manner and has called for explanation thus bringing her disrespect and dishonor in the eyes of colleagues. In an another arbitrary and

insulting move PMG cancelled her approved 04-days visit to Mirpur GPO for accounts verification and reduced the same to 02-days in violation of rule 239 (i) (b) of Post Office Manual vol-VIII.

3. Another arbitrary and glaring move made by the PMG was to withdraw 10-days leave granted to Mr. Tariq Mehmood, A.S (Inv) BPS-14 when the officer was in her subordinate. In short, the PMG has been exercising powers over the powers of Dy PMG, therefore by curtailing / controlling personal staff by cancelling / sanctioning of leave of her staff.
4. Besides the above complaint, PMG also protected a security guard of the circle office by the name of Mr. Iqbal who was implicated in a case of sexual harassment against a college going girl. The same has been hushed up and guilty security guard was transferred to the postal Stock Depot.

5. Above all the PMG has violated the rules by not displaying the code of conduct under the Protection against Harassment of Women Act 2010 in violation of rule 11 (2) despite receiving clear directives from DG Pakistan Post. Lastly the PMG has delayed sanctioning funds for repair of her official residence despite the availability of funds.
6. In view of above, Dy PMG has stated that she cannot work under the stated circumstances and, therefore, needs relief and congenial environment to deliver and that because of vindictive attitude of PMG her ACR of 2013 is likely to be spoiled which will affect her career. She further has claimed for major penalty on the harasser in terms of Article 4(II) of Harassment Act 2010 simultaneously requesting for compensation for damages cost for her dignity and honor.
7. On the contrary the opponents in their reply have taken legal plea as to maintainability of complaint. According to

them as the occurrence shown in the complaint does not fall within sexual and physical harassment as embodied in clause 2(h) of Protection against Harassment of Women at Workplace Act 2010, therefore, complaint is not maintainable.

8. It is stated by them that prior to this complaint, complainant never made any complaint of discriminatory behavior to higher authorities. According to PMG he never used un-parliamentary filthy or abusive language in office or in presence of complainant. No order or instructions were issued by her for withdrawal of financial and administrative powers. Keeping in view of budgetary constraints and 30% cut imposed by Federal Government the case of remuneration was returned by competent authority for provision of rules. However ,on 30-01-2014 it was sanctioned which was put up by Dy MPG after delay of three months.

9. As to recalling of Dy PMG for Kohala where she was on official approved visit to Muzaffrabd, It is stated by opponent PMG that, on the day one PMG was relinquishing the charge while other was taking over, in such circumstances Dy PMG was supposed to be present. Further tour of 04 days was cut short for 02 days because opponent PMG was on one day casual leave for 02-01-2014.
10. Copy of Code of Conduct after its receipt on 07-5-2010 was displayed on Notice Board. Complainant is in habit of delaying appeals of different officials. Repair expenses on resident of complainant are much higher than other officers. Purpose of filing this complaint is to put pressure and generate wrong impression of PMG among senior officers and hide her inefficiency.
11. Both parties were heard. The opponent Raja Munir PMG has denied all the allegations stating that the powers granted to the complainant as per schedule of financial

power have not been withdrawn by the DG and that Dy PMG is empowered to function as per schedule of financial powers. Only the jurisdiction of power of sanction bill lies with the PMG.

12. Although opponent has stated that remuneration for the departmental examination held in 2013 of Junior Accountant was not paid to the complainant because of strange relation between him and complainant but he had asked for ruling from complainant but no reason has been given by him that if ruling was the requirement of sanction of bill, then why, subsequently, without submission of ruling by complainant same remuneration which was objected by him has been sanctioned and paid to the Dy PMG. Admission of opponent of sanction of remuneration after filling of complaint, by complainant before this forum, proves that he was unnecessarily creating a hostile environment in the office to put the complainant under his influence.

13. As regards tour to Muzaffrabad Dy PMG got her tour approved from the New PMG Nasir Ahmed Khan on 12-06-2013 and accordingly she departed for tour on 17-6-2013. She was instructed to proceed and if need arises she can take assistance from the regional office but inspite of, she took AD (Investigation) Shahid Mehmood with her as his tour was also approved. According to opponent as per rules and as per standard operating procedure no officer or Assistant has to accompany Dy PMG but no reason has been given by her that why PMG Raja Munir approved it.
14. So far reason of recalling Dy PMG as stated by PMG is that courtesy demands that when handing over and taking over the charge of PMG is taking place, Dy PMG should be available. This excuse with no legal support is a flimsy excuse thereby irritating the officers and creating unnecessary hurdles, because work is more important than formal protocols. The PMG further confesses that he

has deputed Dy PMG to Mirpur GPO on verification of complaint of 2013 but curtailed the visit of the officer from four days to two days in view of 30% cut in the budget, but whether this fact of 30% cut in budget of tours was not placed or considered before approving the tour, is not on record.

15. As regards the objections about non-display of code of conduct under Act 2010 PMG has clarified his position by stating that he displayed the code of conduct under Protection against Harassment of women at workplace Act 2010 and it was displayed in the office till his transfer.
16. So far funds for repair of official residence of DY PMG, PMG admits that repair file was placed before him on 16-01-2014, but same was granted after she had made presentation to the Hon'ble Ombudsman.
17. In such state of affairs discussed above mere statement of PMG that he never harassed Dy PMG is not a

meaningful statement. It is established fact that the PMG was creating hurdles for the Dy PMG unnecessarily and harassing her for no reason i.e. there was no reason of curtailing tour of the officer from 04-days to 02-days to Mirpur. In case of tour to Muzaffrabad the officer had already reached Kohala when she was recalled, meaning thereby that the government fuel was wasted. When she reached the destination she should have been allowed to complete her assignment and return to her place of duty. The PMG as a matter of principle should not have recalled the officer from sanctioned tour to Muzaffrabad thus causing disrespect and dishonor to the complainant.

18. Above all PMG's interference in the working of Dy PMG is a blatant violation of rules when she is a BPS -19 officer and entitled to handle. Lastly the complaint of the Dy PMG for not releasing funds for the repair of her official accommodation is again an act of harassment as she is entitled for the repair when sufficient funds are

available under the head of repair, though this was granted later when the complaint was lodged to the Ombudsman. The officer complainant is now scared that if she continues to work as his subordinate her ACR would be tarnished.

19. To conclude, this is an act of harassment to woman at workplace. In order to create congenial atmosphere in the office and to keep up the work and in the interest of the government, the PMG may be transferred from this circle to some other circle and disciplinary action be taken against him by censuring by the Secretary Communication the concerned authority. Besides that, her ACR for the year 2013 for writing may not be placed before opponent Raja Munir so that her career may not be jeopardized.
20. In view of above complaint of complainant is allowed, with direction to the concerned authority of Post Master General (PMG) that he be immediately transferred from

the present post and a minor penalty of censure is imposed on all the opponent. The competent authority of organization is hereby directed to implement the recommendations of this office and inform the Ombudsman within 15 days about the action taken on the orders of ombudsman.

YASMIN ABBASEY
Ombudsman