



FEDERAL OMBUDSMAN
For Protection against Harassment of Women at Workplace
Islamabad

J U D G M E N T

1. Complaint Number: 1(245) / 2016-FOS (Reg)
2. Date of Institution: 26-02-2016
3. Date of Decision: 30-06-2016
4. Complainant: Mst. Mahgull Kamran
Coordinator
ERRA Headquarters
Islamabad
5. Opponent: Rana Shujat Ali
Mechanical Transport Officer
ERRA Headquarters
Islamabad

Justice (R) Yasmin Abbasey,

Federal Ombudsman:

Complaint No. 1(245)/ 2016-FOS.

1. Facts leading to this case are that a request was made by complainant for providing her vehicle on 15-01-2016 to drop her at Divo bus stand. As per record this request was made at 1415 hours. According to opponent this request was received by him after Juma prayers which was immediately passed on by him to Officer Manage Transport, but it appears that in spite of having order of opponent for providing transport to complainant Office Manager Transport tried to coordinate with other 2, 3 females for dropping them collectively along with complainant through same vehicle. It appears that this coordination has caused some delay which has cropped up incident happened in this case. Admittedly there was exchange of hot words in between parties on issue of late providing of vehicle of complainant. According to opponent in first instance he restrained himself but finally he also lose his control and therefore talk in between him and complainant went on high pitch. That forced complainant to move application to Acting Deputy Chairman on 26-01-2016 and thereafter second complaint was moved by her on 16-02-2016 but as no action was taken thereon therefore she moved to this forum of Federal Ombudsman. After filing of this application ERRA authorities also came in action and had initiated proceedings on complaint moved by complainant before them.
2. On 03-03-2016 an application was moved by ERRA authorities that as they have already initiated proceedings through formal inquiry committee constituted for purpose therefore they seek an advice that whether inquiry started by organization should be completed or matter will be investigated by Federal Ombudsman. By order dated 14-03-2016 ERRA authorities were directed to complete inquiry proceedings initiated by them and report this office of Federal Ombudsman after completing same within period of 15 days. Report was submitted on 11-04-2016 along with certain statement recorded by inquiry committee and finally it is observed that:

“Whole episode is a result of a misunderstanding as the complainant perceived delay as intentional on the part of the accused. The shouting being attributed to the accused was in fact a result of collaborative high pitch language, tone and words by the

complainant herself. It is established that the accused repeatedly requested the complainant to leave his room and, therefore, the shouting was a consequence of complainant's insistence to stay in the room and continuing uttering foul language with the accused. It would be in the fitness of things to invite the complainant as well as the accused, render apology to each other and the matter closed which otherwise had been overblown."

3. Apparently recommendations and suggestion made by inquiry committee seems to be very reasonable in circumstances of case that both complainant and opponent be brought on table to resolve misunderstanding arose, for better working in organization. But at same time it is very unfortunate to see on part of ERRA that before initiating inquiry proceedings the opinion expressed by them with reference to complainant in their letter of 03-03-2016 show their state of mind in against to complainant which could had or might had prejudice inquiry committee.
4. The words used by ERRA in its letter dated 03-03-2016 that "Unfortunately complainant has mentally unstable and her stay in this organization has been source of constant problems. She is all by herself and her husband and children continue to be living in Lahore. Special treatment had always been offered to her despite her least contribution to the office where she had been working." are not supposed to have been made by ERRA particularly when inquiry in the matter is in progress otherwise it will be deem that inquiry committee has been constituted with predetermine mind against complainant.
5. It also cannot be overlooked that on one hand by letter dated 03-03-2016 Director Legal is undermining performance of complainant whereas on other hand few months before to this letter Major General Deputy Chairman ERRA vide experience certificate dated 03-09-2015 has highly appreciated working and contribution of complainant for organization and this appreciation is also appearing in other letters issued on 29-11-2013, 12-12-2013 issued by Commander Army School of Technicians and by Wing Commander Saifullah Khan, Officer Commanding of PAF Kashmir Point Murree.
6. From record and particularly inquiry proceedings conducted and questions put to complainant during that proceedings it appears that members of inquiry committee was under impression that this Act of 2010 only relates to sexual harassment if any take place in any organization. With this reference it is made

clear that word harassment is not confined to any particular area. It encompasses all issues which falls within definition of harassment. Word harassment as used in section 2(h) although defines unwelcome advances also, but it does not mean that other components relating to harassment such as causing interference with work performance or creating and intimidating hostile or offensive working environment will altogether be ignored. While dealing with a case of harassment all aspects leading to harassment needs to be examined instead of isolating or confining their focus on sexual harassment otherwise no justice can be done with victim. So in future before proceedings any complaint under Act of 2010 their focus should not only be to extent of sexual harassment but they are also required to examine other aspects which forced complainant to approach to inquiry committee or to Federal Ombudsman. With this observation I hereby disposed of this complaint in terms that Chairman ERRA with impartial attitude should bring both parties on table for talk to resolve issue in better atmosphere and report to this office as to its implementation and final conclusion.

7. Announced in open court.
8. Parties be informed accordingly.

JUSTICE (R) YASMIN ABBASEY
Federal Ombudsman