

OFFICE OF THE FEDERAL OMBUDSMAN
FOR PROTECTION AGAINST HARASSMENT OF WOMEN
AT THE WORKPLACE, ISLAMABAD

FORM OF ORDER SHEET

Complaint No. FOH-HQR/0000052/19

Serial No. of Order of Proceedings	Date of order of Proceedings	Order of other proceedings with Signature of Federal Ombudsman TITLE: MAIMONA YASIN VS NASIR KHAN & OTHERS (ZTBL Islamabad)
1	2	3
	13-06-2022	<p>Complaint No. <u>FOH-HQR/0000052/19</u></p> <p>After changing many hands and forums, the instant case reached this Secretariat for final adjudication. Due to shifting of the case from one forum to the other it consumed quite sufficient time in its disposal. Cause of such delay may be attributed to several factors, important among them, the behavior of the parties who had locked their horns and were bent upon to let down each other by hook or by crook. Outbreak of covid-19 also contributed towards delay disposal of the case.</p> <p>Briefly narrated facts of the case are that Ms. Maimoona Yasin, OG-I Branch Operation Department, ZTBL Head Office, Islamabad filed a complaint at this forum against her seniors and colleagues namely Nasir Khan, Masood Kharal, Muhammad Ikram Hiader, Mst, Nazli Jamsheed and Mst. Mehreen Farooq in terms of section 8 of the Protection against Harassment of Women at the Workplace Act, 2010. The complaint, thus, filed was of the following title/heading.</p> <p style="text-align: center;">“Complaint for conduct of inquiry against following officials for harassment”</p>

		<p>The complaint begun with the allegations that Mr. Nasir Khan OG-1, IT Networking Department had started harassing and humiliating the Complainant. Initially the Complainant borne the hardships, but subsequently she was left with no option but to lodge the complaint against him on 16-10-2018. The accused became more aggressive on the complaint and through his accomplices namely Mehreen Farooq, Nazli Jamsheed, Anam Afzal and Areeba Bari, he started obstructing the passage of Complainant, detaining her in washroom and corridor and also threatening, harassing, pressurizing and humiliating her throughout. The Complainant filed another complaint against the accused on 18-10-2018 but since they were quite influential, no departmental action was taken against them. Instead of taking any action against the accused, it was the Complainant who was charge sheeted on 07-02-2019 on false and frivolous charges. Subsequently she was issued show cause notice on 01-03-2019. Inquiry was conducted in the matter but she was not given chance of defense. No witness was examined in her presence nor she was provided with opportunity of cross examining the witnesses. The entire process of the inquiry against the Complainant was malafide because it was a counter blast to her complaint at FOSPAH. The Complainant was constantly threatened, harassed and pressurized by the accused because she had refused to fulfill the illicit desires of the accused Nasir Khan on multiple occasions. Nazli Jamsheed and Mehreen Farooq kept on continuously attacking the character and reputation of the Complainant but the authority concerned did not take any action against them despite the fact that the Complainant had categorically charged the said ladies in her complaint. The officials of the organization remained busy pressurizing the Complainant to withdraw her complaint against Nasir Khan, Nazli Jamsheed and Ms. Mehreen Farooq or else to resign from service.</p>
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	<p>The Complainant prayed to take strict action against the accused under the relevant provisions of the Act, 2010. Subsequently the Complainant filed another complaint wherein she categorically alleged her sexual harassment at the hands of the accused Nasir Khan. She narrated the incident in which she was sexually harassed by accused Nasir Khan in stairs, also attempting to catch hold of her hands in the office.</p> <p>Accused were summoned to reply to the complaint of Ms. Maimoona. Accused No. 1 in his written reply denied the allegations leveled against him. He also challenged the jurisdiction of the forum on the plea that the subject complaint did not fall under the domain of section 2(h) of the Act 2010. He further denied the allegations of the complainant that some other complaint had been filed by her at departmental level. Accused No. 1 prayed to dismiss the complaint filed by Ms. Maimoona.</p> <p>Accused No. 2 also denied the allegations of the Complainant in his written reply almost with the same objections as raised by accused No. 1.</p> <p>All the relevant record pertaining to inquiry conducted by the department was attached with the reply.</p> <p>Accused Nasir Khan and accused Mehreen Farooq furnished their written defense, repudiating the allegations of the complainant as against them.</p> <p>During the subsequent proceedings the parties furnished their affidavits in evidence and evidence of both the sides was recorded.</p> <p>I heard the arguments of the learned counsel for the parties and with their assistance gone through the relevant record.</p> <p>After study and perusal of the record of the instant case, I feel pity on the existing state of affairs in ZTBL Islamabad. Numerous responsible officers of the bank concerned have wasted their energies and time to</p>
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	<p>satisfy their egos. The role of female officers, particularly, remained quite unpleasant or unbecoming of lady officers because for degradation and insult of each other they have left no stone unturned. This is an unfortunate aspect of the present case. I wish a good sense and sobriety prevailed among all the staff of the bank particularly the women folk to respect each other. It is an established principle of law that one who makes an allegation or claim is to establish that claim beyond any reasonable doubt. The golden principle of law has been to give benefit of doubt to an accused person.</p> <p>Testing this case on the above mentioned criteria I have found numerous dents and doubts in the complainant's case who has alleged harassment not only against a male colleague but also against her female partners. People sitting on the higher positions of the bank's management have also not been spared. Such a long and lengthy evidence has been adduced in this case that the same cannot be discussed in detail, however, from the said evidence which I have gathered is that the charge against the accused stands not proved beyond reasonable doubt. On the other hand it appears that the charge and case of the complainant is replete with grave doubts. It seems unfair and unjust to penalize the accused in the light of the material placed on the record. It has been a settled principle of law and practice that several guilty person should be acquitted extending them the benefit of doubt but not a single innocent person should be convicted.</p> <p>Considering all the pros and cons of the case in hand, I am not convinced to award any penalty to the accused person because in my view the charge against the accused has not been established to the hilt.</p> <p>In this view of the matter I am constrained to dismiss the present complaint of Maimona Yasin against Nasir Khan & others.</p>
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