



**FEDERAL OMBUDSMAN  
For Protection against Harassment of Women at Workplace  
Islamabad**

**TITLE: Nabeel Anjum Vs Divisional Superintendent Postal Services & others**

**ORDER**

1. Appeal Number: 1(419)/2018-FOS-Reg
2. Date of Institution: 07-03-2018
3. Date of Order: 10-01-2019
4. Appellant:  
Nabeel Anjum  
Ex-Postmaster  
CMA Post Office  
Rawalpindi
5. Respondents:
  - i. Divisional Superintendent  
Postal Services  
Office of the Divisional Superintendent  
Rawalpindi
  - ii. Ms. Shama Pervaiz  
Stamp Vendor,  
AMC Post Office  
Rawalpindi
  - iii. Dr. Najeeb Ur Rehman  
Chief Post Master
  - iv. Imran Latif  
Assistant Director (S&E)  
Office of Post Master General  
Northern Punjab Circle  
Rawalpindi
  - v. Syeda Naila Batool  
Divisional Superintendent  
Postal Services  
Office of Divisional Superintendent  
Jehlum

# OFFICE OF THE OMBUDSMAN

## Islamabad

### FORM OF ORDER SHEET

Appeal No. 1 (419)/2018-FOS (Reg)

Serial No. of Order of Proceedings	Date of order of Proceedings	Order of other proceedings with Signature of Federal Ombudsman <b>TITLE: Nabeel Anjum Vs Divisional Superintendent Postal Services &amp; others</b>
1	2	3
	10-01-2019	<p>Appeal No. <u>1 (419)/2018-FOS</u> (Reg)</p> <p>Through this order, I intend to decide upon Appeal filed by Nabeel Anjum Postmaster herein after referred to as “Appellant” against order dated 30-01-2018 “Impugned order”. Reproduced here below:</p> <p><b><i>“The competent authority shall impose the penalty recommendations made by the Inquiry Committee under Section 4 of the Protection against Harassment of Women at Workplace Act, 2010 and in exercise of the powers delegated under Section 4(5) of the act ibid impose the penalty stoppage of one increment for one year without future effect”.</i></b></p> <p>Brief facts of the case are that Shama Pervaiz herein after referred to as “Respondent No. 2”, working as a stamp vendor in Controller Military Accounts post office Rawalpindi city on 26.05.17. Respondent No. 2 filed a complaint to Deputy Post Master (Admin) Pakistan Post Rawalpindi. Wherein Respondent No 2 stated that Appellant put the burden of clerical work on the shoulders of the Respondent No 2 knowing that she is a stamp vendor.</p> <p>That the matter was referred to the Inquiry Committee by the Postmaster General northern Punjab circle Rawalpindi on 04-08-2017. That the Inquiry Committee proceedings were held on 10-08-2017 in the chamber of Assistant Post Master General Northern Punjab Circle.</p> <p>On 04-08-2017 on the basis of complaint by the Respondent No. 2, a</p>

		<p>memorandum was sent to Appellant to clear his position. Inquiry was initiated and both parties were appeared before Inquiry Committee and Appellant submitted his reply and denied all allegations against him.</p> <p>That the Inquiry Committee recorded the statements of Shama Pervez Appellant, Nabeel Anjum, Muhammad Nazir, Muhammad Serfraz, Ms. Robina Shaheen and Tahira Rasheed .that the Inquiry Committee complete its proceeding and submit its report while imposition of penalty against the Appellant to <i>impose the penalty stoppage of one increment for one year without future effect</i>".</p> <p>In his appeal, the Appellant argued that the impugned order dated 30-01-2018 was against the law and the facts of the case as there was no harassment in the first place and the complaint was filed with a mala fide motive. Secondly, the Inquiry Committee was biased and not constituted as per the requirement of the law and did not provide ample opportunity to the Appellant to defend himself. The impugned order in against the facts of the case as well as against the law. The Inquiry Committee violated the section 4 (4) (5) of the Protection against Harassment of Woman at Work Act 2010.</p> <p>Produced as below:</p> <p><i>Section 4(4) of protection against Harassment of woman at work place 2010 Act which says that the Inquiry Committee shall submit its findings and recommendation to the competent authority with thirty days of the initiation of inquiry. If the Inquiry Committee finds the accused to be guilty it shall recommended to the competent authority for imposing following penalties.</i></p> <p><i>Section 4(5) states that the competent authority shall impose the penalty recommended by the Inquiry Committee under Section 4 within one week of receipt of the recommendation.</i></p> <p>That the Inquiry Committee awarded the punishment in the month of January 2018 whereas the Respondent No 2 moved a complaint on 26-05-2017 and Appellant awarded punishment on the basis of same inquiry report on 30-01-2018 the punishment awarded to the Appellant is without jurisdiction. <b>It is well principle of law that when law requires a thing to</b></p>
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		<p><b>be done in a particular manner, that thing has to be done in that particular manner and not otherwise</b>, therefore, the impugned order is nullity in the eyes of law is liable to be set aside.</p> <p>The Inquiry Committee while concluding the inquiry in para 6(e) of its report held in the following;</p> <p>That Appellant there was no witness against the Appellant but his role cannot ruled out in the case even after transfer back to Army Medical College (AMC) PO. To put burden of clerical work on the shoulders of the complainant knowing that she is stamp vendor is an act of harassment. That the Respondent No 2 shall perform the duties of mail peon as well as utility bills collection clerk.</p> <p>That already submitted the requisite documents have not yet been provided to the Appellant.</p> <p>That punishment awarded on the basis of recommendations of the Inquiry Committee but no such recommendation is available in the report of the Inquiry Committee. The Appellant states that the whole story of harassment is fabricated and the Respondent No 2 has done all this on instigation of other people and tried to defame his position in front of his family as well as higher officers.</p> <p>According to the Respondent no 2 took the ground that Appellant was clearly guilty of harassing her and on this act he was only stoppage of increment of one year which is not enough and needs to be enhanced.</p> <p>Arguments heard. Perusal of the record shows that the main allegation against the Appellant to put burden of clerical work on the shoulders of the complainant knowing that she is stamp vendor is an act of harassment. There have no nexus with the reality and these allegations were never proven during the inquiry proceeding and same is very much evident from the record available on the file.</p> <p>Moreover the Inquiry Committee was in contravention of Section (9of the</p>
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		<p>Protection against Harassment of Women at Workplace (Filing and Disposal of Complaints Rules, 2013. Produced as below:</p> <p><i>Section 9 of the Act 3013 Imposition of penalty. On receipt of recommendations and findings of the Inquiry Committee or the ombudsmen, the competent authority shall, within one week of receipt of the recommendations and findings, imposed the penalty recommended by the Inquiry Committee or ombudsman or otherwise refer back the case to Inquiry Committee with observation to be addressed immediately.</i></p> <p>For the aforementioned reasons, this office disagrees with the findings of the Inquiry Committee. However, there is no doubt that mischief has been caused by the Appellant to the effect that the office environment became compromised. The Appellant should have been careful and responsible enough not to forward or float complainant's number in such a manner.</p> <p>Therefore, in view of above mentioned discussion, impugned order dated 30-01-2018 is set-aside.</p> <p style="text-align: right;"><b>OMBUDSMAN</b></p>
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