



FEDERAL OMBUDSMAN
For Protection against Harassment of Women at Workplace
Islamabad

J U D G M E N T

1. Complaint Number: 1(138) / 2015-FOS (Reg)
2. Date of Institution: 02.04.2015
3. Date of Decision: 10.08.2015
4. Complainant: Mst. Naila Yousuf
OG-II / MTO Batch-12,
Audit & Inspection Office (SRK),
Karachi
5. Opponent: Nasir Mehmood
VP / Audit & Inspection Chief (A) (SRK)
National Bank of Pakistan
Karachi

Muhamad Omair Sabir
Planning Incharge, A & IO (SRK)
National Bank of Pakistan
Karachi

Hafeez Ahmad Shah, OG-I
Incharge Karachi Region, A & IO (SRK)
National Bank of Pakistan
Karachi

Justice (R) Yasmin Abbasey,

Ombudsman:

Complaint No. 1(138)/ 2015-FOS.

1. A copy of complaint addressed to President National Bank of Pakistan I.I Chundrigarh Road Karachi was sent to this office and was taken up as complaint. Notices were issued to parties. Matter proceeded on following facts and grounds:

According to complainant, she is serving in National Bank of Pakistan since 2010 and had worked on different desks at Regional Audit & Inspection Office (SRK), Karachi. It is alleged that opponent Nasir Mehmood after taking over charge as Regional Audit Chief started teasing and pressurizing female officers and complaint was his main target. According to complainant, she is under impression that opponent Nasir Mehmood wants to bring Muhammad Omair Sabir on her desk and that's why he ordered not to process annual audit report and finalize audit rating and directed her to hand it over to Muhammad Omair Sabir, in spite of, that, he was not an RDI of Karachi South Region. Later on she was forced to hand over reports to process, and to sign only as RDI on his work which was refused by her.

2. It is alleged that in an harassment complaint filed by the then RDI Karachi West Region against opponent Nasir Mehmood and other co-workers, complainant was in agreement with that applicant of harassment complaint, therefore in revenge complainant was transferred to Quality Assurance Review wing. She was advised to undertake CCRR of Security Papers limited on 07.11.2014 (for field work) which was refused by complainant on medical ground. On 07.11.2014 as soon as Muhammad Omair Sabir took charge of Planning Incharge, he got his transfer order with single signature of opponent Nasir Mehmood, while whole record has tenure portray that they both mutually signed on office orders.

3. Opponent Nasir Mehmood used to give her verbal threats and put her under pressure and mental torture. This stress has resulted in premature delivery of her baby on 22.11.2014. In the appraisal report of 2014, opponents Nasir Mehmood and Muhammad Omair Sabir had given her worst possible performance rating i.e. Need improvement without consulting immediate Supervisor Salim S. Khimani. Complainant's previous appraisal ratings show her consistent and committed performance. Finally complainant had requested to President National Bank of Pakistan
 - i. To initiate inquiry against above names officers.
 - ii. Review her appraisal rating and to transfer her from A&IO (SRK) Karachi enabling her to perform well.
4. Opponents in their defense have denied allegations leveled by complainant. According to them, complainant kept her work pending and it was because of that Muhammad Omair Sabir and other staff members were deputed with her to finalize pending work to meet deadline. So far as singly signing transfer order of 07.11.2014. It is clarified by opponent Nasir Mehmood that during period of October, 2014 because of preparation of foreign audit Muhammad Omair Sabir was engaged with Hafiz Shah OG-I, therefore most of office orders of CCRR during October and November, 2014 were singly signed by him. According to him, full cooperation was extended by entire office including opponent Nasir Mehmood during her pregnancy period and on her request assignments were withdrawn. Before appraisal report of 2014, complainant had no complaint against opponents. Appraisal reports of employees of bank are judged on Bell Curve Method. According to Bell Curve Methods staff is ranked in 5 categories i.e. top 10% in outstanding, next 20% in very good, next 50% in good, next 15% needs improvement and remaining 5% in unsatisfactory category. Complainant's performance was also judged under same method and due to availing of her paid leave

during year 2014 which were on higher scale, her performance was not equivalent to her competitors and that is why she was put under category of “need improvement”. Even after appraisal report, complainant never tried to clear her position of non-performance or low rating performance. On the contrary, complainant opted to pressurize opponent Nasir Mehmood by sending him fake letters without any enclosure. Opponent Hafiz Ahmed Shah in detail has given his engagement in different sections, his visit outside the country and training period spent by him to show that he had no official concern with complainant and the allegations leveled by her of pressurizing or teasing her are absolutely false.

5. Last opponent Muhammad Omair Sabir states that on 20.10.2014 opponent Nasir Mehmood called staff from field audit to process pending work of audit office including pending work of complainant to align working of audit office. After completing all pending work, opponent Muhammad Omair Sabir and other field staff resume their field audit, therefore allegations leveled are ridiculous and of his posting on complainant desk as an RDI are completely baseless. Opponent Omair Sabir has no concern with transfer orders of complainant, because he is not transferring authority. As audit office was facing acute shortage of staff and the office had to achieve CCRR target, therefore Audit Chief instructed him to issue orders of CCRR on 07.11.2014 which was singly signed by Audit Chief. It is denied that he ever pressurize complainant or had given verbal threats to her. Opponent Muhammad Omair Sabir has no role in appraisal report of any officer of organization including complainant.

6. Heard parties counsel and perused record, my findings are as under:

After going through record, it is observed that dispute arose in between parties after appraisal report of 2014, wherein complainant has scored as 2.58 which falls under category of G with remarks “need improvement”.

According to complainant in spite of her best performance, opponent Nasir Mehmood Regional Audit Chief with malafide intent had graded her at low. It is alleged that Nasir Mehmood wants to bring Muhamamd Omair Sabir on her seat and forced her to hand over her official work to him and just signed on working of Nasir Mehmood which was refused by her. Whereas opponent contention is that because of leave taken by complainant which were on high level, she was not able to complete her work, therefore to assist her and to finish pending work to meet targets Muhammad Omair Sabir and other staff members assisted her. Opponents have pointed out that no act of harassment was committed by them with complainant nor she was ever pressurized by them. Cause of low evaluation for year 2014 is her paid leaves which she has taken beyond prescribed limit which had affected complainant's performance which was evaluated in the light of guideline for Annual Performance Appraisal 2014. Sub-clause-b section-1 of it specifies that employees who availed leave for period of 180 days or more during year under review would be placed in last performance category rating and it is because of that I found that in evaluation report of 2014 in column of attendance and punctuality she has scored low marks then to previous appraisal report of 2013. In present case I do not want to discuss evaluation marks given to complainant with reference to her performance, it falls exclusively within jurisdiction of National Bank of Pakistan, but apparently attendance issue of complainant is there.

7. It is objected that present complaint which has been taken up by this FOS in fact was moved to President National Bank of Pakistan therefore it does not require any proceeding. Prima facing it seems to be correct but as per complainant's statement made on 20.04.2015 that complaint is still pending before President National Bank of Pakistan without any progress and by letter dated 20.04.2015 again two requests were made by complainant to President National Bank of Pakistan to initiate inquiry, so that she and other female employees feel to be protected at workplace

and her transfer be made from Audit so that she could better serve bank services, therefore to provide justice to any aggrieved person this forum can take up the matter if approached to it.

8. In view of above circumstances, this matter is disposed off in terms that President National Bank of Pakistan should immediately constitute inquiry committee as required under Act of 2010 for Protection against Harassment of Women at Workplace and order for holding inquiry in the matter. Further that during inquiry proceedings both complainant and opponent should be posted or adjusted at such places that they do not have to interact among themselves for official purpose and also do not have excessive powers over the other's job condition, during investigation. This includes temporarily changing office in case both sits in one office and for that complainant by letter dated 20.04.2015 have already requested. Inquiry committee should complete inquiry within period of 30 days and should submit its findings and recommendations to competent authority for its onward progress.

JUSTICE (R) YASMIN ABBASEY
Federal Ombudsman