



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

TITLE: Naseem Akhtar Awan Vs Javed Mehmood Malik

J U D G M E N T

1. Complaint Number: FOH-HQR/0000540/2018
2. Date of Institution: 19-10-2018
3. Date of Decision: 31-01-2019
4. Complainant: Mst. Naseem Akhter Awan
Teacher
Government Girls High Secondary
School, Attock City
5. Opponent: Dr. Javed Mehmood Malik
Principal
Government Boys High School
Huzru, District Attock

**Kashmala Tariq
Federal Ombudsman**

TITLE: Naseem Akhtar Vs Javaid Mehmood Malik

By virtue of this order this forum decides upon the present complaint pending adjudication under the provisions of The Protection against Harassment of Women at Workplace Act 2010, presented by Naseem Akhtar Awan SSS Govt. Girls High School, Attock hereinafter referred to as “Complainant” against Javaid Mehmood Malik Principal Govt. boys high school, Hazru District Attock hereinafter referred to as “Opponent”.

The facts giving rise to this complaint are to the effect that on 12-02-2018 the Complainant visited Govt. Boys High school No. 1 Hazru, for the supplementary examination in the capacity of Inspector duty assigned to her by Board of Intermediate Secondary Education Rawalpindi. She reached the center at 8:10 a.m. and the starting time of paper was 8:30 a.m. At about 8:26 a.m. Opponent entered the examination hall where Complainant was already seated and was signing the envelopes. Opponent entered the examination hall, misbehaved with the Complainant and inquired about Complainant’s identity. Opponent snatched the envelopes from the Complainant and threatened her that he would call the police as she was veiling her face and was not ready to reveal her identity.

On the other hand Opponent submitted his reply and denied all the allegations leveled against him. Opponent stated that he is serving his department with due diligence, honesty and with dedication and never allowed any unfair practice from any person during his course of duty.

The Complainant’s present application before this forum is contradictory to her earlier applications regarding the same alleged occurrence. The present matter between parties was already decided by the Inquires Committees of the CEO Education and Board of Intermediate and Secondary Education Rawalpindi.

The CCTV footage of the alleged occurrence was provided by the Opponent. Opponent stated that he didn’t snatch the envelope from the Complainant infact she herself handed over the envelope to Opponent. He further contended that he didn’t threaten the Complainant of dire consequences. The opponent specifically denied all the allegations and charges leveled against him by submitting his written reply. He explained his version that he is innocent and had been charged with malafide intention. The complaint of the Complainant is false, absurd and dishonest carrying no iota of truth thus may graciously be dismissed and the Complainant may kindly be penalized.

Arguments were heard and the available record and evidence was perused i.e. CCTV recording and two Inquires reports firstly on Chief Executive Officer Attock on 05-11-2018 and Other which was conducted by Board of Intermediate and Secondary Education, Rawalpindi on 20-10-2018 and final inquiry conducted by Assistant Commissioner Hazru on 15-09-2018. The Complainant concealed the facts and the decision of inquiries.

The starting point of the issue was signing of the envelopes during which harsh words were exchanged between the Complainant and Opponent. Both the parties argued on the seniority of their authority. It is evident that the Complainant failed to prove her case on concrete grounds of law of evidence. She admitted on number of occasions that no sexual harassment has been committed by the Opponent. It is a question of ego; no one is ready to come to the point of reconciliation. Two Inquires were also conducted and recommended both of the parties to be careful in future and not to create such problems. On the basis of strict principles of law of evidence incorporated in Qanun-e-Shahadat Ordinance, 1984 the Complainant's side of story is weak, misty and doubtful due to lack of evidence therefore she failed to prove her case. Moreover, the Inquiry Reports were submitted before this forum by the Board of Secondary Education and Assistant Commissioner. The Complainant premeditated this complaint and this complaint is based on some ulterior motive just to malign the Opponent. Hence, the findings of the Federal Ombudsman are based on admitted facts and law. The complaint does not fall within the ambit of **Section 2(h) of The Protection against Harassment of Woman at Workplace 2010**.

Section 10 of the Federal Ombudsman Institutional Reforms Act 2013 states that ombudsman receipt of written defense of the show cause notice, the ombudsman shall formulate conclusions to reach some recommendations and finding.

In the light of above discussion, the present complaint is hereby dismissed and reliance is placed on the recommendations of Inquiry Committees.

KASHMALA TARIQ
Federal Ombudsman