

OFFICE OF THE FEDERAL OMBUDSMAN

FOR PROTECTION AGAINST HARASSMENT OF WOMEN AT THE WORKPLACE, ISLAMABAD

FORM OF ORDER SHEET

Complaint No. FOH-HQR/0000092/19

Serial No. of Order of Proceedings	Date of order of Proceedings	Order of other proceedings with Signature of Federal Ombudsman			
		TITLE:	Neelam Shehzadi Ex-Employee	VS	Mehreen Farooq & others i. Senior Assistant KSSL ii. OG-I, ZTBL iii. AVP iv. PA to President v. Head DPD
		Department: Zarai Taraqati Bank Ltd (ZTBL)			
1	2	3			
	01-07-2022	<p>Complaint No. <u>FOH-HQR/0000092/19</u></p> <p>The instant complaint is a continuation or for that matter a counter blast to several other cases filed by the female employees of ZTBL Head office Islamabad against each other. Such multiple cases have wasted the energy, time and money of all those employees concerned but unfortunately to satisfy their egos they kept on locking their horns for quite long time.</p> <p>The present complaint was filed by Ms. Neelam Shehzadi, (hereinafter called the Complainant) Ex OG-II, ZTBL Head office Islamabad against her female colleagues Ms. Mehreen Farooq (hereinafter called the Accused No. 1), Nasir Khan (hereinafter called the Accused No. 2), Ms. Nazli Jamshed (hereinafter called the Accused No. 3), Asif Jehangir (hereinafter called the Accused No. 4) and Muhammad Masood Kharal (hereinafter called the Accused No. 5), in terms of the Protection against harassment of Women at the Workplace Act 2010.</p>			

		<p>The complaint so filed covers a long story of the events which allegedly took place during the service tenure of the Complainant. It will not be inappropriate to say that the complaint is like a fairy tale. The Complainant started her allegations against Accused No. 1 charging her for harassment and humiliation on account of not following her instructions. According to the Complainant Accused No. 1 wanted to use her to communicate her messages to other girls employees particularly Ms. Maimona Yasin. But as the Complainant was not in good terms with Ms. Maimona Yasin the Accused No. 1 got annoyed and furious and started her character assassination. She tagged messages publicly on social media to make the people against the Complainant. She illegally took screen shots of Complainant's whatsapp status and also exploited the name of her father to harass the Complainant.</p> <p>The Complainant lodged a complaint against Accused No. 1 on 20-10-2018 whereupon she become more aggressive and through her companions Accused No. 2 and Accused No. 3, Ms. Anum Afzal and Ms. Areeba Bari started obstructing the passage of the Complainant, detaining her in washroom, corridor, stairs etc. Complainant filed another complaint to AVP Amir Chaudhary and also informed HOD Mr. Khuram Shoaib, ASVP ADC department who suggested her to keep silent and not to proceed further with the case.</p> <p>No action, however, was taken on her complaint. Subsequently Accused No. 1 filed complaint against the Complainant on which she was charge sheeted.</p> <p>Regarding Accused No. 2 the Complainant alleged that he was companion of Accused No. 1. He started obstructing the passage of Complainant, detaining her in corridor and threatening and harassing her everywhere. The Complainant charged Accused No. 3 as a big supporter of Accused No. 1 and Accused No. 2.</p>
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	<p>Accused No. 4 was charged for insulting behavior towards the Complainant. Accused No. 5 was also charged for insulting attitude with Complainant causing her harassment.</p> <p>The Complainant alleged that her termination from service worstly effected her health and she was hospitalized. She prayed to take strict legal action against the Accused for harassing, threatening and pressuring the Complainant.</p> <p>This complaint was resisted by the Accused who submitted their defense replies, wherein they denied the allegations of the Complainant. Evidence pro and contra was recorded and arguments of both the sides heard.</p> <p>Ms. Shazia Munir came on behalf of the Complainant as PW 1 and deposed under cross examination that it was not mentioned in her statement that Accused No. 5 sexually harassed the Complainant. She admitted that in her presence no such incident took place. Statement of Complainant was recorded as PW 3. Under cross examination Complainant admitted that in her complaint dated 18-10-2018 she had made no allegation against Accused No. 2 & 3. She further admitted that she was dismissed from service on 26-03-2019. She also admitted that inquiry against her was initiated by Accused No. 5. She admitted that she did not use the word sexual harassment in her complaint but used the word harassment. She further admitted that in her complaint she did not mention the date and time of any incident. She also admitted that she did not mention what kind of messages Accused No.1 wanted to convey to other girls. Statement of Ms. Maimoona Yasin was recorded as PW 4. She was put to lengthy cross examination. Statement of Ms. Attiya Wahid was recorded as PW 5.</p> <p>It has been an established principle of law that the burden of proof always lies upon a Complainant to prove his/her case against an accused person beyond any reasonable doubt. The case of the</p>
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		<p>Complainant, if judged and tested, on the above laid down principle it stands nowhere because there are numerous dents in the Complainant's case making it highly doubtful. The evidence produced by the Complainant particularly after subjecting her to cross examination, is not of that standard which can be used for conviction of the Accused persons.</p> <p>Needless to explain, benefit of doubt is to be extended in favor of the Accused. From the evidence placed on the record one cannot say with certainty that the Complainant has been caused by the accused any sexual harassment as defined in Section 2(h) of the Act 2010.</p> <p>The Act 2010 has been legislated to protect not only working women but men as well only against harassment having sexual nature at the workplace. Reliance may be placed on the judgment of August Supreme Court of Pakistan recorded in civil petition No. 4570/2019 in the case titled Nadia Naz Vs President of Islamic Republic of Pakistan etc, PLD 2021 Supreme Court 784 and 2020 CLC (C.S) 186 Islamabad High Court Islamabad.</p> <p>Complainant has admittedly been ousted from service and for that matter she might have nourished grudge against the Accused. It has come in evidence that the Complainant considers the Accused persons involved in her termination from service. So in these circumstances her impartiality becomes doubtful.</p> <p>Quasi-criminal charge of sexual harassment, as a bare minimum, has to be impartial, credible, capable of surviving test of reasonableness and must be reinforced with convincing and independent evidence.</p> <p>In the instant case, Complainant has failed to substantiate the charge of sexual harassment through independent, convincing and definite evidence. Hence, Accused cannot be punished merely on unsubstantiated assertions.</p>
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