

Justice (R) Yasmin Abbasey,**Ombudsman:**

1. By this order I will dispose off two matters filed by the parties that is appeal (Appeal no. 1(100)/2014-FOS (Reg)) filed by Nizam-ud-Din against Gun and Country Club Islamabad and its inquiry committee and the other complaint (Complaint no. 1(104)/2015-FOS (Reg)) filed by Mst. Shahnaz and six other females against Gun and Country Club Islamabad and Nizam-ud-Din, as both of them are interconnected and based on the same facts and circumstances.
2. Facts of the case are that on 23-08-2014 an application was moved by seven female employees of Gun and Country Club against Manager Admin Nizam-ud-Din alleging serious nature of allegation of sexual harassment, misuse of authority as Manager Admin and miss appropriation of amount of Club for personal use of himself and his sons who are residing along with him. Thereafter another application was moved on 13-09-2014 by female employees of Gun and Country Club on same grounds. Due to both these complaints services of Nizam-ud-Din as Manager of Club was suspended vide order dated 19-09-2014. On 22-09-2014 an inquiry committee was constituted to probe into the matter. Notices were issued to both parties and after detailed inquiry, inquiry committee reach to the conclusion that allegation leveled by female employees of Gun and Country Club stands proved. In consequence thereof by order dated 05-11-2014 Nizam-ud-Din was terminated from service with immediate effect. Against this termination, present appeal

had been filed. In the connected complaint (Complaint No. 1(104)/2015-FOS (Reg) it is prayed by complainants that findings and recommendations of inquiry committee have not been provided to them, however, that recommendation of inquiry committee of dismissal order be maintained and the administration and management of Gun and Country Club be directed to take measures for guaranteeing gender equality, right to work with human dignity and employee safeguard against sexual harassment.

3. Heard parties in both matters and perused the record.
4. It is pertinent to note that Nizam-ud-Din in his appeal filed against his termination from service although has denied the allegations made by him in a formal way but the main focus of him was on the legal ground that proper opportunity was not provided to him to cross examine the witnesses produce during inquiry proceedings. It is alleged that just to remove his services, Gun and Country Club had managed to file a complaint against him by 07 female employees of the Club. Whereas on the other hand female employees of Gun and Country Club who are complainants (In complaint No. 1(104)/2015-FOS (Reg) in connected matter not only in their complaints made on 23.08.2014 and 13.09.2014 but also during inquiry proceedings in the organization have specifically stated in clear terms about the conduct of Nizam-ud-Din, his miss behaving and sexual attitude towards female employees of Club.
5. Although the procedure adopted for inquiry was not a proper one but that in proper conduct of inquiry cannot be made a

ground for denying the allegation made by female employees of Gun and Country Club. It was a procedure lack by members of the inquiry committee because of lack of knowledge of the procedure but because of that, admissions of Nizam-ud-Din to the allegations leveled against him cannot be overlooked which are at page no. 206, 207, 225, 226, 228 and 249 of the inquiry proceedings. There is a clear admission of Nizam-ud-Din that how he behaved with female employees. Record shows that how he has taken advantage of their positions to satisfy his lust, complainant's of (Complaint No. 1(104)/2015-FOS (Reg) statement that opponent took personal services from employee of Gun and Country Club and engage them in their personal work has not been specifically denied. As to the act of sexual nature opponent's admission not to the extent of kissing them or forcing them to massaj him and also compelling them to massaj his feets and wash his clothes is nothing but to put the female employees of Gun and Country Club under undue pressure and by creating hostile work environment forced them to submit them before him. How much he succeeded in that or not, is not a question but his conduct is material which is creating an atmosphere of sexual harassmt and offensive work environment in institution among female employees of Gun and Country Club, is sufficient to reach at a conclusion that Nizam-ud-Din had committed acts of sexual harassmt creating offensive work environment in the Institution. This conclusion further finds support from the findings made in item number 8, 9, 10, 11, 12 and in second paragraph of item no. 14 of the charge sheet issued on 25-09-2014 which have not been

denied by Nizam-ud-Din neither during inquiry proceedings nor in his appeal filed against his termination from service. In view of above I uphold the recommendations of inquiry committee of opponent's termination from service with immediate effect. Appeal of Nizam-ud-Din is hereby dismissed.

6. The rest of the recommendations are left at the discretion and disposal of Gun and Country Club. Both matters disposed off accordingly.

Justice (R) YASMIN ABBASEY
Federal Ombudsman