



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

**J U D G M E N T**

1. Complaint Number: 1(193) / 2015-FOS (Reg)
2. Date of Institution: 31.08.2015
3. Date of Decision: 02.11.2015
4. Complainant: Rana Humayun Ihsan  
Deputy Registrar (BPS-18),  
Pakistan Institute of Development  
Economics (PIDE),  
Islamabad.
5. Opponent:
  1. Dr. Asad Zaman  
Vice Chancellor,  
Pakistan Institute of Development  
Economics (PIDE),  
Islamabad.
  2. Dr. Saffiriddin  
Registrar,  
Pakistan Institute of Development  
Economics (PIDE),  
Islamabad.
  3. Muhammad Hussain  
Additional Registrar,  
Pakistan Institute of Development  
Economics (PIDE),  
Islamabad.

**Justice (R) Yasmin Abbasey,**

**Ombudsman:**

**Complaint No. 1(193)/ 2015-FOS.**

1. Before joining Pakistan Institute of Development Economics (PIDE) as Deputy Registrar in BPS-18 complainant was serving in Quaid-e-Azam University Islamabad. He applied to join PIDE through proper channel. Complainant tried his best to work as per rules with honesty but all three opponents put him under constant pressure and harassment. During his whole service he was never found guilty as per rules and regulation. After completion of one year service at PIDE complainant was confirmed to be retained at PIDE in a meeting of syndicate of PIDE. Through nomination letter approved by Dr. Asad Zaman complainant was nominated as focal person for Federal Ombudsman Office Islamabad and Islamabad High Court (Human Rights Cell). In that very letter Dr. Asad Zaman also recommended that complainant is a fit officer even eligible for promotion to the post of Additional Registrar (BPS-19). From April 2014 to November 2014 complainant requested many times to consider his case for

promotion. Even Acting Registrar directed HRD section to include the case of complainant in agenda of meeting but all time in meeting held during April 2014 to November 2014 his case was dropped from agenda which is an act of harassment on part of Dr. Asad Zaman, Vice Chancellor, PIDE. On contrary opponent no. 3 Muhammad Hussain, Additional Registrar even after his retirement was re-employed on same post on contract basis in violation of orders of Supreme Court of Pakistan in 2013-PLC (Supreme Court)-1178-ISB that promotions of departmental candidates should be made without delay and no re-employment should be made after retirement. Complainant's case is not being considered by Dr. Asad Zaman, Vice Chancellor, PIDE and he is creating hostile workplace environment for complainant.

2. Complainant has placed list of irregularities and incidents of maladministration at PIDE for corrective measure as per rules which was agreed by PIDE Audit Officer. Instead of doing needful as per rules, Dr. Asad Zaman issued an illegal explanation letter against complainant. All this was done by

Vice Chancellor in collusion with Muhammad Hussain, Additional Registrar. Act of harassment by Dr. Asad Zaman can be assessed with the rejection of leave application moved by complainant in 2014. Opponent no. 1 used abusive language with complainant in his office because of pointation of irregularities by complainant. Opponent no. 1 wants that complainant should leave PIDE because of fear of opponent no. 1's irregularities / illegalities including his appointment. Opponent kept tolerating harassment of opponent no. 1 until August 2015 when he illegally ordered not to allow complainant to join his duty at PIDE.

3. In order to avoid further probable harassment complainant requested for NOC for LL.M leading to PHD in law but NOC was not granted to him. On the contrary complainant was asked to apply for long leave until end of term of opponent no. 1 and also to submit undertaking that he shall not come back during study leave, which was submitted by complainant but no study leave was granted. On contrary EOL was granted for which complainant had never applied, which is a clear cut

case of work place harassment by opponent no. 1 and 2. Opponent no. 1 threatened complainant to terminate and even dismissal from job. Opponent no. 1 in collusion with opponent no. 2 and 3 issued an illegal leave notification of 10-12-2014 of 4 years EOL (without pay) with mala fide intention just to harass complainant financially. Complainant challenged the notification of 10-12-2014, received by him through email on 15-12-2014, to re-notify it as without having 10 years continues service he cannot be granted 4 years leave, but that notification till now has not been corrected. Opponent no. 1 is abusing his powers in violation of rules and regulations and is not allowing complainant to join his duties and get his legal promotion. On 31-07-2015 complainant sent an email to opponent no. 1 requesting him to allow complainant to join PIDE on account of serious illness of his aging mother who needs proper medical follow up but same was refused by opponent no. 1. Complainant prays that opponent no. 1 be directed not to harass the complainant inside or outside PIDE. To regularize the availed portion of complainant's illegal granted EOL as leave not due (in

relaxation of rules in pursuance of para-40 of Leave Rules 1980). Complainant be allowed to join PIDE on his post as Deputy Registrar forthwith and his due promotion be considered.

4. All three opponents have filed a joined defense. According to them complainant claim being well behaved professional and gentleman is declined as his attitude has been subversive at PIDE at many occasions and vide memorandum dated 17-11-2014 he was warned for the same. Complainant used abusive language against seniors and high-ups of institute. After receiving office memorandum he accepted his mistake and assured to be responsible officer in future. After three years of institute service complainant is eligible for study leave as per rules. Complainant started all blackmailing in the name of rules near the date of retirement of opponent no. 3 for sake of his own promotion. PIDE authorities have taken a lenient view against misbehaving attitude of complainant and to avoid any unpleasant event and further to give a sufficient time to complainant to improve his attitude toward his job and career.

The then acting Vice Chancellor, PIDE, recommended termination of probation of complainant w.e.f. 16-07-2013 on recommendations of opponent no. 3 which was approved by syndicate. Matter has been miss-represented to create a false sympathy. PIDE nominated complainant as focal person vide letter dated 24-09-2014 because of non-availability of any officer in BPS-19 but he was never committed for promotion. As per complainant's own statement harassment took place on 04-07-2014 when he took up his promotion case, but according to his own statement he has 10 years of experience while promotion in particular grade requires 12 years' experience. Complainant is blackmailing his high-ups for promotion otherwise it is not a case of harassment and does not fall under harassment Act 2010. Leave cannot be taken as a matter of right and, leaves allowed and cancelled were done for institutional reason and needs. In inspite of having a written assurance from Vice Chancellor for promotion, complainant had started blackmailing his seniors in the name of rules and got a bundle of record photocopied for his mala-fide intentions. In fear that he may not disclose any official

information, he was transferred from that post. Complainant has become unbearable because now he has leaked out official documents outside PIDE. Authorities of PIDE were bearing with complainant's subversive arrogant and rebellion attitude, however, the leniency could not prevail more. Retaining of opponent no. 3 at PIDE was an institutional need. Now it has been decided that he shall be no more with PIDE after 30-09-2015. Complainant has challenged appointment of opponent no. 1 just to blackmail for his promotion. Complainant is serving at PIDE since 16-07-2013 whereas opponent no. 1 was appointed on 16-12-2013, therefore, if there was any irregularity in the process of appointment of opponent no. 1 why the same was not pointed out at that particular time. As per rule 5(24) of rules of PIDE, an employee on leave cannot return to duty before expiry of the period of leave granted to him. As study leave was not admissible to complainant as per rules so he was granted EOL without pay as a leniency measure. How complainant was getting photocopy of personal record of other employees (including female employees) and getting voice recordings for



so called personal defense which is not permissible in educational Institution. Complainant with mala fide intention was doing such spying activities in the Institute. That shows his habitual nature as a professional blackmailer who may go to any extent to fulfill his desires. Notification of granting leave to complainant was issued as per rules and does not need any correction. No act of harassment as alleged was committed by opponents. These proceeding have been initiated by complainant against opponents just for sake of his promotion. Complainant has not filed any appeal before Inquiry committee constituted under Harassment Act at PIDE against the decision of any departmental proceedings. Complaint is liable to be dismissed.

5. From record it transpires that dispute in between parties arose because of non-consideration of promotion of complainant for the post of Additional Registrar vacant since 03-07-2014. According to complainant and also appearing from record that he is pursuing his case for promotion since April 2014 but in spite of giving him a hope for promotion

through letter dated 24-09-2014 issued by Additional Registrar Muhammad Hussain, till now his case has not been considered. It is contended by complainant that as soon he started pursuing his case for promotion to the post of Additional Registrar, administration and particularly Vice Chancellor of Pakistan Institute of Development Economics (PIDE) Islamabad has gone against him. It is further stated that when he came in notice of irregularities in department and pointed them, Vice Chancellor of PIDE has developed more aggression attitude which reflects from warning letter of 17-11-2014 by Acting Registrar of PIDE stating that Vice Chancellor of PIDE has shown his serious concern over the note and list of irregularities / maladministration of PIDE prepared by complainant and has directed that severe warning be issued if this kind of blackmailing and lack of discipline is repeated, but here it is important to note that this is not first time when the irregularities happening in PIDE were pointed out by its employees. Placement Officer Muhammad Imran Hassan on 17-10-2014 has also reported about same time of irregularities happened in PIDE. Anyhow I

have no concern with these irregularities but this note is very important in context of present case when irregularities pointed out at one stage are ignored, while by complainant is taken as penalizing act. Record is silent that whether any action was also taken against Muhammad Imran Hassan, Placement Officer on his report of 17-10-2014 which somehow supports the case of complainant that he has been victimized because of pursuing his case of promotion as Additional Registrar.

6. Some acts of victimization which have been pointed out by complainant are that on 12-03-2013 when he moved an application to PIDE for seeking permission for part time teaching, although same was approved by Vice Chancellor on the same day but Registrar regretted the same with remarks that:-

“Regretted. Wait for Dr. Musbhuddin return”.

No reason is appearing that when Head of department has granted part time teaching to complainant, how subordinate officer of him can regret the same for any reason what so

ever. It is further pointed out by him that on 27-08-2014 when he has moved an application to Registrar for consideration of his promotion as Additional Registrar, Registrar was kind enough to note that:-

“please include the agenda for selection committee to be held in future”.

7. It is alleged that in spite of this direction, case of complainant's promotion was neither included in agenda nor in spite of qualifying the qualification and experience for the post his case was considered at any stage. However, on 03-09-2014 a note was put up by Superintendent HRD that:-

“The case is in order as per rules, therefore, same is put up to Senior Promotion Review Committee for consideration by circulation so that case may be incorporated in the agenda of 12<sup>th</sup> meeting of Selection Committee to be held on 4<sup>th</sup> September if agreed, please”.

This note is placed at page 196 of record seems to have been

approved by Assistant Registrar HRD and Acting Registrar but on the contrary an angry note of Vice Chancellor Dr. Asad Zaman opponent no. 1 on it came forward which was contrary to the hope given to complainant on 24-09-2014 that:-

“He is senior most administrative officer eligible for promotion for post of Additional Registrar BPS-19”.

8. It appears that thereafter tug of war started in between opponent no. 1 and complainant on minor issues just as of change of nature of “study leave” applied by complainant, into Extra Ordinary Leave (EOL) in contrary to sl. 41(2) of leave rules which specifically say that

“Moreover, a government servant under rule 24 or Revised Leave Rules, 1980, has been given the option to apply for any kind of leave. Leave authority has not power to change the nature of leave”.

On 15-12-2014 complainant requested for correction of status

of his leave and his designation in notification issued on 10-12-2014 showing him as Deputy Director stating that he is serving as Deputy Registrar which is substantive post against which he was confirmed and also retain his seniority in the Registrar office, but no action was taken thereon. Again when he applied for joining his duties on account of health factor of his illing mother who require medical follow up and look after, his request was regretted on 21-08-2015 with directions that he is advised to join his duties after expiry period of leave. According to complainant rejection of his granted leave for Umra without any reason is an act of harassmt and creating of hostile office work environment for complainant. This act of creating hostile environment continued on when his application for restoration of his Umra leave on 19-11-2014 was again declined on 21-11-2014 with the specific note that his application for restoration of leave has not been approved by competent authority that is opponent no. 1.

9. According to opponents no. 2 and 3 case of complainant was put up before promotion committee but they are unaware of

the fact whether it was considered or not as no reason of it is appearing on record. It is stated by opponent no. 2 and 3 that any undertaking given by an officer, as was given on 24-09-2014, cannot be said to be confirmation for promotion. They have admitted that on 19-04-2014, 11-07-2014, 18-09-2014 and 19-11-2014, four meetings of Promotion Committee were held but all of them were for different post but not for Additional Registrar PIDE. Both opponents are also unable to place any reasonable ground that when complainant was agitating for his promotion for his post which is lying vacant since April 2014 why cases of promotion or appointment for the post has not been considered by institution and why same is lying vacant since long. In in spite of fact that different employees which have been pointed out by complainant and documents of whom have been placed on record were appointed by Vice Chancellor without having any approval from syndicate. So if any irregularity is pointed out not only by complainant but by other officers also, the seniors should not take it adverse to them and penalize their junior with their

genuine rights.

10. In the light of above discussion and the documents placed on record, I reach to the conclusion that the case of promotion of complainant has been taken by opponent no. 1 as his personal issue which should not had been for the smooth working of institution. Each employer and employee must give respect to position he is holding and work with gracefully. Finally I am of the view that opponents being senior officer of the institution should show their parental status in the institution ignoring all past battle in which they had unnecessarily entered and place case of complainant within 15 days of receipt of this order before promotion committee of the institution and consider his case sympathy in accordance with promotion rules of PIDE. Complainant be also allow to join his duty without any failure. In view of this complaint is hereby disposed off.
11. Issue letter to Vice Chancellor of PIDE to report the implementation of this order within 15 days of receipt of this order.



12. | Parties be informed accordingly.

13. | Announced in open court.

**JUSTICE (R) YASMIN ABBASEY**  
**Federal Ombudsman**