

# OFFICE OF THE FEDERAL OMBUDSMAN

## FOR PROTECTION AGAINST HARASSMENT OF WOMEN AT THE WORKPLACE, ISLAMABAD

### FORM OF ORDER SHEET

Complaint No. FOH-ONL/0000055/19

| Serial No. of<br>Order of<br>Proceedings | Date of<br>order of<br>Proceedings | Order of other proceedings with Signature of Federal Ombudsman  |
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|  |                                    | <b>TITLE: RASHIDA JABEEN VS ABDUL HANAN</b><br><b>Principal Director</b>  |
|  |                                    | <b>Department: Directorate General of Special Education</b>   |
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|  | 24-05-2022                         | <p>No. <u>FOH-ONL/0000055/19</u></p> <p>This is one of those unfortunate cases which get prolonged due to vested interests of the cleverness of one of the parties. Sufficient time has been wasted in the instant case due to secondary issues raised particularly by the Complainant.</p> <p>Brief facts of the instant case are that Ms. Rashida Jabeen (Complainant herein) was Principal in National Education Center for physical handicap children Islamabad. She was allotted a flat for residence by the department. She requested for repair and renovation of the flat and while getting no positive response in this respect, her son Mr. Muhammad Jehanzaib filed a complaint with Wafaqi Mohtasib (Ombudsman) Islamabad on 22-03-2019. The case was fixed on 18-04-2019 before that forum when the representative of Director General Special Education told that due to zero budget allocation the repair works had not been done for the past three years. He committed that the repair work of the Complainant would be carried out as soon as the budget was allocated. On the same day the Complainant visited the office of Mr.</p> |

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|  |  | <p>Abdul Hanan, Director Works (Accused herein) asking her seniority number for allocation of villa instead of flat already allocated to her. The meeting between the two turned hostile and unpleasant. The Complainant filed an application to Director General wherein she alleged that she was misbehaved and abused by the Accused and as such the later be brought to book. She further asked to Director General to conduct inquiry as to why the villas were allotted to the junior officers. On the same day Accused Abdul Hanan also filed a complaint to the Director General Special Education alleging that the Complainant Rashida Jabeen misbehaved with him in his office and also used abusive language against all the officers of the establishment of Director General Special Education. He further alleged that one Jehanzaib son of the Complainant who accompanied his mother also hurled threats to the Accused.</p> <p>As there were two complaints from both the sides, the Chairman NCSW/Director General, Special Education ordered a fact finding inquiry to probe into the matter vide the order dated 18-04-2019. Two members fact finding committee was constituted which consisted of Mazhar Iqbal Kiani and Ms. Tasneem Waheed. The committee started its work. Complainant Ms. Rashida Jabeen appeared and submitted her written statement, whereas Accused Abdul Hanan did not attend the inquiry proceedings. The committee came to the conclusion that the matter be referred to the departmental harassment committee in view of the allegations contained therein.</p> <p>Consequently an inquiry committee under Protection against harassment of Women at the Workplace Act 2010 was constituted. It was a three members committee consisting of Muhammad Ramzan Awan, Joint Secretary, Raja Tanvir Kazmi, Deputy Secretary and Ms. Farhat Shafiq, Deputy Director. The committee held the proceedings as required. It inquired into 14 relevant points</p> |
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|  |  | <p>mentioned in the charge sheet and statement of allegations. At the end, the committee concluded that the case of harassment in terms of provisions of the Act 2010 was not made out. However, according to the committee Accused had misbehaved and showed rude attitude to the Complainant, therefore, the matter be dealt under Government Servant Efficiency and Disciplinary Rules, 1973.</p> <p>It may be relevant to mention here that on the one hand the Complainant approached her departmental authority to conduct the inquiry into her allegations against the Accused while on the other hand she also filed a second complaint No. FOH-ONL/0000055/19 at this forum for the same purpose. Simultaneously she filed an appeal at this forum in terms of section 6 of the Act 2010 as against the findings of the inquiry committee discussed above. So at the same time complaint No. FOH-ONL/0000055/19 as well as above mentioned appeal remained pending. While the above cases were pending for decision, many other issues pertaining to grant of honorarium and contempt of court were raised by the Complainant, making the things more complicated and more confused.</p> <p>During the course of subsequent proceedings the Complainant lost her interest in the case, not attending the proceedings and that's why last chance was provided to her for arguments to be heard on 10-05-2022. Arguments of both the sides were heard on the date fixed.</p> <p>As discussed above the Complainant followed the two courses, one by filing the complaint and other by filing appeal, whereas she could adopt the course of appeal only after disposal of her complaint by the departmental inquiry committee. Her complaint No. ONL/0000055/19 before this forum is, therefore, incompetent in view of the fact that her appeal against the findings of the harassment committee is also pending.</p> |
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|  |  | <p>After perusal of the findings of the inquiry committee, it is nowhere found that the inquiry conducted by the committee is either biased or partisan. The committee has tried its best to discuss the relevant issues and to arrive at the conclusion that the case does not fall within the ambit of the Act 2010, however, according to the committee's conclusion the Accused is seemed to have misbehaved with the Complainant which entails proceedings under E&amp;D Rules, 1973. The Complainant has been unable to prove the charge of sexual harassment as against the Accused. All the grievances of the Complainant revolve around administrative issues rather than harassment at the workplace. Findings of the committee are, therefore, plausible requiring no interference by this forum. The appeal of the Complainant Ms. Rashida Jabeen is, therefore, dismissed in the circumstances.</p> <p>As regards initiating proceedings against the accused under E&amp;D Rules, 1973 that is domain of the organization concerned nothing doing with this forum.</p> <p><b>FEDERAL OMBUDSMAN</b></p> |
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