



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

J U D G M E N T

1. Complaint Number: 1(88)/2014-FOS
2. Date of Institution: 24-07-2014
3. Date of Decision: 25-09-2014
4. Complainant: Ms. Roma Bhatti
5. Opponent: Mr. Wajih Qureshi, Branch Manager,
Ali Gohar & Company, Pvt. Ltd
Islamabad.

Justice (R) Yasmin Abbasey,

Ombudsman:

1. Case of complainant is that she joined Ali Gohar & Company Pvt. Ltd on 28.05.2014 as Sale Executive. It is alleged that from the very beginning, Wajih Qureshi, Branch Manager had a bad eye on her. He used to call her in his office through different tactics and forced her to sit in his room. It is further stated by her that opponent Wajih Qureshi offered her to go on parlor visit in other cities so that they can live together for 2 to 3 days, and when according to complainant she refused his offer, he started complaining against her at Head Office and force them to remove her from job. Opponent through his friends Saeed Khan and Usman Habib who work in Head office at Karachi forced her on telephone to resign and when complainant paid no heed to their demands they started abusing and threatening her. Complainant also alleged that opponent sexually harassed her. On 13.07.2014, he again offer her to go on Aftaar and then to go forward to Murree to spend some time with him. According to complainant, she could not control her and scolded him. Where on opponent also shouted on her loudly and abused her in front of other office members. According to complainant, in spite of all she worked uptill 18.07.2014.
2. On 16.07.2014 when she was on official visit alongwith other officials, she meet with an accident and receive severe injuries,

in spite of that opponent forced her to come to office and refused to grant her leave. Opponent malafiedly removed her attendance from register and alleged that she did not attend the office and also leveled false allegations against her. Opponent also forced her to resign otherwise she will be murdered. He also prepared a resignation letter on her behalf and threatened her to sign on it. Opponent malafiedly blocked all her bills from 10.07.2014 and transferred them in account of another girl of office. Opponent in front of all other office bearer told her not to attend office by tomorrow and also directed other officials not to allow her to enter in office.

3. Opponent has denied all the allegations to be false and fabricated. Other female employees also work in the same company and they have never raised any such allegations against the opponent. He has denied the allegations of sexual harassment or sexual inducement and has denied that he never offer her to accompany with him as alleged. It is falsely alleged by complainant that her bills are deliberately withheld. In fact in July, 2013 no bill was submitted by her. It is also denied that any payment relating to her has been paid to someone else. So far as the delay in salary of complainant is concerned, it was at the behest of Head Office who had also sent a show cause notice to complainant to explain her absence. Head Office at Karachi has prepared complainant's salary and expenses cheque which will be delivered to her upon her joining. Complainant has made all

these false allegations just to keep a valuable hand held terminal (HTT) belonging to company which uptill now has not been returned by her. Complainant got false articles published in daily Sama and daily Khabarnama on 23.07.2014 and 25.07.2014 respectively against opponent to defame him.

4. My findings on above facts and evidence produced by parties are as under:

In first complaint filed in Ali Gohar & Company it is stated that from the very day of while taking interview of complainant, opponent Wajih Qureshi had an erotical eye on her, even thereafter on joining her as Sale Executive, opponent often call her in his office just to have a irrelevant talk and also offer her to visit with him outside city for 2 to 3 days. She further alleged that on her refusal to accept his frequent offers to join him at different places he became annoyed and started threatening, for dire consequences to her life and removal from job. Beside different offers made by opponent to her to have outdoor visit, she particularly pointed out an offer of him on 13.07.2014. It is alleged that on this offer of opponent, complainant lost her temper and upbraid on opponent, opponent reacted more loudly and he abused her in front of other office bearers of Ali Gohar & Company. To belie the allegation against him and of this particular day of 13.07.2014, opponent has placed attendance sheet of Ali Gohar & Company to show that complainant is habitually liar and her allegation against opponent are false and

fictitious. Perusal of attendance sheet of Ali Gohar & Company on 13.07.2014 reveals that it was Sunday an off day, when offices are normally closed, which supports argument raised by opponent that the statement made by complainant on 13.07.2014 that opponent offer her to accompany with him for Aftaar and on her refusal, he annoy and abused her in presence of other office members is false because as per attendance sheet, which has not been rebutted, none of the witness named in cross-examination was in attendance on that particular day. Even then if complainant stands on her statement then she has to prove that what she was doing in office on an off day.

5. It is contended on behalf of the complainant that one incident is sufficient to prove an act of harassment, no doubt it is so, but beside others the very particular incident of 13.07.2014 which has been given much importance by complainant, her own contradictory in that regard makes the evidence of complainant doubtful.
6. According to complainant on 06.07.2014 she met with an accident and she received serious injuries but in spite of that her request to grant leave was not allowed and she was forced to attend office in 103 fever. Although Najeeb Hussain who was driver of complainant in his statement in chief has supported the contents of complainant but in his cross examination, he has admitted that after having an accident complainant went on leave. Even the complainant herself in her first complaint to the

organization on 20.07.2014, in para 4 has admitted that she was absent due to accident while working. This complaint moved by Complainant has been reproduced in the inquiry report dated 01.09.2014 produced by the opponent. In view of statement of complainant and his witness, I have no reason to disbelieve the statement of opponent and this contradictory statement of complainant, further doubts her veracity.

7. In proof of the fact that no such issue of sexual harassment as alleged by complainant raised in the office, opponent has referred inquiry committee report dated 01.09.2014 which was initiated on the complaint of complainant on 20.07.2014 by organization. Although the committee so constituted by the organization was not in accordance to the law as provided in Protection against Harassment of Women Act 2010, but this irregularity in constitution of inquiry committee cannot vitiate the inquiry conducted. Perusal of inquiry report show that while initiating the inquiry proceeding, two notices was served on complainant which has been received by her, but in spite of that she failed to appear before the inquiry committee to defend her. On the contrary just after 3 days of moving complaint with the organization, she started campaign against opponent in newspaper Daily Sama of 23.07.2014 and Daily Khabarnama of 25.06.2014 without waiting for any decision or recommendation of the inquiry committee. Best course for complainant was to appear before inquiry committee and prove her case instead of

bringing it in print media. It is also very astonishing to note that beside print media campaign just after 4 days complainant had approached to this office. Although section-8 of Act 2010 provides 2 options to complainant either to file a complaint to the Ombudsman or the inquiry committee of organization, but in either of 2 options, complainant has to rest with one option and cannot open investigation in the same matter between same parties at 2 places which may lead to conflicting decision.

8. Next it has been pointed out by complainant that harassment issues usually occur between 2 persons when they are alone but in the present case, complainant has given names of number of eye witnesses, which in view of the above discussions proves to be incorrect.
9. The conclusion which I have drawn from the record is that complainant is not sincere worker and the company was not satisfied with her performance because of her absence and that's why show cause notice was issued to her on 26.07.2014 which was followed with the termination letter issued on 05.09.2014. To support her version, complainant has also referred a letter place on record at page-51&52, sent to Deputy Manager, Women resources of Ali Gohar & Company on 11.08.2014 but the perusal of this document reveals that neither it bears any date of its issue nor any signature of complainant. To support that this complaint was moved by her to Deputy Manager, Women Resources of Ali Gohar & company through

TCS, she has placed a receipt pretending to be issued by TCS authorities, but bear reading of this receipt show that it is not a genuine receipt as are normally issue by TCS authorities. It appears that from somewhere complainant has been able to get an empty form of this receipt and by putting the date and signature of same person, try to prove its delivery on the receipt as placed at Page-50 of file, but neither name of shipper nor name of assignee and other particulars as are normally endorsed on such receipts are found there, for quick comparison. I will like to refer one another receipt of TCS authorities placed at Page-99.

10. In view of above, I am of the view that complainant has not been able to prove her case of sexual harassment as alleged by her. Her statements are not trust worthy and also does not find support from the verbal and documentary evidence placed by herself.
11. Up-shot of the above discussion is that complaint of the complainant is hereby dismissed.

YASMIN ABBASEY
Ombudsman