



FEDERAL OMBUDSMAN
For Protection against Harassment of Women at Workplace
Islamabad

J U D G M E N T

1. Complaint Number: 1(101)/2014-FOS(Reg)
2. Date of Institution: 15.12.2014
3. Date of Decision: 06.03.2015
4. Complainant: Romana Shabbir
5. Opponent:

Dr. Nilofer Sohail
Principal
Regional Training Institute Islamabad

Dr. Irum Javaid
Deputy Principal
Regional Training Institute Islamabad

Zahid Iqbal
Account Officer / Admn Officer
Regional Training Institute Islamabad

Riaz Ahmed
District Officer Population Welfare
Islamabad

Samina Batool,
Deputy District Officer Population
Welfare Islamabad

Justice (R) Yasmin Abbasey,

Ombudsman:

1. This complaint has been filed by Romana Shabbir, Warden of Regional Training Institute Islamabad against principal Dr. Nilofer Sohail, Deputy Principal Dr. Irum Javaid, Zahid Iqbal Account Officer / Admin Officer, all serving in Regional Training Institute Islamabad and Riaz Ahmed District Officer Population Welfare, Samina Batool, Deputy District Officer Population Islamabad.
2. It is alleged that she is serving in Regional Training Institute for last 8 years. She was appointed as warden but her duty has been assigned as Acting Junior Instructor. Above named opponents taking advantage of their authorities are harassing her and she is kept under mental torture because of pressure of opponents to obey their illegal orders. By illegal acts on 31.05.2008 they got her suspended and on 13.11.2005 after holding illegal inquiry, her status was reduced from BPS-11 to BPS-08 which was subsequently restored under the order of Federal Service Tribunal on 15.04.2010. Though complainant is serving to best of his ability and is abiding all rules and regulations of institution, in spite of that on 14.11.2014 again an illegal inquiry was initiated her. Opponent No. 4 & 5 were inquiry members of that Inquiry Committee of 14.11.2011 and they both were serving under subordination of opponent no. 2 Deputy Principal Dr. Irum Javaid, Regional Training Institute. Against this illegal inquiry she made a complaint on 17.11.2014 and 19.11.2014 before Principal of Regional Training Institute that she is being harassed, as attitude of opponent no. 1 all the time was not good. She scold her at every moment.
3. On 24.11.2014 warning letter was issued to her by opponent no. 3

which was beyond her jurisdiction as neither complainant is serving under his subordination nor he has any authority to do the same, therefore she have no right to make an inquiry from her.

4. According to complainant all this has been done against her because hostel budget granted by government is misappropriated by opponent no.1,2,3. In the same way mess money which is being deposited by trainee of institution is also misappropriated by opponent no. 1,2,3. Complainant being warden of hostel is a big hurdle for them in this misappropriation and that is why from time to time inquiry proceedings are initiated against her.
5. She tried to place her case before Secretary of Division but was not allowed to meet. According to complainant she is under mental torture because of opponents and has approached this forum for redress.
6. Defense has been filed by opponent no. 1,2,3 stating that complaint filed by complainant is false and fabricated. This forum has no jurisdiction to entertain this matter as it pertains to terms and conditions of service. Complainant approached to Federal Service Tribunal on the same allegations but subsequently it was withdrawn on 27.06.2011.
7. Complainant is a habitual litigant. Besides this complaint she has already filed 3 more suites on basis of same allegations and they are pending for adjudication before Civil Courts at Islamabad. These complaints and suits have been filed by her just to refrain opponents not to initiate departmental proceedings against her. Complainant always tried to paralyze the department by her conduct and by misusing her authority. Number of students has also filed a complaint against her which is pending before Inquiry Committee.

8. Opponent no. 4 & 5 in their reply filed on 02.01.2015 have stated that Regional Training Institute provides capacity building and refresher courses to employees of District Population Welfare Office (DPWO) which are mandatory for service delivery and promotion. 13 Family Welfare Assistants of BPS-17 were recommended for training to Regional Training Institute. Vide letter dated 11.04.2013 and 24.05.2013. vide CA&DD No. F.1-5/2013-SRO dated 24.01.2014 Mst. Samina Batool, Deputy DPWO was posted at Regional Training Institute Islamabad as Instructor, therefore she is in full knowledge of working matters of institution. On 13.11.2014 Deputy Principal of Regional Training Institute opponent No. 2 informed telephonically to Mst. Samina Batool opponent No. 5 that there are some complaints of trainees of DPWO against Mst. Romana Shabbir the complainant, and requested opponent no. 4 to visit and sort out the problem. Trainees also complain that Mst. Romana Shabbir treat them like primary students and misbehave with them. Training with Regional Training Institute is mandatory for career of FWA trainees, but continuous insulting and discriminating attitude of Mst. Romana Shabbir without any reason demoralized and degrade, skilled employees of a department.
9. It is alleged that complainant torn out written result of practical examination of trainees and trainees are forced to reappear in practical examination, and this is how complainant increased work load and stress of trainees. Mst. Romana Shabbir also threatened trainees / students for lodging cases against them in presence of senior officer that is Deputy Principal. She is in habit of entering into litigation. Inquiry was conducted on behavior of complainant and it was observed by inquiry officers that complainant be refrain from taking class till impartial inquiry is concluded against her on allegations alleged, under government servant efficiency and

disciplinary rules. Present complaint is not maintainable as it does not fall under definition of harassment as in corporate in Act of 2010.

10. Complaint is liable to be dismissed.
11. From perusal of record, it appears that issue in the matter is a struggle for supremacy over each other than to harassment. Record shows that vide appointment letter dated 21.01.2008 complainant was appointed as warden in Regional Training Institute but according to her for last 8 years she is serving as Acting Junior Instructor in institution. This assignment of job was never objected by complainant till she was suspended on 31.11.2008. Though that suspension and order for reduction in rank by institution was set aside by Federal Service Tribunal on 15.04.2010 but that suspension has opened series of litigations in between complainant and opponents. At one side, departmental inquiries are opened against her with issuance of warning letter. Whereas on other side complainant has opened series of litigations against opponents by moving application to different authorities and filing Civil suits against opponents and some of trainees of institution as well as by filing present complaint before this forum. According to opponents while serving as Acting Junior Instructor, behavior of complainant with students of senior batch of FWA was discriminatory and insulting and very irresponsible, whereas according to complainant by appointment letter dated 21.01.2008 she was appointed as warden of hostel but by misusing their authorities just to misappropriate funds granted for hostel she was posted at different place than Hostel. Charge of hostel has been given to one Mst. Samina Tahira which was challenged by complainant by filing a suit on 22.11.2011. She also moved an application to Chief Commissioner ICT, Islamabad. On 17.12.2014, 24.05.2013, 28.05.2013 and 29.05.2013 she moved applications to Principal of Regional Training Institute complaining that in spite of her

appointment as warden she is not allowed to perform her duty as Warden and one Mst. Samina Tahira is not only residing in warden premises but is also performing her duty as warden. According to complainant this all has been done in collusion with opponents just to misappropriate amount granted for hostel and amount deposited by trainees which forced her to file suit against opponent even before Court of Law.

12. From record it appears that this war is going on just after 4 months of complainant's appointment in Regional Training Institute. Both parties are trying to overpower on each other. Apparently I do not find it a case of harassment but is an act of confrontation or can be said to be act of clash of force by both of parties against each other. Issue involved in the matter that whether under policy of government or under rules of Regional Training Institute, an appointee of particular post can be called on to do some other work or not, is purely a question of determination of terms of services and job assignment which do not fall within jurisdiction of this forum. Hence complaint is hereby rejected.

YASMIN ABBASEY
Ombudsman