



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

TITLE: Ms. Sadia Malik Vs Mr. Haji Muhammad

J U D G M E N T

1. Appeal Number: 1 (484)/2018-FOS(Reg)
2. Date of Institution: 18-07-2018
3. Date of Decision: 09-01-2019
4. Appellant: Ms. Sadia Malik
Assistant Manager Internal Audit,
Multan, MEPCO
5. Respondent: Mr. Haji Muhammad, Audit Assistant,
Multan Electric and Power Company
(MEPCO) Headquarters Multan

**KASHMALA TARIQ
FEDERAL OMBUDSMAN**

This appeal has been preferred by Sadia Malik (hereinafter referred to as "Appellant"), Audit Assistant Manager Internal Audit, Multan electric and power company limited (MEPCO), against Haji Muhammad(hereinafter referred to as "Respondent No.2"); Audit Assistant, MEPCO Multan, on being aggrieved by the findings and decision of inquiry committee of Multan electric and power company limited (MEPCO).

The impugned order dated 30-05-2018 reproduced below:

“One step down in time scale for a period of one year without future effect.”

Brief facts of the case are that on 05-10-2017 complaint was moved by the Appellant against Respondent No.2, that he was sexually harassing her through different tactics. He used his links to pressurize her in different ways i.e. reporting unsatisfactory working explanations, job threats, transfer in a far-flung area etc.

In her appeal, the Appellant took the ground that Respondent No.2 was clearly guilty of sexually harassing her and on this act he was only demoted by one scale on the recommendation of inquiry committee which is not enough and needs to be enhanced.

On the other hand, Respondent No.2 have inter-alia argued that the allegations made against him are false and have been made with mala fide intention and that the Inquiry committee failed to establish the charge of unwelcome advances in form of sexual harassment. Respondent No.2 states that the whole story of harassment is fabricated and the Appellant has done all this on instigation of other people and tried to defame his position in front of his family as well as higher officers. While statement had already been made on the issue and lodging complaint again is unethical & illegal. The inquiry committee did not provide ample opportunity to Respondent No.2 to defend himself. Respondent No.2 time and again requested the inquiry committee to provide an opportunity to cross examine

the complainant and her witnesses. The reason behind arising of this issue was the audit notes of Rs.2.8 million. Respondent No.2 claimed that he is innocent in this case and requested to exonerate him from the charges and to dismiss this appeal.

According to Respondent No.2, Mazhar Hussain hereinafter referred to as Respondent No.1 stated that he has nothing to do with the complaint of harassment because initially this complaint was against Respondent No.2 and 4 months ago his name was also included in this complaint. He stated that the crux of the matter is the audit notes of Rs. 3 million which were left unreported by the Appellant. Furthermore, he contested that he is innocent in this case and that this complaint is totally frivolous thus should be dismissed. It was further contended by Respondent No.2 that no opportunity of cross examination was provided to him in spite of request made by him.

The Appellant submitted her reply to this statement of allegation and charge sheet which was framed by the inquiry committee.

From perusal of the record and hearing the arguments of the parties , this forum is of the opinion that in connection with section 2 (h) of Protection Against Harassment of Woman at Workplace Act 2010

“Harassment means any unwelcome sexual advance, request for sexual favors or others verbal or written communication, physical conduct of a sexual nature, or sexually demeaning attitudes, causing interference with work performance or creating an intimidating, hostile or offensive work environment, or to attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment”.

The available record does not show any evidence of sexual harassment on part of Respondent No.2 and Respondent No.1. After examining the inquiry report and material evidence on record, it appears that the Appellant at very first stage in her statement filed before Inquiry Committee admitted that Respondent No.2 had reconciliation with her and “Mafi Nama” was written in the presence of Mazhar

Iqbal Mehmood Islam and others including audit officers. Moreover, after the evaluation of the available record it can be stated with full confidence that the Appellant was not called for cross examination on request of Respondent No.2 and no reason thereof was provided in the inquiry committee's report.

In view of the above discussion, in the instant appeal, finding and recommendations of the inquiry committee were relied upon. This office possesses a lawful jurisdiction to confirm, vary, modify or set aside the decision under the Act of 2010 on the basis of available record and reach its own conclusion. This Forum fully agrees with the findings of inquiry committee's report given on 30-05-2018 and uphold the same. Therefore the appeal of the Appellant is hereby dismissed.

KASHMALA TARIQ
Federal Ombudsman