



FEDERAL OMBUDSMAN
For Protection against Harassment of Women at Workplace
Islamabad

J U D G M E N T

1. Appeal Number: 1(265) /2016-FOS (Reg)
2. Date of Institution: 10.05.2016
3. Date of Decision: 11.07.2016
4. Appellant: Mst. Saima Irum
Assistant Executive Director
(Finance),
Oil and Gas Regulatory Authority
(OGRA), Islamabad.
5. Respondents:
 - i. Moazzam Hussain
ED (comp),
OGRA, Islamabad.
 - ii. Zain-ul-Abdeen Qureshi
ED (CNG), Chairman Inquiry
Committee,
OGRA, Islamabad.
 - iii. Atif Sajjad
JED (Finance), Member Inquiry
Committee,
OGRA, Islamabad.
 - iv. Mst. Tayyaba Ahsan,
DED (Finance), Member Inquiry
Committee, OGRA,
Islamabad.

Justice (R) Yasmin Abbasey,

Ombudsman:

Appeal No. 1(265)/ 2016-FOS.

1. This appeal has been preferred by appellant Mst. Saima Irum Assistant Executive Director (Finance) OGRA Islamabad against decision of inquiry committee dated 28-03-2016.
2. It is stated by complainant that in spite of moving application to authority of institution to reconstitute committee, no weightage was given to her application. Inquiry committee has not considered facts and written record of appellant which was elaborated by her during hearing before inquiry committee. According to appellant respondent was forcing appellant to be part of HR committee and to work with him. Respondent's act of changing Performance Evaluation Report, and not allowing leave for fifteen (15) days with threat that till all assignments are not completed she will not be granted leave are acts of harassment. All these facts were reported to Chairman and member (Gas) by appellant but no attention was paid to them by inquiry committee. Act of torturing of respondent was also not considered by inquiry committee. Inquiry committee has also not recorded statement of witnesses named by appellant. Respondent also used to send vulgar messages and vulgar videos on YAK i.e. official internal mail / message system. This message was shared by appellant with one of her friend / colleague Mst. Kanwal. It is stated by appellant that incidents happened with her were not explained at full length before committee as her reputation was at stake and was apprehended that everything she will say before committee would not remain confidential or will not be listened. Inquiry committee has ignored all grievance of appellant just to save accused for their personal and official interest.
3. Heard arguments, my findings are as under:-

After going through record what has been gathered is that appellant because of transfer from one post to another and her leave grant of 15 days with condition of completion of all assignments was disturbed and had taken it as an act of harassment on the part of respondent Moazzam Hussain. According to appellant respondent is trying to damage her reputation by transferring her from

one department to another as undesirable employee in the institution. It is further alleged that her transfer from HR department to Registrar office was because of respondent and she is of the affirm opinion that respondent is behind this transfer. While case of respondent is that he has no direct interaction with appellant, her controlling officer during the period from 2008 to 2010 was Joint Executive Director and all official matters / HR related matters like leave etc. were forwarded to him through her immediate controlling office. He further pointed out that if he had any intention against appellant than why he had countersigned ACRs of appellant during period from 2008 to 2009 and 2009 to 2010 as very good / good as countersigning officer. Even otherwise it is pointed out by learned representative for respondent that by virtue of chapter 6 rule 27 of Oil and Gas Service Regulation 2005 and OGRA ordinance 2002 respondent himself has no role in posting and transfer of any employee of OGRA. Rule 27 of OGRA ordinance 2005 says that Chairman and 3 additional members one from gas, second from oil and third one from finance will be considered as authority of OGRA for purpose of transfer and posting of any employee.

4. To support his argument office orders dated 23-06-2007, 08-10-2010, 29-03-2012, 23-07-2013, 22-08-2013, 15-09-2015 have been placed on record. All these officer orders were made by competent authority and none of transfer order / office order was issued under his signature nor he has any role in posting and transfer of any employee of OGRA. When on 29-03-2012 appellant was transferred from operation department to complaint department she made request that in operation department her senior gave opportunity to learn, develop her carrier in operation / LPG department. However respondent made negative note to her request and reported that "officer did not report to place of duty and still working against post of AED (LPG technical) in LPG department which is technical post for which she does not possess required qualification and experience and no post of AED (non-technical) exist in LPG department therefore officer is hereby surrender and may be directed to immediately report to place of duty / posting in AED (non-technical) in concerned complaint department". This note of respondent was taken as an act of harassment by appellant. But it cannot be ignored that this note when place before DED / HR he conceded to proposal of respondent which was finally endorsed by chairman on 12-09-2012.

5. Further if the intention of respondent as expressed by appellant from the very beginning would have been malice then on request of appellant on 08-09-2009 for grant of professional allowance (as page 113 of additional documents) he would not have favoured her.
6. So far as issue of leave grant is concerned it has been brought on record by respondent that appellant is in habit of availing leave without permission and after availing she applied for ex-post-facto casual leave which were granted by competent authority but with displeasure note that "Practice of availing leave without permission is highly undesirable. Leave application is submitted after a week which reflects a casual behavior on part of officer. She is warned to be careful in future." This note of respondent was endorsed by next senior officer on 16-06-2010 at Page-42 of file. Another document of 30-08-2010 at Page 43 shows that she was absent from duty on 26-08-2010 and 30-08-2010 although leave was allowed but with warning to officer to avoid this practice any further. If this irregular conduct of appellant in performing her duties is noted by respondent it cannot be termed as harassment because respondent has produced number of circulars from page 100- 104 on additional file in reply to appellant which shows that OGRA authorities from time to time were issuing different circulars / warning to employees to be punctual and directing them to avail leave with permission.
7. Orders dated 08-05-2009, 12-10-2007, 17-12-2007, 23-05-2008, 16-04-2008, 08-10-2008, 19-02-2009 and 04-05-2016, on additional documents file, placed on record show that whoever had violated rules and regulations of OGRA and was not punctual in his / her duties was not only warned but action was also taken against them, therefore plea of appellant that she only was singled out by respondent does not find any support from record. Even otherwise any administrative action by officer concerned in relation to office working cannot be termed as an act of harassment. In this particular case also I do not find any direct involvement of respondent with appellant. All official orders were issued by competent authorities or by officers other than respondent therefore on just assumption that respondent was behind all these acts has no force therein.

8. It is further contended by appellant that even in inquiry committee proceeding she was not allowed to produce her witnesses also does not find support from record because appellant had named certain persons as her witnesses but it is also an admitted position that on 10-03-2016 appellant has submitted an application before inquiry committee of OGRA that "she has named witnesses in support of her allegations but as judgment passed by Federal Ombudsman for Protection against Harassment of Women at Workplace in Mst. Khalida Gulnar case supports her instance therefore she do not feel to nominate any witness to support her complaint in this regard. Furthermore it was brought into notice of committee that it is not required to cross examine Mr. Hamdani by appellant with further note that "Committee is once again requested to go through above said provided judgment my detail complaint, supporting documents and explanation to same given by undersigned during hearing before taking any action please."
9. And it is thereafter, committee has given its recommendation. To say that no opportunity of hearing was provided to her and her witnesses was forced by respondent not to appear before inquiry committee, in presence of this documents does not have any weight therein.
10. Beside allegations of transferring from one post to another or non-grant of leave which relates to office administration, no specific act of harassment on part of respondent has been placed by appellant. Mere statement that he used to send vulgar messages and vides without any substantial evidence cannot be considered. Sound and sufficient evidence is required to prove allegations. On assumptions no opinion can be formed against any person.
11. In view of above appeal is hereby dismissed having no merit.
12. Announced in open court.
13. Parties be informed accordingly.

JUSTICE (R) YASMIN ABBASEY
Federal Ombudsman