



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

TITLE: Salma Bibi Vs Saddar-ul-Islam

ORDER

1. Complaint Number: FOH-HQR/0000556/18
2. Date of Institution: 19-11-2018
3. Date of Order: . 25-02-2019
4. Complainant: Ms. Salma Bibi
Primary School Teacher
Government High School No.1
Fateh Jang, Attock
5. Opponent: Mr. Saddar-ul-Islam
Senior School Teacher
Government High School
Fateh Jang, Attock

**Kashmala Tariq
Federal Ombudsman**

TITLE: Ms. Salma Bibi Vs Saddar-ul-Islam

Through this order, this forum has decided the instant complaint filed by Ms. Salma Bibi (hereinafter referred to as Complainant), Primary School Teacher (PST), Government High School No.1, Fateh Jang, Attock against Mr. Saddar ul Islam (hereinafter referred to as Accused), Senior School Teacher (SST), Government High School, Fateh Jang, Attock under **Section 8 of the Protection Against Harassment of Women at the Workplace, 2010** (hereinafter referred to as The Act of 2010).

Briefly, the facts giving rise to the instant complaint are to the effect that the Complainant was working as a PST in Govt High School No.1, Fateh Jang, Attock. According to the Complainant, the Head Master of this school i.e. Ajmal Baig gave free hand to Accused regarding school management and made Accused second in command or more specifically made Accused second in charge of the school without any written order what so ever. Accused taking advantage of this leniency used to tease and harass the Complainant continuously. The Accused raised a lot of objections on the Complainant's maternity leave which cannot be refused in ordinary course of circumstances. The Complainant alleged that Accused told her to bring an alternate teacher or pay him for a visiting teacher during her leave and he communicated the same message to the Complainant's relatives through a telephone call. Refusal to comply with the above resulted in delay of the maternity leave of the Complainant which later on was approved by DEO (SE). Moreover, the Complainant stated that Accused with the authorization of Ajmal Baig used to lock the bathroom and handed over the keys to female teachers namely Rabiya Safdar and Farzana so that the Complainant should be able to answer the call of nature. Due to which the Complainant had to go to the neighborhood for usage of washroom. The Complainant alleged that Accused threatened her of dire consequences and warned that he would write reports against the Complainant for her termination from service. The Complainant further contended that Accused is although not authorized to write anything in the order book yet he used to write unpleasant remarks against the Complainant in order book in the presence of Ajmal Baig and used to make insolent

remarks in front of the students and other teaching staff. According to the Complainant the situation arose when a parent came to inquire about the progress of a child and Accused tried to instigate the parent against the Complainant. The Accused made all the efforts to convince the parent to lodge a complaint against the Complainant but when the parent denied to do so, the Accused decided to take the revenge from the Complainant by bothering her through different means.

Furthermore, the Complainant stated that Ajmal Baig and Accused complained to Complainant's husband regarding her refusal to comply with their unreasonable demands because of which her marital life got affected. When the Complainant lodged a complaint before higher authorities against Accused, Ajmal Baig and Accused called teachers meeting and convinced them to write against the Complainant.

Upon the Complainant's complaint an Inquiry Committee was constituted consisting of Mohammad Maskeen, Head Master, Govt High School No.2, Fateh Jang and Mrs. Rashida Sarwar, Head Mistress, Govt Girls High School No.3, Fateh Jang. The Complainant alleged that the Inquiry Committee did not follow the correct procedure as the Inquiry Committee did not consider the evidence admitted by the Complainant and also the statements of the Complainant's witnesses were not recorded. The Inquiry Committee recommended that the Complainant is mentally disturbed and should be treated kindly. Moreover, the Committee stated that Accused was not authorized to write anything in the order book but he did thus he acted ultra vires. The Complainant simply rejected the recommendations of Inquiry Committee and claimed that the recommendations of the Inquiry Committee were based on biased and one sided statements. Moreover, the Complainant stated that she is afraid and mentally disturbed by the acts of Accused as he habitually visits the ladies block with an intention to disturb her and he did. Lastly, the Complainant asked for a safety from Saddar-ul-Islam's satanic acts.

Proper summons were issued to the Accused for submission of reply which was submitted and to the witnesses. The Report of the Inquiry Committee was also submitted. Arguments from both the parties were heard and record was perused.

The Accused has denied all the allegations leveled against him. The Accused stated that the Complainant launched this fabricated complaint as a result of personal grievance. The

Complainant wanted to take out personal vengeance because of the caution given to her by Accused regarding her conduct in class and with students due to which several complaints were lodged by the parents of students. The Accused also contended that the Complainant is mentally disturbed and is completely influenced by her sister namely Amina Bibi who convinced the Complainant to file this complaint.

After deep and close analysis of the facts and available record on file, this forum is under a duty to examine whether there has been any act of harassment as defined in **Section 2(h)** of the Act, 2010 reproduced below ;

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

In light of the above mentioned definition and available record on file, the conclusion which this forum has reached is that the case in hand does not fulfill the requirements of harassment definition. The whole case is that of misconduct, misbehavior and administrative in nature. The findings of this court are that the Complainant Ms. Salma Bibi should seek her relief from proper forum. There is no substance in the case which falls under harassment of women at workplace on which the entire Act, 2010 rests. The Complainant has no cause of action according to the Act, 2010.

In light of the above discussion, there is no sexual harassment at all, thus the complaint of the Complainant stands dismissed with the direction that the Complainant may approach the Competent forum.

KASHMALA TARIQ
Federal Ombudsman