



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

**J U D G M E N T**

1. Complaint Number: 1(74)/2013-FOS
2. Date of Institution: 02-09-2013
3. Date of Decision: 25-04-2014
4. Complainant: Salma Saman  
OG-I, NBP  
Compliance wing, Quetta
5. Opponent:
  - i. Kaleem Ullah Sheikh
  - ii. Abdul Majeed Umrani
  - iii. Muhammad Wazir

NBP, Quetta

**Justice (R) Yasmin Abbasey,**

**Ombudsman:**

1. This complaint has been filed by the complainant against three opponents namely Kaleem Ullah Sheikh, Senior Vice President/ Regional Head, Abdul Majeed Umrani, GM/HR and Wazir Muhammad, VP / Incharg SAM, of National Bank of Pakistan (NBP) Nat alleging that all of these three have created an atmosphere of harassment in office to fulfill their nefarious wishes and dreams compelling female staff either to go before them or face hardships in performance of their official duties. In case of non cooperation with them they have also to face frequent transfers.
2. In her complaint, complainant has referred two complaints moved against opponents by Mst. Farheen Shah and Kaleem Bukhsh Umrani, but as both of them neither have approach to this forum nor have been produced as witness in the matter therefore their applications are immaterial for the purpose of disposal of this complaint, however, according to complainant all the three opponents constantly put her under pressure and when they found no way to gain their object of illegal demands all of them joined hands together and started

malicious campaign against the complainant and thus had also violated rules of Bank.

3. According to complainant she first moved an application on 10-01-2013 against the opponents to SVP, IDW-NBP headquarter Karachi but when no action was taken thereon she approached to President of NBP vide her application dated 13-03-2013. Copy of that complaint was also forwarded to President and Prime Minister of Pakistan as well as Chief Justice Supreme Court of Pakistan. Thereafter on the directives of President and Prime Minister Secretariat IP and NBP conducted inquiries. Ehsan Tabasum SVP was appointed as inquiry officer. After the appointment of inquiry officer complainant placed her reservations to the higher authorities that inquiry could not be impartial and fair until and unless opponent remained posted on their position. Whereupon Group Chief HRM Zaheer Baig assured for fair and impartial inquiry, but it is very unfortunate that instead of inquiry officer GM /HR Abdul Majeed Umrani, the opponent had sent her a letter informing about the date of inquiry and venue of inquiry proceeding just to show the influence on the inquiry officer. Despite that complainant participated in proceeding and produced all oral and verbal documentary evidence before him.

4. It is stated by complainant that instead of conducting impartial inquiry the inquiry officer was seems to be part of the opponent and forced her to come in late hours in the bank and compromise with the executives and withdraw the application or face the consequences.
5. It is stated by complainant that as per NBP policy any employ of it cannot be transferred to other station before completing three years as per direction of Govt. of Pakistan and Supreme Court of Pakistan but she was frequently transferred from one place to another between the period from 09-5-2009 till filling of this complaint on 02-9-2013.
6. Due to the best performance her efforts were acknowledge in monthly magazine Newlines for the month of May/June 2012. That appreciation did not please the opponent Abdul Majeed Umrani and he issued a memorandum on 29-11-2012 just to humiliate her, and her gender in it was shown as male.
7. It is further alleged that on the Christmas event her two days leave application for 26-27 December 2012 was disposed of with the remark by opponent Kaleem Ullah and Abdul Majeed Umrani that the language used in application of leave is not appropriate and is against the

official decorum. This tantamount to indiscipline and misconduct, and then she was called upon that why disciplinary action should not initiate against her for misconduct and indiscipline.

8. High-lighting the procedure of taking and handover charge by Manager in any bank it is stated that said rules were not followed in her case and no relieving order was issued in her favour therefore transfer was also insulting and instead of Manager she was posted as Operational Manager in MA Jinnah Road Branch.
9. It is further alleged that because of illegal interference of opponents she was deprived to draw her salary for the month of January 2013 in time on 30-01-2013 but she got it, on 07-02-2013. Even at the eve of Easter she got her salary after Easter on 02-04-2013. As on next month of salary was not paid through account as per normal practice of NBP but payment order was issued on 29-4-2013. According to her, constant pressure, injustice treatment, victimization and gossips against her lead her to be patient of sugar. She was mentally and physically collapsed. She got her checked at CMH Quetta and doctor Advised her one week rest due to rise of blood sugar she remained admitted in CMH hospital. When she sought permission for hospitalization from regional head

and GM /HR on 15-01-2013 both the opponent Kaleem Ullah Sheikh and Abdul Majeed Umrani had not taken any action. However on the intervention of Mr. Arif Raza Abidi, SVP at head office Karachi permission was accorded to her. At the time of discharge I was advised to take three week sick leave but on the verbal instruction of opponent Kaleem Ullah Sheikh, Muhammad Wazir, Officiating regional head even did not received her leave application, nor issued any leave memo.

10. It is alleged that even at the time when her son was sick and was in bad condition she rushed to Karachi for his treatment at OMI Hospital where he remain admitted from 31-01-2013 till 05-02-2013. His permission for hospitalization was deliberately delayed and the office note was put up on 05-3-2013 which show the hindrance created by the opponent's in the official work of complainant.
11. Due to malicious activities of opponent against her vide letter dated 20-5-2013 complainant requested, to Group Chief HR and Administration group of NBP to nominate some other senior executive instead of opponent to write her APA for 2012. But there again opponent Kaleem Ullah Sheikh and Abdul Majeed Umrani intervene and within three days of moving her application to Group

Chief HR and Admin by letter dated 23-5-2013 asked the complainant to submit her APA. And by another letter on the same day complainant rating was placed in “unsatisfactory” category of performance rating.

12. This whole story was brought in knowledge of incharge grievance cell HR group NBP head office Karachi through her letter dated 26-6-2013 but no action was taken thereon. In view of above present complaint has been filed.
13. Opponent Kaleem Ullah Sheikh in his reply has stated that the same subject matter as placed by the complainant before this forum was already investigated by Sr. Executive officer SVP and it was observed that the allegation leveled by complainant have not been proved against the executive concerned. Since no substantive evidence was produced before the investigating officer and finally she was warned to desist in her own interest from leveling false allegations against the senior / other employees in future. Almost the same defence has taken by the opponent Abdul Majeed Umrani, with addition that the case of complainant is just a service matter.
14. Opponent Muhammad Wazir in his defence has stated that her earlier complaint moved to NBP authorities as

stated above was already dismissed for want of evidence. Contents of complaint does not show any kind of harassment as defined in protection against harassment of women at workplace Act IV 2010. The documents on which complainant has relied are official correspondence and does not prove any kind of harassment against her. The motive to file this complaint is to pressurize the management not to transfer her or if she is transferred she may be transferred as per her wishes. This opponent was not very much concerned to the complainant official affairs nor was competent authority to deal any official matter relating to complainant. Complainant request for leave was sanctioned by the opponent as per rules of NBP which is evident from record. No act of harassment was committed against the complainant at workplace and the complaint is liable to be dismissed.

15. Heard learned counsels for parties and perused the record my findings are as under:

It is pleaded on behalf of the complainant that to fulfill the illegal demands opponents Kaleem ullah Sheikh, Abudul Majeed Umrani, and Wazir Muhammad constantly were putting pressure on her and she has been victimize by them in her work performance in NBP. According to her



malicious campaign started by three opponent was first brought by her to SVP, IDW – NBP, Headquarter Karachi through complaint dated 01-10-2013 but no attention was given to it therefore she moved another complaint before President of NBP copy of which was also endorsed to President and Prime Minister of Pakistan and Chief Justice Supreme Court Pakistan.

16. It is argued by learned counsel for complainant that inspite of her best performance as revealed from appraisal report of 2011, showing her in category 'A', in the next year appraisal report her performance has been shown as unsatisfactory by both the opponent Abdul Majeed Umrani, AM/HR and Kaleem Ullah Sheikh, Regional Head. It is argued by learned counsel that this appraisal report of 2012 was biased attitude of opponents because of the complaints moved by the complainant against them.
17. In contrary it is argued by learned counsel for opponent that if in one year appraisal report is given satisfactory and good it should not be assumed the same will be repeated in the next year. Appraisal report is dependent on the work performance and as during the period from January 2013 to March 2013 she was sick and that's why she could not pay attention to her work which reflected in

her appraisal report of 2012.

18. These arguments of the learned counsel for the opponents does not find support from the record because on 07-03-2012 an appreciation letter was issued by Regional Compliance officer from compliance wing of NBP wherein he has appreciated the performance of complainant as Manager NBP, Regional Office, Adalat Road Branch Quetta in comparison to other branches of the same. Further in a letter of 23-5-2013 opponent Abdul Majeed Umrani had asked complainant to send APA duly filed for reporting and on the very day without waiting for compliance of his letter unsatisfactory report was communicated to her which apparently is a malafide action.
19. Beside that it is found that inspite of moving complaints by the complainant on 10-01-2013, 13-3-2013 and finally on 02-03-2013 against opponents the authorities of NBP had deputed same opponents i.e. Kaleem Ullah Sheikh and Abdul Majeed Umrani to give appraisal report of complainant of 2012. It is a principle of natural justice that if an allegation has been leveled by a party against the others, alleged officers should be kept at the distance to the complainant to avoid any chance of biasness.
20. Sub-clause X of clause 'C' tilted as "Retaliation" in the Code of Conduct for Protection against Harassment of Women at Workplace Act 2010 specifically says that in

event of filing any complaint it is the duty of the employer to do its best, to make temporarily adjustments so that the accused and the complainant do not have to interact for official purpose during the investigation period. This would include taking away any extra charge over and above their contract which may give one party access powers over the other job condition.

21. In spite of this specific provision which probably the management of NBP had not noticed the appraisal report of complainant for the year 2012 was given to the opponents Kaleem Ullah Sheikh and Abdul Majeed Umrani during pendency of investigation on the complaints moved by the complainant which is evident from dates of complaints mentioned above and the inquiry reports submitted on 25-6-2013 and 10-6-2013. This very conduct of the management of NBP was against the law. Apart from it the inquiry report as placed on record show that the inquiry was conducted by a single person namely Muhammad Ehsan Tabasum. That too is in violation of Section 3 of Protection against Harassment of Women at Workplace Act 2010 which provides that each organization shall constitute an inquiry committee consisting of three members of whom at least one member shall be a woman. It further provides that

the three members should be senior member from management, senior representative of employee or senior employee where there is no CBA. One or more member can be CO-opted from outside the organization if the organization is unable to designate members from within as prescribed above.

22. The contents of inquiry committee and investigation conducted by the inquiry officer further reveals that no proper opportunity to cross examine the witness recorded by him was given to either party. In view of above this inquiry report on the basis of which letter dated 25-6-2013 was issued was not in accordance to the law and cannot be taken into consideration.
23. Complainant next grievance is that she has been unnecessary put under pressure and victimize best known to the opponents by making her frequent transfer in violation of the rules of NBP and the direction and observation made by Supreme Court of Pakistan whereby no employee can be transferred before three years except from compelling reason. To support her case learned counsel has referred the transferred orders made on 20-9-2012, 14-12-2012, 07-01-2013 and 07-02-2013.

24. In reply it is contended by learned counsel for opponents that although these transfers were made but these transfers had not caused any disturbance to the complainant because all the branches work within the area of Quetta. He further argued that the transfer order of 14-12-2013 was issued because Mst. Syed Tallat Saeed, Assistant Vice President (AVP) was transferred from Business Regional Office Quetta and she was a senior member to the complainant therefore she had to vacate the position. But these arguments do not appeal to reason as the office order issued on 14-12-2013 is silent in this regard. Further whether Management of NBP was not in known of the fact, as argued by learned counsel for opponents, that it was a pre-decision of NBP to adjust Mr. Syed Tallat Saeed A.V.P on the part of Staff College Quetta, as that complaint may not be disturbed again and again. The perusal of transfer orders clearly shows that without any justification within a very short span of time she was transferred from one place to another which even if may be within the area but somehow disturb the employee which ultimately affects on work performance.
25. The third allegation about the issuance of salary in late hours was also in violation of the rules of NBP but it

seems from the record that notice of it has been taken by the NBP authorities but whether any action has been taken in that regard is not available on the record. Humiliation created against the complainant also reveals from the memorandum issued on 31-12-2012 wherein it has been observed that “the language used in her leave application in dated 26-12-12 it is not only inappropriate but against the official decorum. This is tantamount to indiscipline and misconduct”. With this observation she was called to explain the reason that why disciplinary action should not be taken against her for this act of indiscipline. Application dated 26-12-2012 has also placed by the complainant on record. It is one line application stating that:

“It is submitted that due to eve of Christmas (birth of Jesus Christ”) I am unable to attend my duties for two days w.e.f 26-12-12 and onward”.

26. Apparently the language does not seems to be inappropriate but supports the case of complainant that opponent Abdul Majeed Umrani, Kaleem Ullah Sheikh and Wazir Muhammad had joined hand together to cause damage to the complainant’s service in one ways or the other and this too was done when the investigation against the opponents was started and management had

not taken any measures to change the position of the opponents so that they could not over power on the complainant during investigation. The mobile message record filed by the complainant and the letter issued by Khadim, RCO, NBP regional office Quetta 03-5-2013 and the statement made by Ali Ahmed, VP/GM Credit made on dated 03-5-2013 supports the case of complainant that opponent Wazir Muhammad was also a party and in collusion with the rest two opponents was creating an intimidating hostile and offensive work environment for the complainant.

27. In view of above complaint of complainant is allowed and a minor penalty of withholding the increment of all the three opponents for a period of one year is imposed under Sub-clause 4 (1) (b) of Section 4 with a penalty of Rs.50,000/- (Fifty Thousand Only) each which is payable to the complainant under section 4 sub-clause 4 (I) (d) of Protection against Harassment of Women at Workplace Act 2010. Management of the NBP is directed to implement the entire recommendations of this office of Federal Ombudsman and report to this office within a period of 15-days from the receipt of this order. Management of NBP is further directed to constitute Enquiry Committee in their office as required under the

Act and display Code of Conduct provided in the Act of 2010 for guidance of employers and employees of NBP.

**YASMIN ABBASEY**  
**Ombudsman**