



FEDERAL OMBUDSMAN
For Protection against Harassment of Women at Workplace
Islamabad

J U D G M E N T

1. Complaint Number: 1(246) / 2016-FOS (Reg)
2. Date of Institution: 04.03.2016
3. Date of Decision: 02.05.2016
4. Complainant: Sarwat Bilal
D/o Bilal Ahmed
Associate Professor
MS Department,
Bahria University
Islamabad Campus
Islamabad
5. Opponents:
 - i. Dr. Nadia Tahir
Head, Management Sciences
Department, Bahria University
Islamabad Campus
Islamabad
 - ii. Mr. Syed Hasan Mustafa
Director, Islamabad Campus
Bahria University
Islamabad Campus
Islamabad

Justice (R) Yasmin Abbasey,

Ombudsman:

Complaint No. 1(246)/ 2016-FOS.

1. Complainant an Associate Professor in MS department of Bahria University has filed this complaint against her head in MS department Dr. Nadia Tahir and Syed Hassan Mustafa Director of Bahria University (B.U) Islamabad Campus.
2. It is alleged that on 14.01.2016 around 6:00 pm she was called by opponent No. 1 in her office for discussion on complainant's performance evaluation. During that meeting in presence of a male colleague opponent No. 1 persuaded her to have socialization with male colleague. She further pointed out towards male colleague present in room stating that she will come to complainant's office daily for a cup of tea so that complainant can learn how to socialize with male colleague, he will also teach complainant how to socialize and to make relations. It is further alleged that while saying so she also threatened complainant that if she will not comply her directions she would change her evaluation and make her survival difficult at B.U. Complainant immediately reported this event to Deen of MS department Dr. Farooq-e-Azam through mail as well as telephonic message. On refusal of complainant to comply with directions of opponent No. 1 and also making complaint a hostile environment was created against her. Instead of probing into the act of harassment alleged by complainant an inquiry was initiated against complainant by opponent No. 2 without any written order and notice. In spite of fact that said act of initiating inquiry against complainant was illegal complainant cooperated during said inquiry conducted by Dr. Najam and Mst. Uzma Masroor.
3. Complainant has further tried to explain act of victimization stating that from 16.02.2016 to 18.02.2016 there was a conference of HEC. For seeking leave to attend that conference complainant has taken advance

make up classes for 16.02.2016 on 11.02.2016 and 15.02.2016. Complainant was informed about grant of those leave, but during conference she received a call from opponent No. 2 in evening of 16.02.2016 that her leave application from 16.02.2016 to 18.02.2016 has not been approved therefore she is not allowed to attend conference and should return on duty.

4. According to complainant this act of opponent No. 2 was in collusion with opponent No. 1. These repeated acts of harassment had traumatized complainant very badly. For that she needed psycho social counsel or medical treatment for which she applied through her mother on 17.02.2016 but that too was refused and intimation was sent to complainant in the evening of 18.02.2016 through email. Matter was reported to Rector's office on phone, but he after hearing her case advised to meet Director General. Director General refused to meet complainant and informed her to appear before inquiry committee.
5. On 22.02.2016 show cause notice was issued to complainant for alleged indecent conversation with opponent No. 1 on 15.01.2016 which is said to had happened in corridor near opponent No. 2 office. There complainant voiced her concern that how opponent No. 1 can ask her for doing immoral act. Plan to pressurize complainant for using immoral coercive tactics by opponents started when opponent No. 1 joined as Head of MS department in Fall 2014 Semester. At that time complainant was working as cluster head of two clusters. During the very first cluster meeting opponent No. 1 used abusive language in presence of other two course coordinators Mr. Atif and Ms. Seema. Due to attitude of opponent No. 1 complainant left charge of cluster but opponent No. 2 requested to carry on cluster job. During her whole tenure of service with Bahria University she was top scorer and performed her duty honestly. It is prayed that action be taken against opponents.

6. Opponent No. 1 in her defense has denied almost all allegations of harassment. It is stated that as complainant was given lesser marks by her in complainant evaluation report due to lack of research and participation in departmental activities, therefore in counter she has used indecent and abusive language calling Bahria University as brothel house and its employees as prostitutes. Complainant had uttered these words in presence of students and other faculty members and staff of University, whereon inquiry was conducted by administrative authorities of Bahria University against complainant. It is denied that during discussion on annual evaluation report she made any adverse remarks against complainant however she was informed to increase her academic research and more participation in departmental activities. Complainant remained absent without approved leave from 16.02.2016 to 18.02.2016 and then from 23.02.2016 to this date. No act of harassment was ever committed by opponent No. 1.
7. Opponent No. 2 in his defense has taken almost same defense as has been stated by opponent No. 1 with denial of any act of harassment on his part. Complaint is liable to be dismissed as not maintainable.
8. After going through record and hearing parties I am of the view that Bahria University Administrative authorities have badly mishandled the case in hand. It is an admitted position that on 14.01.2016 a meeting was held in between complainant and opponent No. 1 with reference to ACR of complainant. In that meeting one another employee of Bahria University namely Muzamil Subhan was also present and during that meeting it is alleged by complainant that some indecent advices were spoken by opponent No. 1 to her to socialize with male colleagues. Feeling displeasure with those advices of opponent No. 1 and conversation that took place in between opponent No. 1 and Muzamil Subhan she instantly reported matter on 14.01.2016 to Dean Bahria University. Matter was again reported to Dean on 15.01.2016. Record further shows that beside

these two complaints complainant was reportedly raising her voice against said alleged illegal advices to her, through her complaints dated 19.02.2016 produced as exhibit C/5 and 22.02.2016 produced as exhibit C/6, but no action was ever taken thereon by Bahria administrative authorities. On contrary full focus was on the exchange of hot words taken place on 15.01.2016 in between complainant and opponent No. 1 in front of office of Director Bahria University. In such circumstances recommendation of inquiry committee, to take proper administration action against complainant for belittling her HOD publicly, is not in accordance to the principle of natural justice. Even if it was taken by Bahria University administration that allegations leveled by complainant against opponent No. 1 are false and baseless, even than matter should had been investigated properly on complaints of complainant because allegation leveled by complainant are of very serious nature and their ignorance by administration of Bahria University amounts to develop unpleasant situation which will definitely affect educational atmosphere of University.

9. Therefore matter is referred back to administration of Bahria University to hold proper inquiry on complaints moved by complainant on 14.01.2016, 15.01.2016, 19.02.2016 and 22.02.2016 in accordance with Section 4 of Protection against Harassment of Women at Workplace Act 2010 and complete the same within period of 15 days from receipt of this order and report to this office.
10. Till conclusion of inquiry and report to this office no adverse action will be taken against complainant.
11. Parties be informed accordingly.
12. Announced in open court.

JUSTICE (R) YASMIN ABBASEY
Federal Ombudsman

