



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

J U D G M E N T

1. Complaint Number: 1(310) / 2016-FOS (Reg)
2. Date of Institution: 29-12-2016
3. Date of Decision: 07-04-2017
4. Complainant: Mst. Sehar Fatima
Assistant Registrar Cooperative
Societies Phalia
Mandi Bahudin
5. Opponents:
 - i. Mudassar
Sub Inspector Cooperatives
Sub Circle Raikey
 - ii. Zeeshan
Junior Clerk Cooperatives
Phalia
 - iii. Rehan Maseeh
Inspector Cooperatives
Phalia

Justice (R) Yasmin Abbasey,

Federal Ombudsman:

Complaint No. 1(310)/ 2016-FOS.

1. According to complainant she took charge as Assistant Registrar Cooperative in Cooperative Society Phaliann Mandi Bahauddin on 09-07-2016. From very first day of her posting opponents Muddasir Sub Inspector Cooperative sub circle Raikey, Zeeshan Junior Clerk Phalian and Rehan Mashi Inspector Cooperative Phalian were not cooperative to complainant because after her posting on issuance of some administrative orders in the office to maintain decorum opponents annoyed as thereafter they cannot do their illegal and fraud practices in sub circle Raikey and other circles of Tehsil Phalian such as taking of monthly charges from staff members for their absence from duty. After orders of complainant staff members stop paying that monthly payment to Mudassar Ahmad. In the same way other administrative orders were issued by her to make office practical with effective work performance which also did not please to opponents and they started misbehaving with complainant and threatened her for dire consequences in case of her lone movement. Complainant complained illegal activities of opponents and harassment threats given by them to her Former District Officer. Opponent without informing and seeking permission from her had shifted whole office so that she could not perform her daily duties. Opponents also used to create problems in her service by raising issue of rent of office premises, which was paid by complainant from her own pocket. This fact of statement of rent from her own pocket by complainant was placed by her before Secretary Cooperative and Registrar Cooperative telephonically. Secretary Cooperative directed JR Cooperative to look in to the matter. When opponents could not shake complainant's determination to work they started threatening her by moving false applications of corruption against her in anti-corruption department. Complainant also brought these facts in notice of DO Mr. Afzal Bhawana and requested for transfer of

opponents, but opponents were not transferred.

2. Society member Aslam submitted an application against Mudassar Ahmad on investigation opponent Mudassar Ahmad was found guilty. Report was submitted by her to DO Cooperative and Registrar Cooperative. On report of complainant opponent Mudassar in retaliation had started moving application against her and has also approached to society member Aslam to withdraw his application, otherwise he will be punished. With the help of Afzal Bhawana opponent Mudassar got additional charge of Inspector Parhyanwalai w.e.f back dates. When complainant left office on 30-09-2016 he was working as sub inspector of sub circle Raikey. Apprehending some future harm complainant took leave from Cooperative Training Collge and proceed to Mandi Bahauddin and submitted charge report to EDO community development and had also submitted all documents in proof of illegal activities of opponents. In pursuance of that report submitted by complainant, EOD cancelled all orders of Afzal Bhawana. Allegations leveled by opponents against complainant are false and vague. Complainant is being called at Mandi Bahauddin on weekly basis for inquiry which is another cause of harassment. As lady it is hard for her to bear non-cooperative attitude of her staff and officers. Complainant is being insulted in front of her junior staff and discriminatory attitude is taken against her. Complainant is being harassed because she is working with full dedication and honesty, hence this complaint.
3. Opponent Mudassar Ahmad in his defense has stated that for last 30 years in service no complaint was ever moved against him. Complaint filed by complainant is baseless and incorrect. It is alleged that he used to restrain complainant to do illegal works in office affairs which was not acceptable to her. She defamed him. Complainant had taken an amount of Rs. 21,000/- as bribe and when her demand increases he reported the matter to principal of Cooperative Society Faisalabad where complainant was under training. Principal of Cooperative Training College Faisalabad assured that he will advise complainant not to do illegal work. Inquiry on

application of opponent Mudassar Ahmad moved to Registrar Lahore for recovery of his amount is pending before circle Registrar Mandi Bahauddin. Another inquiry filed by Miyan Saadat Ahmad of Rs. 95,000/- is also pending against her. Present complaint has been filed just to detach attention from inquiries pending against her.

4. Opponent No. 2 Zeeshan Mudassir in his defense has stated that he on the direction of complainant had spent an amount of Rs. 6000/- from his own pocket with promise of complainant to return the same, but till now that has not been returned, therefore he moved an application to Registrar Lahore whereon inquiry is pending against complainant before Registrar Mandi Bahauddin. During inquiry proceedings complainant has threatened him to file case against him at Islamabad Court.
5. Opponent No. 3 in his defense has stated that false and frivolous application has been moved by complainant against him. This complaint has been filed just to hide illegal work done by complainant while performing her official duties. To detach attention from inquiries pending against complainant at Registrar Mandi Bahauddin of Rs. 95000/-, this complaint has been filed.
6. After going through evidence produced by parties and documents filed by them on record I reached to the conclusion that:

During proceedings it was brought on record that on complaint moved by opponents on same issue which is subject matter of this complaint before FOS departmental inquiry was initiated. On 09-03-2017 Circle Registrar Cooperative Society Jehlum has submitted its report dated 07-03-2017. After going through record I found that allegation leveled by opponent Mudassar Ahmad in his defense that whenever he restrained complainant to do illegal work she insulted him. That complainant had taken an amount of Rs. 21000/- from her as bribe and when her demand increases he reported the matter Principal Cooperative College Faisalabad. That inquiry on recovery of Rs. 95000/- is also pending against complainant, have altogether been examined in inquiry proceeding in report dated

07-03-2017. Finding of that report somehow have been conceded by opponent No. 1 in his cross when he twisted the statement of taking bribe by complainant as that said amount was taken by her for rent of her office of Assistant Registrar Cooperative Society Phaliya which is government office. His further statement that amount of Rs. 9000/- which was paid by him on 04-08-2016 and 22-09-2016 towards rent and an amount of Rs. 3000/- spent towards fair charges of office furniture and fine for not doing work were also examined by inquiry committee of Circle Registrar Cooperative Society Jehlum and it is observed that an amount of Rs. 18000/- was in fact the rent amount of two months paid by Mudassar Ahmad. In this very report DDO has been directed to pay amount of rent to Mudassar Ahmad Sub Inspector being lower rank employee of the department. This observation makes it clear that an amount of Rs. 18000/- was paid by Mudassar Ahmad was not a bribe.

7. Although opponent Mudassar Ahmed in his defence has stated that complainant had taken an amount of Rs. 21000/- from him as bribe, but neither during trial before this forum nor during inquiry proceedings any satisfactory evidence beside his solitary statement has been brought on record for taking Rs. 21000/- as bribe. On contrary opponent Zeeshan Mudassar has stated that "It is correct to suggest that neither complainant had taken any bribe from me nor I had given any amount of Rs. 6000/-" which belied statement made by opponent Mudassar Ahmad made in his application dated 07-11-2016 moved to Registrar Cooperative Punjab Lahore. In same way third opponent Rehan Mashi has admitted that complainant had never demanded any amount from him nor he has ever seen complainant receiving any bribe from any person. These facts find support from report of Circle Registrar Cooperative Society Jehlum that allegation of taking an amount of Rs. 6000/- was not bribe. Those were routine expenditure. Office of Assistant Registrar Cooperative Society Phaliya should claim these expenditures from DDO on availability of budget by government.

8. Third allegation leveled by opponent Mudasar Ahmad through Miyan Saadat Ahmed Cashier Sugarcane Cooperative Society Phaliya is that an amount of Rs. 95000/- were received by complainant on 20-09-2016, but same has not been deposited in the bank in against to his loan. This issue was also examined by inquiry committee and it has been observed that receipt of Rs. 95000/- was written by opponent Rehan Masih Inspector Cooperative Society Phaliya. He along with opponent Mudassar Ahmad Sub Inspector Cooperative Society signed on receipt as witness. This fact is appearing from receipt placed at Page 83 of file. While preparing this receipt the mistake said to had been committed by complainant of putting her signature on blank paper has been noticed by inquiry committee that signing of complainant Mst. Sehar Fatima on plain paper was her negligence, but it does not show that complainant had misappropriated this amount of Rs. 95000/- because except making allegation Miyan Saadat has not placed any statement of bank to show that this amount of Rs. 95000/- taken under receipt of 22-09-2016 by opponent Rehan Masih and Mudasar Ahmad were misappropriated or not deposited in bank in against to Miyan Sadaat Ahmad's loan.
9. In view of evidence placed on record and after going through inquiry report I am of the opinion that opponents particularly opponent Mudassar Ahmad in order to conceal irregularities being committed by him which were noticed by complainant and when she tried to create discipline in office, opponent Mudassar Ahmed tried to harass her by making different applications against her of taking bribe, and by his acts to some extent he was able to put complainant under pressure by opening inquiries against her wherein to attend them she has to move at different places which again is cause of harassment to her.
10. Upshot of above discussion is that complainant has been able to prove all allegations leveled by her against opponents. Hence her complaint is hereby allowed. Penalty of censure and withholding of promotion for one year is imposed on opponent Mudassar Ahmad whereas letter of censure only be issued to opponent No. 2 and 3 under section 4(i)(a)(b) of

Protection against Harassment of Women at Workplace Act 2010.

11. Parties be informed.
12. Issue letter to Registrar Cooperative Society Punjab Lahore to implement judgment and report to this office within 15 days on receipt of this judgment.

JUSTICE (R) YASMIN ABBASEY
Federal Ombudsman