



FEDERAL OMBUDSMAN
For Protection against Harassment of Women at Workplace
Islamabad

J U D G M E N T

1. Complaint Number: 1(220) / 2015-FOS (Reg)
2. Date of Institution: 29.10.2015
3. Date of Decision: 08.03.2016
4. Complainant: Mst. Sehar Gull,
Junior Executive
NADRA
Hyderabad
5. Opponent: Imran Memon,
Senior System Engineer
NADRA
Hyderabad

Justice (R) Yasmin Abbasey,

Ombudsman:

Complaint No. 1(220)/ 2015-FOS.

1. Complainant Mst. Sehar Gull serving in NADRA as Junior Executive has filed this complaint against Imran Memon Senior System Engineer NADRA alleging that on 12.10.2015 there was network problem in office. In spite of that opponent being senior to her was insisting to issue token to present customers. According to complainant she reminded opponent that due to failure of data base connectivity she is unable to issue token on which opponent shouted on her and had thrown chair on her with threat to terminate her from service. Report is said to have been made to Deputy Director Kashif Arain Operation NADRA but he supported opponent therefore complainant tried to contact Provincial Headquarter of NADRA but was unable to reach them. Finally she reported matter in court. On 13.10.2015 when according to complainant she was working in her office, opponent along with other officers came and abused her and had also threatened that as she has reported matter in court therefore she will be terminated.
2. Opponent in his defence has denied allegations of harassment or throwing of chair on complainant. According to him he just directed complainant to sit on her seat and issue tokens which are possible without availability of network and satisfy public, which was refused by her and she misbehaved with him. Suddenly complainant's husband Shaiq Memon Junior Executive NADRA came in office of opponent, shouted and slapped on his face in present of other employees and general public. Matter was reported to high ups. Fact finding board was constituted on his report. Complainant and her husband to save their skin filed a criminal miscellaneous application having No. 2225/2015 under section 22-A&B CrPC against opponent before District and Session Judge Hyderabad for

institution of FIR and providing protection from opponent.

3. On 16.10.2015 complainant's application was dismissed vide order dated 16.10.2015. During pendency of that criminal miscellaneous application complainant also approached to Provincial Ombudsman on 14.10.2015. Fate of same is not on record. Fact finding board also reported that allegations of complainant are baseless and has recommended inquiry against complainant and her husband. Complaint is liable to be dismissed.
4. To ascertain veracity of facts pleaded by both parties I have gone through inquiry report dated 26.11.2015 wherein board has observed that "apparently it does not hold that Mst. Sehar Gull practically involved in man handling but circumstances created by her that provides grounds for said incident. Inquiry is of the opinion that Mst. Sehar Gull seems to be accused of neglecting official orders of seniors."
5. With reference to her husband Shaiq Ali Memon it is observed that statement of allegations leveled on him have been proved and finally inquiry committee recommended major penalty of removal from service as per efficiency and disciplinary rules 1973 for both Sehar Gull and Shaiq Ali Memon. In spite of this recommendation of inquiry committee it cannot be ignored that just two days before recommendations of inquiry committee complainant had moved two applications on 24.11.2015 and 25.11.2015 for change of members of inquiry committee on ground that person who is heading this inquiry committee is partial as in very beginning just after incident when she complaint to Kashif Saleem Arain she supported opponent stating that:

بی بی آفیسر آفیسر ہوتا ہے وہ کچھ بھی کر سکتا ہے

6. Record shows that on this complaint of complainant moved on 24.11.2015 and 25.11.2015 vide order No. NADRA/KHI/Order/208/4274 inquiry committee was reconstituted in November 2015 (at page 260 of file). New inquiry committee constituted in November, 2015 has not yet submitted its

report and is said to be pending as reported through letter dated 18.12.2015 by Major (R) Director Operation Syed Muhammad Tanvir Abbas. Much time has lapsed but inquiry report has not been placed on record and we cannot wait for it anymore. Beside that although order passed by Provincial Ombudsman has not been placed on record by complainant but order of Additional District and Session Judge dated 16.10.2015 reveals that with same state of allegation complainant has approached to Session court with statement that SHO concerned of area has refused to register her case. That statement of complainant made before District and Session Judge has been rebutted by SHO that complainant never appeared at police station for lodging FIR. Even if this statement of complainant with reference to refusal of filing FIR by SHO is ignored even then it is observed by Additional District and Session Judge Hyderabad that "it appears that there is dispute between parties over official work. As both parties are serving in one department and same office and there was exchange of hot words between parties. Admittedly no person from office has been cited as witness of alleged incident and as per report of SHO applicant did not appear at police station for registration of FIR and directly approached this Court for registration of FIR, though, she was bound to appear before the concerned police station. Prima-facie, the material available on record is lacking regarding any incident made by the proposed accused, therefore, this is not a fit case to issue directions to the SHO to register FIR of applicant who failed to show that any cognizable offence has been made out."

7. Even in present complaint before FOS complainant has not produced single witness to support her version placed by her on record. According to her all witnesses produced by opponent were not present at time of incident and are habitual late comers and in support of it she has produced document naming it to be office online attendance sheet but this document cannot be taken as authentic document to judge presence of witnesses as there are misprinting of names also. Even otherwise if time

highlighted by complainant before witnesses is taken then also at least they have been shown to be present in office at time of alleged incident which is said to have happened at 11:30 am.

8. After perusal of record I do not find any sufficient ground to accept statement of complainant. She has failed to prove her case and instead of focusing at one place with proper evidence she was running here and there just to penalize opponent which at all time she has failed to prove.
9. In view of above complaint of complainant is hereby dismissed. Parties be informed accordingly.
10. Announced in open court.

JUSTICE (R) YASMIN ABBASEY
Federal Ombudsman