



FEDERAL OMBUDSMAN
For Protection against Harassment of Women at Workplace
Islamabad

J U D G M E N T

1. Complaint Number: 1(129) / 2015-FOS (Reg)
2. Date of Institution: 05.03.2015
3. Date of Decision: 24.07.2015
4. Complainant: Ms. Shakila Qadir
DPML
National Commission for Human
Development (NCHD)
Rahim Yar Khan
5. Opponent: Brig. (R) Abdul Basit Rana
Director Operations Punjab
National Commission for Human
Development (NCHD)
Provincial Office Lahore

Justice (R) Yasmin Abbasey,

Ombudsman:

Complaint No. 1(129)/ 2015-FOS.

1. On 13-03-2013 complainant Ms. Shakeela Qadir filed a complaint of continuous harassment, threat and character assassination by opponent Rana Abdul Basit, Director Operation, Punjab. According to complainant she found no reason of insulting behavior of the opponent because according to her, she works to her optimum capacity in the organization.
2. From contents of complaint it appears the main dispute arose in between the parties after examination of Lead Master Trainer held in June, 2014. Appearance in test of Lead Master Trainer was on voluntary based therefore as per statement of complainant she did not apply for the said test in the light of previous unpleasant experience which she felt from conduct of opponent, but as her name was included in the test by Director Operation Punjab the opponent himself therefore she appeared in the test and secured first position.
3. While in an email sent by DGM Rahim Yar Khan to complainant false allegation was alleged of her non appearance in pre test of training conducted on 16th June, 2014. Inquiry was conducted and finally it was observed by inquiry officer that "this has been proved beyond doubt that DPML (complainant) did not appear in pre test, she took some papers and mix her solved papers with other papers which leads to misconduct, cheating and extreme professional dishonesty reflecting on unethical and immoral bearing of her personality".
4. But if this finding of inquiry committee is judged in the light of statement of Rana Muhammad Abbas, District General Manager, District Okara I found that result of 16th June 2014 test was announced on the very next day i.e. on 17th June 2014 therefore allegation made by the inquiry committee that on 19th June 2014 while DGM, DPME Rahim Yar Khan and DPM

Pakpattan were marking pre-test paper opponent took some papers and mixed her papers with others negates their own findings because if till 19th June 2014 the papers were unchecked then how result of pre-test of Lead Master role was announced on 17th June 2014. Further even if, for sake of argument observation in para 'a' of findings at para '6' are taken as correct then no reason has been assigned by DGM or by opponent that why complaint was made of this alleged illegal act of complainant after laps of about 21 days on 30th June 2014.

5. Although opponent has denied all allegations alleged against him but from the perusal of record it appears that on 9th July 2014 under the instructions of opponent, General Manager Sajid Ali of Rahim Yar Khan instructed all officials of Rahim Yar Khan not to visit complainant office at any cost nor she will visit to any others DPM's / DFAM office till further orders by provincial office. And it is thereafter a board was constituted by opponent to conduct an inquiry against complainant on 4 issues as have already been discussed. On the second issue that she visited to house of DGM Rahim Yar Khan and met with his wife personating herself to be her neighbor, no definite evidence of visit of complainant to DGM Rahim Yar Khan house has been brought on record. Even DGM Sajid Ali in his statement has not stated any adverse or alleged visit of complainant to his house.
6. However attempt of committing suicide by complainant in office of HDSU Rahim Yar Khan, indeed is a criminal act, but while conducting inquiry organization of National Commission for Human Development has failed to consider that in first inquiry discussed above complainant has made serious allegations against opponent despite that in the second inquiry, against her, opponent is shown as convener of that inquiry which is against judicial norms and sub clause 10 of Code of Conduct for Protection against Harassment of Women at Workplace under section 2(c) and section 11 of Act of 2010.

7. It is further to be noted that as per section 18.03 of NCHD an employee can be suspended from work for a period not exceeding 30 days and that too on the recommendation of DGM in consultation with the concerned Director Operation. Clause 2 of 18.03 further says the Director Human Resource with seek approval of senior Director Operation in the matter in line with HR policies and this fact was pointed out by General Manager Rahim yar Khan in his email dated 25th February 2015 but no heed was paid to it and complainant suspension continued on vide letter dated 26th March 2015 till completion of her case. It is because of that on 08th April 2015 her suspension order was cancelled due to non approval of Director General NCHD.
8. The irregularities committed by NCHD organization while conducting inquiry against complainant are very high and against the law legislated for Protection against Harassment of Women at Workplace Act 2010 therefore a denovo inquiry is required in the matter by an impartial inquiry committee who does not have any prior opinion or biased attitude against complainant or opponent.
9. In view above matter is referred back to National Commission for Human Development to hold a denovo inquiry and report to this office within 15 days from the date of receiving of this order of FOS
10. No adverse orders will be passed against complainant till final decision of FOS.
11. Parties be informed accordingly.
12. Announced in open court.

JUSTICE (R) YASMIN ABBASEY
Federal Ombudsman