

OFFICE OF THE FEDERAL OMBUDSMAN

FOR PROTECTION AGAINST HARASSMENT OF WOMEN AT THE WORKPLACE, ISLAMABAD

FORM OF ORDER SHEET

Complaint No. FOH-HQR/0000133/2021

Serial No. of Order of Proceedings	Date of order of Proceedings	Order of other proceedings with Signature of Federal Ombudsman			
		TITLE:	SHAZIA PERVAIZ Assistant General Manager /Principal	VS	RAMZAN SHAHID Regional Chief Multan Region
		Department: State Life Insurance Corporation of Pakistan			
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	28-06-2022	<p>Complaint No. <u>FOH-HQR/0000133/2021</u></p> <p>Ms. Shazia Pervaiz, Assistant General Manager (AGM) (hereinafter called the Complainant) filed the instant complaint against Ramzan Shahid, Regional Chief Multan Region (hereinafter called the Accused) under the Protection against Harassment of Women at the Workplace Act 2010. The Complainant alleged that the Accused while misusing his official position would continuously exploiting her by way of sexual harassment and his that conduct became intolerable for her. That the Accused would call her to his office time and again on the pretext of discussing official assignments but instead offered sex oriented remarks on her personality which caused her mental disturbance and harassment. That such act of the Accused also caused hurdle in performance of her official duty. That the last AML training schedule from 2nd April, 2021 to 12th April, 2021 held at different stations of Multan region, the Accused planned his business meetings coinciding with her training schedule. He offered her to go with him to all the stations in his official car so as to enjoy the training period. That she refused to accompany the Accused which got him annoyed. That when she sent the Accused the training schedule on</p>			

		<p>25th March, 2021, he called her in his office and told that after completion of AML training she should go with him to Lahore for two days for enjoying the program. That she reacted to the same and left his office in protest without making any comments.</p> <p>That whenever she would go for training she found the Accused already present at there telling that he was anxiously waiting to welcome her on that place. That when the Complainant was going to attend training courses at Rahim Yar Khan with her husband, the Accused pressurized her to go with him in his car. She refused to accompany him on which the Accused used derogatory remarks against her husband. That later on the Accused got reactionary due to her refusal to follow his illicit demands and hurled threats of making her survival difficult. That on 16th April, 2021 she lodged a complaint of harassment against the Accused and when she filed that complaint the Accused started campaign for isolating her through his different orders, transferring her juniors without her recommendation. That on her said complaint the management appointed a junior officer to conduct inquiry but the inquiry officer instead started pressurizing her to reconcile with the Accused. The inquiry officer threatened her for dire consequences if she did not withdraw her complaint against the Accused. That, thereafter, an inquiry proceedings were initiated against her on the behest of the Accused which was also assigned to the same inquiry officer namely Dr. Sajjad Zaidi, Zonal Head Group and pension Lahore.</p> <p>That the whole management of the organization targeted her being a female officer in the organization. She took up the matter with the Chairman, Executive Director P&GS, Divisional Head HRDD and Divisional Head Marketing but all in vain. That the management then issued her transfer orders on the recommendation of the Accused whereby she was transferred to a junior seat and her subordinate was assigned the duty in her place.</p>
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		<p>of the Act 2010 on different occasions and through different manners. She alleged that the conduct of the Accused remained quite bad and sexual oriented.</p> <p>After recording the Complainant's evidence, the Accused got recorded his evidence as DW 1 in line with his affidavit DW 1/1. He was also subjected to cross examine by learned counsel for the Complainant.</p> <p>Subsequently, in the interest of justice and fair trial some responsible persons of the organization (SLIC) was examined as court witnesses. They included Noman Akmal, Regional Incharge P&GS Multan Region (CW 1), Syed Faisal Tehzeeb, Regional Head HRDD, Karachi (CW 2), Saeed Ahmed Lothar, Incharge Real Estate department SLIC, Karachi (CW 3), AD Shahid, Zonal Head SLIC, Rahim Yar Khan (CW 4) and Ramzan Bhatti, Zonal Head, SLIC (CW 5). All the above witnesses were cross examined by learned counsel for the accused whereas Mr. Mehrban Khan, advocate who happened to be associate of Mr. Muhammad Zubair Jaral, advocate did not cross examine the CWs with the stance that senior counsel was not available despite the fact that the learned senior counsel had committed to be present on the date of hearing for the purpose and more so the hearing was also fixed as per his choice.</p> <p>Anyhow during the course of arguments both the learned counsel for the parties duly participated and put forth their respective viewpoints.</p> <p>Learned counsel for the complainant contended that the Accused was in a commanding position in the organization and in his that capacity he misused his authority and position to harass the Complainant demanding from her sexual relationship every now and then. According to the learned counsel for the complainant several vital points in the examination in chief of the Complainant were not cross examined by the Accused side which would mean that the same were admitted by the Accused. He pointed out that the</p>
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		<p>witnesses produced by the Accused were his subordinates and hence they were not independent witnesses. Learned counsel for the Complainant concluded that the harassment case against the Accused was established beyond any shadow of reasonable doubt and hence the Accused was liable to be imposed upon the major penalty as given in section 4(4) of the Act 2010.</p> <p>Conversely, the learned counsel for the accused argued that the very complaint filed at this forum by the Complainant was defective as it was not filed following the provisions of the relevant law. He particularly made reference to non-verification of the complaint filed by Complainant and non-submission of affidavit in this respect as required under Rule-5. The learned counsel made reference to the complaint dated 16-04-2021 of the Complainant and submitted that in that very complaint no sexual harassment was mentioned whatsoever. He pointed out that a formal inquiry was conducted in complaint of the Complainant at departmental level where she did not participate. The learned counsel for the accused objected to the change version of the Complainant at FOSPAH describing it material improvement to blackmail the accused. Learned counsel for the accused while refuting the allegations of the Complainant contended that the different venues of workshops and trainings etc were mentioned where the Complainant was accompanied by her husband and more so there was no any opportunity or time with the accused to talk some silly things with the Complainant.</p> <p>The learned counsel for accused also denied the allegation of the Complainant that she was transferred to junior position by Accused. According to him it did not fall in his domain or authority because the authority was vested somewhere else.</p> <p>It is evident rather admitted by the parties that on 16th April, 2021 Complainant filed a complaint to the Chairman State Life Insurance, Principal Officer Karachi wherein she alleged that Mr. Abdur Rehman,</p>
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		<p>wherein they have not supported the claim of the Complainant. Impartiality or neutrality of those high ranking officers may not be doubted. It is strange that none from the organization has come forward to support the version of the Complainant. So much so her own husband having knowledge of the complaint has also not come forward to support her better-half.</p> <p>Since the Complainant has been unable to prove her case beyond reasonable doubt and many material doubts exist in her case, it is not required of the Accused to prove his innocence because it is general principle of law that the prosecution stands on his own legs and cannot be benefited from the weakness of the defence case.</p> <p>Consequent upon what has been discussed above, this complaint is not of that character or status on the basis of which Accused could be imposed penalty. Hence the present complaint is dismissed being doubtful in nature.</p> <p>FEDERAL OMBUDSMAN</p>
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