



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

**J U D G M E N T**

1. Complaint Number: 1(115) / 2015-FOS (Reg)
2. Date of Institution: 02.02.2015
3. Date of Decision: 01.04.2015
4. Complainant: Mst. Shazia Shah  
Divisional Engineer (N&SE),  
National Telecommunication  
Corporation Headquarters  
Islamabad
5. Opponent: Muhammad Miskeen  
Naib Qasid  
National Telecommunication  
Corporation  
Islamabad

**Justice (R) Yasmin Abbasey,**

**Ombudsman:**

1. Complainant Mst. Shazia Shah, Divisional Engineer serving in National Telecommunication Corporation (NTC) Head Quarter Islamabad has filed this complaint against her Naib Qasid Muhammad Miskeen stating that by creating baseless incident of sexual harassment by opponent towards her, rumor was spread among office with intend to defame complainant and put her under mental stress. Opponent in his defense has denied allegations and stated that he was never a part of this rumor spread in the institution. According to him he is serving in NTC for last 17 years and was also under subordination of complainant for last 1 year. It is denied that he was a part of unpleasant situation created against complainant.
2. Both parties has not been produced any verbal evidence and are satisfied to rely on documents filed by them on record. However during proceeding one Hassan Raza appeared and was willing to give evidence in above matter. He filed his affidavit in evidence. Opportunity was given to opponent to cross examine him but he refused.
3. Heard parties in person.
4. Perusal of record shows that on 09.09.2014 a complaint was moved by complainant to General Manager NTC against spreading a shameless rumor against her by Naib Qasid Muhammad Miskeen. Inquiry was initiated on this complaint under orders of HR NTC and 3 members namely Muhammad Luqman, Head (Revenue), Muhammad Yousaf, Deputy Director (Admn) and Mst Wajiha Haider DE (Datacom) of NTC Head Quarter Islamabad was nominated as members of inquiry committee.
5. They reported on 03.10.2014, fixing responsibility of spreading that rumor on opponent Muhammad Miskeen, Naib Qasid and on Muhammad Tariq, Naib Qasid (TXMN) NTC Head Quarter. But surprisingly over looking this first inquiry report of 03.10.2014 record shows that one another inquiry committee was constituted under order No. HR-51-2/2014/1944 dated 28.11.2014 by

Director General Finance, NTC and they without going into any investigation and discussing evidence, if any brought before them, simply had given their recommendations that:

- i. Complaint does not fall under Act, as officer is not directly felt any harassment from the accused.
- ii. To control more rumors in future, HR may issue instruction that any person involved in spreading rumors should be punished through E&D rules.

and with this observation matter was closed with intimation to complainant by letter dated 02.02.2015 and issuing warning letter to opponent stating that you have been allegedly found involved in spreading rumors to defame a lady officer and that you are hereby warned to be careful in future, otherwise strict action will be taken against you under E&D rules 1973 and third attempt was issuance of a circular dated 01.01.2015 for all employees of organization that they should restrain themselves from discussing rumors without confirming their authenticity. Any violation of above instructions shall be dealt strictly as per E&D rules 1973.

It seems that by issuing these 3 letters referred above NTC was satisfied to end the matter.

6. Though second report of 12.12.2014 in presence of first inquiry report dated 03.10.2014 has no value therein, because second report of 12.12.2014 has no evidentiary value, nor there is anything on record that after Inquiry Report of 03.10.2014, why it was felt necessary to constitute another Inquiry Committee on same issue without approval of competent authority and why three other persons than to inquiry committee of 03.10.2014 were chosen for second inquiry, which has given absolutely different opinion than to 03.10.2014 which is based on sufficient evidence collected by them.
7. Even otherwise, it is made clear to corporation of NTC, that an act of harassment as has been interpreted by them is not so, because even if any unpleasant rumor is spread effecting dignity and prestige of women by a person, either it may be direct or indirect, is an attempt of harassment, because that

creates an intimidating, hostile and offensive work environment in office

8. It is also note worthy that, even if, both inquiry reports given on 03.10.2014 and 12.2.2014 are read together, one thing is clear and admitted in these reports that an unpleasant rumor was spread against complainant in office and first source of that, leads towards opponent. In first inquiry report of 03.10.2014 direct responsibility has been fixed on opponent Muhammad Miskeen and Muhammad Tariq, while in other report, even if, it is taken into consideration, indirectly responsibility has been fixed on opponent with a warning letter issued on 02.02.2015.
9. It has also been brought on record that after first inquiry report of 03.10.2014 opponent was terminated form service by Chairman NTC, but thereafter due to intervention of two officers of HR department namely Shakir, GM, HR and Zahid, Director HR he was reinstated. However to avoid any same like situation he was first transferred to NTC Directorate Islamabad and thereafter to rural area Directorate Rawalpindi.
10. Though opponent has denied allegations leveled against him, but neither before inquiry committee nor before this forum he has been able to give any satisfactory evidence on record to rebut allegations leveled against him except that complainant was in habit of issuing warning letter to him which has been placed on record, but again it is not only complainant who has warned opponent to improve his behavior to official duties, but there are other officers too who complained against him, reliance is placed on document titled as disciplinary cases at Page 36 of file.
11. In view of above, I found that report as submitted on 12.12.2014 in presence of first report of 03.10.2014 has no evidentiary value. Record further shows that for the reasons best known to the Corporation or concerned officers, this report of 03.10.2014 was over passed without taking any disciplinary proceedings against persons named in report of 03.10.2014 under E&D rules.

12. In view of above, I found that complainant's case against opponent has already been proved by her before inquiry committee of 03.10.2014, which was not challenged by opponent. Under these circumstances matter is referred to National Telecommunication Corporation for initiating disciplinary proceedings, against opponent Muhammad Miskeen and Muhammad Tariq for spreading rumor and defaming complainant, under E&D rules and report to FOS within 15 days on receipt of this order.

**JUSTICE (R) YASMIN ABBASEY**  
**Federal Ombudsman**