

**OFFICE OF THE FEDERAL OMBUDSPERSON
FOR PROTECTION AGAINST HARASSMENT OF WOMEN
AT THE WORKPLACE, ISLAMABAD**

FORM OF ORDER SHEET

Complaint No. FOH-HQR-Harassment/20/2024

Date of Institution: 12-01-2024

Serial No. of Order of Proceedings	Date of order of Proceedings	Order of other proceedings with Signature of Federal Ombudsperson			
		TITLE:	Shehla Nargis	VS	Kifayat Zaman & others
1	2	3			
26	19-02-2025	<p><u>Subject: Final Order</u></p> <ol style="list-style-type: none"> 1. Complainant, Shehla Nargis, an Administrative Officer (AO) at the Federal Water Management Cell (FWMC) filed a comprehensive complaint on January 23, 2024 alleging gender discrimination and harassment at Workplace against Mr. Kifayat Zaman (DG) (Accused No. 1), Mr. Ali Raza (Irrigation Agronomist) (Accused No. 2), Mr. Sajid Altaf (WME) (Accused No. 3) and Mr. Masood Asif (Computer Coordinator CC) Accused No. 4. 2. She claimed that she had been subjected to discriminatory treatment after assuming the post of Administrative Officer, which was previously held by a male colleague. According to her Mr. Ali Raza Naqvi once called her into his office, shouted at her, used abusive language and threw files on the floor declaring that he no longer had any involvement in administrative matter. Despite verbally reporting this incident to Accused No. 1, no action was taken. 3. She alleged that Accused No. 4 entered her office, misbehaved with her guest and threatened her over an 			

issue unrelated to him. She reported the matter to Syed Adil Ali Gardezi, the than Secretary, who called Accused No. 1 instructing him to reprimand Mr. Masood for intimidating a female Officer. However, instead of taking disciplinary action the alleged DG encouraged Accused No. 4's misconduct.

4. She further stated that Accused No. 4 frequently stood near her officer door, peeped inside and stared at her, creating an uncomfortable environment. Additionally, he allegedly conspired against her, persuading lower staff members to submit false complaints aimed at tarnishing her reputation. On one occasion he entered her office, shouted and use abusive language in the presence of her staff. Although, she filed a formal complaint against him, it remained unresolved within the Department.
5. On January 16th, 2023 Accused No. 3 entered her office, shouted at her and used abusive language to intimidate her in presence of Mr. Zahid Hussain Qazi (AWME) and other staff members. He threatened to have her dismissed under the DG's order. Additionally, on January 28th, 2023 he misbehaved with her on the phone, threatening and intimidating her. Following this incident, she immediately approached Accused No. 1 to lodge a verbal complaint but he ignored her concerns. Instead of addressing the matter, Accused No. 1 attempted to attack her, forcing her to flee the office. She narrated this incident to Mr. Sarfarz Ali Memon (SAE) who along with Mr. Zahid Qazi accompanied her to the Accused No. 1's Office. However, upon their arrival he appeared composed and behaved differently, suggesting a change in demeanor in the presence of witnesses.

		<p>6. Furthermore, she alleged that the Accused No. 1 often insinuated that she was not accommodating. When it became evident that she would not comply with his expectations, he allegedly formed an alliance with the other Accused Officer to harass, intimidate and victimize her making her Workplace hostile. The Complainant alleged that unlike her male predecessor who was only a matriculate yet, worked in a comfortable environment without interference, she faced constant hostility after assuming the role of AO. She claimed that a group of Officers led by Accused No. 1 deliberately created a hostile work environment to mentally pressurize her into leaving the office or resigning from service.</p> <p>7. She has also mentioned the case of a senior colleague namely; Dr. Tehmina Iqbal, Senior Research Officer to highlight gender-based victimization and discrimination, who returned from deputation in July 2023, but was denied office space, despite repeated requests. Additionally, she was deprived of her salary of over three months, which ultimately forced her to leave the Department.</p> <p>8. The Complainant further stated that the Accused No. 1 deliberately ignored her complaints both verbal and written. Instead of taking action against the Accused Officer he issued illegal order, reassigning all administrative matters to Mr. Zahid Hussain Qazi in violation of Organizational rules, Organizational structure and job description.</p> <p>9. She also accused the DG of orchestrating false complaints against her by compelling lower staff members to submit fabricated complaints and reports to justify his discriminatory action. On January 18, 2023, Accused No.</p>
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		<p>1 allegedly directed Mr. Sabir (Driver) to file a false complaint against her, further aggravating her ordeal.</p> <p>10. The Complainant prayed for setting aside the order dated 15-12-2023 issued by Accused No. 1 and that all the accused person be awarded maximum punishment provided in the Act of 2010, seeking justice against discrimination, harassment and wrongful treatment.</p> <p>11. The accused persons were summoned and directed to submit their written defense. In their defense the accused denied all the allegations, asserting that none of them misbehaved, threatened or harassed the Complainant. They emphasized that the Complainant failed to perform her duties to the entire satisfaction of her superiors as well as, her colleagues and staff. As a result, the charge of vehicles was withdrawn from her. Rather than complying with this decision, she challenged the competence of Accused No. 1 by claiming in the complaint that he was “directly interfering into the domain of administrative officers”. They perceive this assertion as misconduct.</p> <p>12. The accused stated that the Audit Team found no violation of rules regarding the use of vehicles and alleged that the Complainant falsely accused the Higher Authorities of misusing the official vehicles.</p> <p>13. Additionally, they accused the Complainant herself of harassing Ms. Rehana Dilmir d/o Dilmir Ahmed (late) during her recruitment process. She was also alleged to have used derogatory language in the presence of Accused No. 1 specifically telling Accused No. 2 to “shut up” which they claimed was disgraceful and humiliating for him.</p> <p>14. They also pointed out that in her previous complaint, the Complainant had not mentioned the allegation that</p>
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		<p>Accused No. 1 tried to attack her, when he asked him to take action against the alleged harasser.</p> <p>15. The accused claimed that appropriate action has already been taken in response to her complaint and, requested dismissal of the complaint labeling it as baseless.</p> <p>16. Evidence of the parties were recorded and record was reviewed.</p> <p>17. The Complainant appeared as a witness and recorded her statement as PW-1. She presented Mr. Sarfaraz Ali Memon, Senior Agriculture Engineer (FWMC), as PW-2, Ms. Tehmina Iqbal as PW-3, and Mr. Arbab Ahmed as PW-4. Subsequently, PW-3 was withdrawn as a witness by the Complainant.</p> <p>18. The Accused, in response, recorded their statements and submitted documentary evidence in support of their assertions. The Accused initially objected that the evidence was not presented in accordance with the law, claiming that the Complainant's affidavit did not fully detail the allegations. However, her affidavit affirmed the truthfulness of the complaint's contents, which should be considered part of her statement.</p> <p>19. There is no prescribed format for recording evidence in harassment cases. The relevant section 4(2) of the Act of 2010, empowers this Forum to adopt any method for conducting inquiries, provided the opposing party is given an opportunity for cross-examination. The Accused was granted full opportunity to cross-examine the Complainant, thereby fulfilling legal requirements.</p> <p>20. The Accused argued that the Complainant initially filed her complaint on 12-01-2024 but later submitted a more detailed version on 23-01-2024, allegedly incorporating</p>
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additional claims. This issue was raised in Writ Petition No. 651/2024 but was dismissed. Additionally, Rule 5 of the Protection Against Harassment of Women (Filing and Disposal of Complaints) Rules, 2013, permits a complaint to contain a comprehensive statement of all facts and supporting materials. Therefore, a detailed submission by the Complainant cannot be considered an alteration of her original stance. The Ombudsman's functions under the Act are quasi-judicial, requiring allegations to be proven through evidence.

21. Questions for determination in this case is:

- a. Did the Accused persons engaged in gender-based discrimination and harassment against the Complainant, thereby creating a hostile work environment?

22. The complaint pertains to gender-based discrimination, which resulted in a hostile work environment. While administrative matters generally differ from gender-based harassment, they can overlap. The evidence must be carefully analyzed to determine whether the Complainant was subjected to discrimination and harassment. As these proceedings are not criminal in nature, she is not required to prove her case beyond a reasonable doubt. The purpose of the 2010 Act is to protect women from harassment in the workplace. Inquiry proceedings conducted by the Ombudsman under Section 8(1) of the Act 2010 are not criminal in nature. (Imran Amir and others vs. Mst. Ismat Bibi and others (2023 CLC 1059 Islamabad)).

23. Gender-based discrimination is established when a series of acts create an intimidating and hostile workplace,

		<p>making it difficult for an individual to perform their duties effectively. Each case must be assessed against this standard.</p> <p>24. To decide this question, we must analyze the entire atmosphere of the Complainant's office based on the material on record. We must remain mindful of the fact that, in harassment cases, a woman's perspective must be considered when determining whether the acts complained of can be perceived as harassment by an ordinary, prudent woman (Nadia Naz case).</p> <p>25. The facts discernible from the material on record indicate that the Complainant remained on deputation for more than five years at the Earthquake Reconstruction & Rehabilitation Agency (ERRA). Upon her repatriation, she was promoted by the Departmental Promotion Committee (DPC) to Grade 16 and appointed as an Administrative Officer (AO) in FWMC. The record shows that before the Complainant's tenure, the position of Administrative Officer was held by a male officer, Mr. Muhammad Ali. After she assumed the role in March 2023, an incident involving a watchman, Muhammad Akhter, occurred on 12-06-2023. He was absent from duty and took an official vehicle without authorization. He remained absent from duty from 8:18 p.m. to 12:01 a.m. During his absence, water taps in the office were stolen, resulting in water overflow (Annex VII). The incident was reported, and a show cause notice was recommended. However, no record is available showing that any action was taken against the watchman.</p>
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home. On 28-11-2023, Accused No. 3 informed her via phone that the watchman would remain at his residence until 03-12-2023. When she refused to comply with verbal orders, he threatened her. In his affidavit, Accused No. 3 admitted that the DG had assigned the watchman to him and directed him to inform the Complainant.

30. The Complainant also filed applications against Accused Nos. 2 to 4 before Accused No. 1. She also filed harassment complaints, but no action was taken on these applications. Subsequently, her administrative powers were withdrawn.

31. In summary, she claims that the Accused collaborated to harass her by using abusive language, intimidating behavior, and encouraging subordinates to file complaints against her. Accused No. 1 systematically stripped her of assignments, creating a hostile work environment. Ultimately, her administrative powers were revoked through a notification dated 15-12-2023.

32. Harassment includes gender-based discrimination and any conduct that interferes with work performance or creates an intimidating, hostile, or offensive work environment, as defined under Section 2(h) of the 2010 Act. (Raja Tanveer Safdar Vs. Ms. Tehmeena Yasmin, PLD 2024 SC 795).

33. This case exemplifies gender discrimination. The mindset that administrative roles are better suited for men persists, leading to hostile treatment of women in such positions. The watchman's incidents are classic examples of this behavior. It is an admitted fact that Muhammad Akhtar, the

watchman, was absent from duty, and during his absence, water taps in the office were stolen. It is also an admitted fact that he took an official vehicle.

34. Theft of public property from a government office is a serious matter, yet it is concerning that Accused No. 1 did not take it seriously. Instead of proceeding against the watchman, he protected him. DW-2 endorsed the watchman's stance that he took them to the ministry office in the evening. At about midnight he was not authorized to remove the watchman from his duty without any alternate arrangement. Even, if it was a situation beyond control, in that scenario, it was the duty of the accused, who removed the watchman from his duty at midnight, to inform the AO the next morning. However, neither the precaution was taken and no such action was taken by accused no1 also against the delinquent officials.

35. The language used in the applications filed by the watchmen reflects this bias. One stated that he refrained from slapping the Complainant when she questioned his presence in Accused No. 2's office. However, while the Complainant's actions were deemed misconduct, the watchman's threatening remarks were overlooked.

36. The second watchman also admitted to throwing a cup outside the Complainant's office—an act of intimidation—yet no action was taken against him by the Accused.

37. The recruitment matter of Rehana Dilmir further strengthens the Complainant's case. Despite failing the typing test multiple times, she was given more than four chances, violating rules. The accusation against the

		<p>Complainant was that she associated someone from the ministry's office to supervise the test (Ex D1/7). However, no CCTV footage was presented to substantiate the claim, nor was any action taken against the alleged outsiders or the Complainant by Accused No. 1.</p> <p>38. The record demonstrates a systematic pattern of harassment. The Accused failed to acknowledge the Complainant's official role and responsibilities, subjecting her to a demeaning and hostile work environment. Accused No. 4 even accused her of seeking instructions from her husband without evidence.</p> <p>39. The Complainant alleged stalking by Accused No. 4 is implicated, as evidenced by the application filed by him against the complainant. In his application, he claimed that he entered the complainant's office and saw her shouting. He also stated that she takes files home and that orders on the file are sent to her by her husband via email, after which her staff types them the next day. However, this version is not supported by any proof. No transcript of the alleged email has been attached to the reply. This amounts to spreading rumors about the complainant's inability to perform her duties.</p> <p>40. The denial of equal opportunities and criticism based on gender also constitute harassment (Uzma Naveed Ch. vs. Federation of Pakistan, PLD 2022 SC 783). The Supreme Court held that the Act ensures that women can work with dignity, free from harassment, abuse, and intimidation, as guaranteed under Articles 14 and 25 of the Constitution.</p>
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committee. However, despite a request from one of the members, dated 26-12-2023 (Ex DW 1/28), stating that an immediate inquiry into the harassment complaint against Sajid Altaf was required, Accused No. 1 merely noted that "AWME (Admin) has been directed to take guidance from the ministry as the committee has not been completed." There is no clarification as to what legal matter was involved in reconstituting the harassment committee or why advice was solicited in a matter where reconstitution was a mandatory provision under the Act of 2010.

45. The comments furnished by DG (Accused No. 1) were produced as Ex DW 1/31, in which he stated that during an interim arrangement, when the extension process for the DG was in progress, the complainant was given charge of the Admin Section. He alleged that she created harassment because she was the wife of the JS Aviation Division. Several other allegations were leveled against her without any supporting evidence. As the DG of FWMC, if there had been any misconduct, negligence, or breach of duty, it should have been addressed per the rules—by seeking an explanation from her, conducting disciplinary proceedings, and proceeding against her as per the law. If her husband had been interfering with her work or that of FWMC, the relevant ministry should have been informed, and disciplinary action should have been taken. However, none of this was done, proving that no material existed to justify disciplinary proceedings against her.

46. Thus, the DG is guilty of harassment under Section 2(h)(2) of the 2010 Act. Since he has left the ministry, a minor penalty of a compensation under Section 4(4)(1)(d),

amounting to two lakh rupees, is imposed upon him, which will be payed to the complainant.

47. The allegation against Accused No. 2 is that he threw files on the floor and shouted at the complainant, thereby bullying her. However, the record indicates that there were other differences between the parties regarding the posting of controversial material. As there was no repetition of this incident, therefore, Accused No. 2 cannot be held guilty of gender-based discrimination and is acquitted of the charge.

48. Accused No. 3 is involved in serious acts of harassment. The record shows that he bullied the complainant, misused state resources by engaging employees for his personal work, and, when the complainant refused to grant him undue concessions, he engaged in rumor-mongering and a vilification campaign against her. He is, therefore, guilty of harassment under Section 2(h)(2), and a minor penalty of compensation under Section 4(4)(i)(e) is imposed upon him. Since he has also retired from service, a compensation of two lakh rupees is imposed,

49. Accused No. 4 played a major role in harassing the complainant. He not only instigated the watchman to misbehave with her but also filed complaints with frivolous allegations, questioning her capability to work and accusing her of taking instructions from her husband. This created a hostile work environment for the complainant. He is, therefore, guilty under Section 2(h)(2), and u/s 4(4)(ii)(a) major penalty of reduction to a lower scale is imposed upon him.

		<p>50. The department is also directed to process the applications filed by the complainant against the two watchmen by forwarding them to the harassment committee under the Act of 2010. It must also ensure that the harassment committee remains functional at all times.</p> <p>File be consigned.</p> <p style="text-align: right;">FEDERAL OMBUDSPERSON</p>
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