



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

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

1. Complaint Number: 1(140) / 2015-FOS (Reg)
2. Date of Institution: 06.04.2015
3. Date of Decision: 22.05.2015
4. Complainant: Ms. Sumbal Gull  
D/o Pervaiz Ahmed
5. Opponent: Badar-uz-Zaman,  
Deputy Director General,  
Post Office, Islamabad

**Justice (R) Yasmin Abbasey,**

**Ombudsman:**

**Complaint No. 1(140)/ 2015-FOS.**

1. Mst. Sumbal Gull has filed this complaint stating that she is running Franchise of Pakistan Post Office under FPOL-190 / South at Karim Block, Allama Iqbal Town, Lahore. According to her she is running this business on credit basis, therefore could not deposit amount of certain articles in time. Due to this late payment, an officer of post office Badar-uz-Zaman, Deputy Director General posted at Pakistan Post Office Islamabad has started illegal investigation against her. This person is corrupt officer. When blackmailing and harassment of this officer Badar-uz-Zaman has reached to an extent, she moved an application on 29.07.2013 to Director General, Pakistan Post Office, Islamabad containing all ill practices and mala fide attempts made by opponent against her. It is stated that this officer Deputy Director General, Badar-uz-Zaman himself is running a franchise under FPOL-012 at Secretary Board office, Lahore in name of his brother. It is stated that as complainant's business was flourishing, therefore opponent sent messages number of times to attend his office at Islamabad, so that partnership business of franchise can be done, which was not acceptable to complainant. Therefore taking advantage of his position he is blackmailing and had initiated illegal inquiries against her. Complainant also moved applications to Chairman Human Right Commission, Islamabad and Secretary (Commission), Islamabad but with no result. Opponent also got her franchise closed and also succeeded in stopping of refund of security deposit and other dues, hence she has filed this complaint.
2. Opponent in his reply has denied all allegations. According to him rules required that complainant should deposit postage collected in cash in postal treasury under head account No. 1266103-postage. Rule 14 also

required that she should affix copy of ACG-67 postage paid in cash receipt with list of postal articles tendered for deposit of international mail office, but she deliberately avoided to deposit postage collected in cash and kept on embezzling all such amount for 30 months, thus has misappropriated an amount of 49,16,580/-. Reference has been made of a letter dated 2<sup>nd</sup> April, 2011 by Post Master General Central Punjab Lahore. Opponent in his visit to Lahore Mall GPO in 2013 had asked for copies of ACG-67, whereon treasury staff insisted that this amount was directly noted on Assistant Treasurer's cash book without issuing receipt of deposit, whereas rule does not allow any such receipt free deposit. Thereupon opponent directed treasury to provide a certificate from Audit that amount shown to him is amount of postage recovered from complainant, but in spite of passing two years and issuance of various reminders, no Audit Certificate was provided. Services run by complainant also involved Sale Tax. During whole period of her business complainant never deposited Sale Tax collected on behalf of Post Office which comes to Rs. 8,42,000/-, outstanding against complainant. Complainant in her complaint moved in August, 2013 herself had admitted about non deposit postage and has tried to cover it stating that she was not guided by postal official. It is because of all these irregularities opponent was pressing hard to office of Post Master General to take action under Rule 29 and close her franchise after recovery of GST and other dues. Opponent never communicated directly with complainant. It is denied that he is running franchise Post office in name of his brother. In fact his brother is running franchise at Sharaf Mansion road Lahore which is about 16km away from complainant's Franchise. His brother Nasir is running this franchise from 1992, whereas complainant has started her franchise in 2009. Personal allegations leveled by complainant against him are denied. Complainant has not deposited amount in time and has committed fraud. Complaint is liable to be dismissed and complainant be punished for

placing incorrect facts and leveling false allegations.

3. Heard parties and peruse record. My findings are as under:

It is alleged by complainant that Dy. Director General Badar-uz-Zaman unnecessary with malafiedly intentions on one reason or other is opening inquiries against her. She has raised finger on his character and alleged that by holding inquiries, he wants to pressurize her, for fulfilling his evil desires. Further he is jealous of her business because his brother is also running Franchise under PFOL-012 at Secondary Board office Lahore, and in comparison to that complainant's franchise office is running a good business, therefore opponent had sent messages to her to run franchise under partnership which was not acceptable to her, therefore by taking advantage of his position in Post Office, opponent is unnecessary black mailing and harassing her.

4. Opponent has denied these allegations. According to him as per rule complainant was required to deposit postage collected in cash in Postal Treasury, but same was not done by her and thus she has misappropriated amount for 30 months. According to opponent, ISP facility was also granted to her on 22.10.2010, but that too was misused by her, therefore inquiry was conducted against her of misappropriation of amount of Rs. 49,16,580/-.
5. On record there are reports of two inquiries conducted against complainant, one is of 06.04.2011, wherein "it is observed that IMO accepted ISP booked by FPOL-190 without verifying, whether amount due of postage has been credited in treasury or not. This allow proprietor to temporary misappropriated the amount. It is proposed in inquiry that Deputy Controller IMO may kindly be requested to inquire matter at his level to fix responsibility". In view of, 2<sup>nd</sup> inquiry was conducted and vide report dated 23.06.2011, main responsibility of irregularities in deposit of amount has been fixed on DSPS South and on Mail 'A' Branch of Deputy

Post Master General (OP) Circle Office Lahore inspecting / visiting office who visited FPOL in 2010 and 2011.

6. So far misappropriation of amount relating to deposit of ISP fee, it is observed in inquiry report of 23.06.2011 that DSPS South has failed to designate a specific order for depositing ISP, as well as office for handling over mail nor he had taken interest to ask Circle Office for Mail arrangement, therefore in absence of proper order, proprietor of FPOL continue to do her business without deposit ISP fee in time.
7. Rule 26 of report of Revamping the scheme of Franchise Post Office gives a guideline to Unit Officer to arrange spot training to newly license FPM or require him to attend the designated Post Office for a week for acquiring working knowledge of relevant spheres of postal activities concerning with the entrusted jobs before start of FPO.
8. Rule 29 further bound Unit Officer / Regional Officer to regular monitor performance of FPOs and if any gross irregularity is noticed in working, a show cause notice under registered post should be given to FPM.
9. Rule 30 provides that each FPO shall be inspected 6 monthly in accordance with the inspection Questionnaires used for inspecting departmental sub post office.
10. Rule 31 lays down that, with a view of watching performance of FPO through efficient and purposeful monitoring of their work and to ensure proper follow up of preventive measures, an officer of Regional Office not below BPS-18 may also visit FPOS at random, as and when specially considering necessary by Head of Circle.
11. Opponent has failed to show that even on his visit to complainant's franchise Post Office when he found some irregularities, except making order for inquiry,
  - i. Whether he tried to find out that the training as required under rules

was given to complainant before start of Post Office.

- ii. Whether visits and monitoring under Rule 31 which were mandatory have been done.
  - iii. Whether after those visits as shown by opponent in his different report when gross irregularities were detected or noticed any show cause notice was issued to complainant as required under Rule 29.
  - iv. Franchise of complainant was established in 2009, is there any record of six monthly inspection of it as required under Rule 30.
12. In absence of all these follow up, observations made in inquiry report of 04.06.2011 and 23.08.2011 seems to be in order and acts of opponent to initiate illegal inquiries against complainant, in such circumstance apparently was malafide act on his part and deliberate negligence in discharging his duties.
13. No doubt negligence on the part of complainant for non depositing of amount on very day is there, but it has rightly observed in inquiry report of 04.06.2011 that ISP facility is granted to complainant FPOL-190 on 22.10.2010, but this permission was granted to her without fixing and communicating exact point, whether ISP book will be handed over by FPM at a fix time. It was duty of Dy. PMG (OP) to communicate this facility to proprietor of FPOL-190. Same like observations has also been made in another report of 23.06.2011 that "in specific term it can be said that DSPS south failed to designate a specific order for depositing ISP fee as well as office for handling over mail. In absence of proper orders, proprietor of FPOL-190 succeeded in handling over mail without depositing ISP fee and she continue to do so". This is a major flop which causes loss to treasury, but this loss is shown to have been recovered in letter dated 02.04.2011 of Post Master General Central Punjab Lahore who says that entire amount due against FPOL-190 has been deposited by proprietor, which has further been endorsed by inquiry officer in his report dated 23.06.2011 that "whole amount of loss has been recovered

from proprietor of FPOL-190”.

14. Upshot of above discussion is that opponent without discharging his official responsibility and without following rules and regulations and deliberately ignoring them one after other with malafiedly intention reported against complainant from time to time and finally force her to close Franchise. This deliberate omission was an act of harassment and is ordered to be penalized by one step reduction to lower post than Deputy Director General, as per hierarchy of office of Directorate General Pakistan Post, under Section 4 (ii)(a) of Protection Against Harassment of Women at Workplace Act, 2010.
15. Management of Pakistan Post Office Islamabad is directed to implement the order and report to FOS within 15 days of receipt of this order about its implementation.
16. Complaint disposed off accordingly.

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