



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

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

1. Complaint Number: 1(315) / 2017-FOS (Reg)
2. Date of Institution: 23-01-2017
3. Date of Decision: 02-05-2017
4. Complainant: Mst. Syeda Faiza Urooj  
Assistant Professor  
Federal Urdu University of Arts,  
Science & Technology  
G-7, Islamabad Campus
5. Opponent:
  - i. Shah Jee Muhammad  
Additional Registrar  
Federal Urdu University of Arts,  
Science & Technology  
G-7, Islamabad Campus
  - ii. Imran Mir  
Head of Department  
Federal Urdu University of Arts,  
Science & Technology  
G-7, Islamabad Campus

**Justice (R) Yasmin Abbasey,**

**Federal Ombudsman:**

**Complaint No. 1(315)/ 2017-FOS.**

1. Complainant an Assistant Professor in Federal Urdu University of Arts Science and Technology Islamabad Campus has filed this complaint against two persons namely Shah Jee Muhammad Additional Registrar and Imran Mir, HOD Business Administration of same University.
2. According to complainant opponent No. 2 Imran Mir had also applied for post of Assistant Registrar in 2010 but could not qualify the same, therefore he challenged the decision of Selection Board through writ petition No. 4988/2010 in High Court, Islamabad wherein at subsequent stage complainant was also made a party. That writ petition of opponent No. 2 was dismissed therefore he started extending threats for dire consequences and left no chance of harassment towards her as he was also serving as lecturer in same university at that time. In 2016 when charge of Head of Department was given to opponent No. 2 Imran Mir he started to act upon his threats already communicated to complainant at the time of her selection. Opponent No. 2 sent official messages regarding administrative direction at late night which are cause of mental harassment and torture to her by interfering in family life in odd hours. When this act of sending message in odd hours continued he requested opponent No. 2 to stop such acts of harassment, but in reverse opponent No. 2 increase intensity of such harassment which unable complainant to perform her duties.
3. Complainant was continuously subjected to mental agony and torture with saddest attitude and abusive language and unbecoming of teacher which had affected complainant's health. On advice of Doctor she has gone on two weeks bed rest but when said medical treatment certificate was placed before opponent No. 2 he refused to receive and acknowledge the same. On contrary he sent an explanation letter with connivance of Additional Registrar opponent No. 1. That explanation letter was replied by complainant, but opponent No. 1 at behest of opponent No. 2 did not opt to act as per rules and regulations of university. After availing medical leave when complainant intended to rejoin university she was not allowed to rejoin by using filthy and disgusting language. Opponent No. 1 refused to receive medical fitness certification along with joining report with no reason. On

protest of complainant opponent No. 1 threatened her for dismissal from service. Medical fitness certificate submitted by complainant was sent to Polyclinic hospital for constitution of medical board who has also reported in favor of complainant. Despite that she was not allowed to join her duties. Complainant complained to Vice Chancellor, Registrar and Chairman Higher Education Commission, but with no result. Complainant's salary was also stopped by both opponents. Both opponents created working environment hostile for complainant with full of harassment by abusive attitude, disgrace and humiliation. Opponents also demanded apologetic statement from complainant which was refused by her. Hence this complaint.

4. Opponents in their joint defense have stated that when complainant was asked for joining her classes for 4 weeks as semester started from 03-10-2016, she applied for medical leave of 3 weeks w.e.f 09-11-2016 to 30-11-2016. Because of absence of complainant on 26-10-2016 opponent No. 2 reported the matter to administration along with medical leave application of complainant. Complainant in her reply to explanation letter issued on 14-09-2016 has admitted that she is not taking classes. Approach to Federal Government Polyclinic Islamabad with reference to medical certificate produced by complainant is admitted.
5. Opponent No. 2 has no grievance against complainant on basis of her appointment as Assistant Registrar in University. Name of complainant was arrayed in writ petition filed by opponent no. 2 just as perma respondent. It is denied that opponent No. 2 ever threatened complainant. All allegations leveled by complainant against opponents are denied. No illegality or irregularity has been committed by them. Complaint is liable to be dismissed.
6. After going through record and hearing parties it appears that present complaint is outcome of conflict which had started in between complainant and opponent No. 2 Dr. Imran Anwar Mir when complainant was selected as Assistant Professor in 2010. According to opponent No. 2 he has challenged order of selection board before High Court in Writ Petition No. 4988/2010 which was later on dismissed but according to complainant when in 2016 opponent No. 2 was able to take over charge of Head of department he started harassing her on one pretext or other. First act of harassment as has been explained by complainant is that opponent No. 2 used to send official text messages in late hours at night which has mentally disturbed her and was act of mental harassment and torture to her.

Whereas according to opponent N. 2 communication of time table and courses allocated to all faculty members via sms was routine practice and there was no element of harassment to complainant. Opponent No. 2 has tried to explain sending of official messages through sms that as his official timings is from 8:30 am to 8:30 pm therefore after winding up his daily official matters he usually communicate next day activities to his faculty members after 10:00 pm via sms. According to him as whole day he remained busy therefore only course for him to inform about next day engagement was after 10:00 pm. Although from text messages sent by opponent No. 2 as produced no unethical act is appearing therein, but even then there seems no justification in statement of opponent No. 2 that when after getting free from official work only time left for him to send next day engagement of faculty members is after 10:00 pm does not have any reason therein because arranging time table and communication of same to all faculty members is official work which has to be done within office timing and no person can take any excuse that in spite of having 12 hours engagement in office opponent did not have any time to prepare next day time table schedule for faculty members. Even otherwise if any of faculty member is not comfortable with such late hours text messages, his or her concern should be honored instead of repeating the same.

7. Record further shows that according to complainant on 20-10-2016 she had fallen sick, therefore a leave application was send for one day leave but thereafter again as she did not feel well therefore on 24-10-2016 another application for leave from 24-10-2016 to 04-11-2016 was moved. Third application was moved by her on 09-11-2016 for medical leaven from 08-11-2016 to 30-11-2016. 4<sup>th</sup> application said to had been moved by her is for 7 and 8-11-2016 and last application is of 23-01-2017 for 24-11-2016 to 29-11-2016. According to complainant in spite of moving leave application on medical ground same were not considered by both opponents. On the contrary opponent No. 2 by writing a letter on 26-10-2016 had complained against her of not attending the classes. Whereas opponent No. 1 treating her medical leave application and certificates as disputed an explanation letter was issued on 14-11-2016 for not attending her classes of semester autumn of 2016 which according to opponents had started from 03-10-2016. Although this explanation letter was replied by complainant on 17-11-2016 but at the same time it cannot be overlooked that in between the medical leave applications moved by complainant there are some gaps but those gaps have not been explained by

complainant that whether in those days she attended the university or not. That shows the lack of discipline not only of complainant but also of university administration.

8. Grievance of complainant is that in spite of moving application not only explanation letter was issued to her but treating her as false her case was also sent to medical Superintendent Federal Government Service Hospital Islamabad for her examination and verification of medical certificates produced by complainant in support of her illness. On 23-11-2016 a letter was issued by Deputy Executive Director of PIMS Federal Government Poly Clinic Post Graduate Medical Institute to Additional Registrar of University for giving information to complainant to appear before medical board on 29-11-2016 at 10:00 am. Prior to appearance of complainant before medical board she herself on 30-11-2016 had submitted joining report along with fitness certificate but that fitness certificate of 29-11-2016 filed along with joining report was not accepted by opponent No. 1 Additional Registrar and he at his own motion had sent letter to Deputy Executive Director Federal Government Service Hospital Polyclinic Islamabad for confirmation of that fitness certificate and finally on 30-01-2017 after appearance of complainant before board on 27-12-2016 it was reported by medical officer that she is fit to work at present. leave in question may be decided on administrative ground.
9. Above discussion show that beside opponent No. 2, conduct of opponent No. 1 was also not comfortable with complainant as in spite of production of fitness certificate by her case for her joining to post and assignment of work to her case was kept pending with no reasonable cause. Though repeated applications were moved by complainant on 29-11-2016, 30-11-2016, 02-12-2016, 15-12-2016 and lastly on 05-01-2017. On the contrary on 09-11-2016 without considering joining report of complainant a note was prepared by Assistant Registrar HR that why because of not attending classes proposed actions mentioned therein produced as exhibit O/1 be taken against complainant and out of them one proposed action was of stoppage of salary which according to opponents was recommended by Vice Chancellor of University. After going through this document produced as exhibit O/1 an incredulity which is appearing from this document is that although proposed suggestion were made on 09-11-2016 which was also consented by Deputy Registrar and Assistant Registrar HR on 09-11-2016 but signatures of Vice Chancellor which has been pointed by representative of opponents as that of

Vice Chancellor bears date of 08-11-2016 which makes this document suspicious. Even otherwise as per rules of Wafaqi Urdu University produced by parties rule-17 deals with sick leave and clause-1 of it says that if any person go on sick leave on basis of any medical certificate the employee will be entitled to half of salary. Whereas in terms of exhibit O/1 dated 09-11-2016 admittedly whole salary of complainant was stopped for which no justification has been placed by both opponents and representative of Vice Chancellor, as such these acts of opponents admittedly come within term of intimidating and creating hostile work environment in against to complainant by opponents.

10. Here it is also noteworthy that just after filing present complaint all leave applications of complainant moved on medical ground which were kept pending were allowed on very date of filing this complaint i.e. 23-01-2017 which again gives satisfaction to case of complainant that conduct of opponent no. 1 followed by opponent No. 2 in against to complainant and also to misguide his administration definitely comes within ambit of harassment because no reason has been given by both opponents that if in spite of producing medical certificates and her examination through medical board they were not able to have nothing in against to complainant why her applications for medical leave were not considered and her salary in against to rules of university was stopped and this is what being agitated by complainant from very first day in her reply to explanation letter issued on 14-11-2016. So far as not attending of classes is concerned according to complainant she had attended classes from 05-10-2016 to 20-10-2016 as semester started from 05-10-2016, but as there was no attendance sheet therefore she cannot mark her attendance of students on any official attendance sheet of university, however she has privately marked same and this statement of complainant has not been denied by opponents neither in their statements on oath nor in their defense.
11. It is alleged by complainant that all actions that has been done by opponent No. 1 in collusion with opponent No. 2 were without approval of Vice Chancellor as is appearing in explanation letter issued on 14-11-2016 and in letters issued to Hospital for verification of certificate dated 14-11-2016 and subsequent thereto. To show conduct of opponent No. 2 complainant has referred letter dated 26-10-2016 written by opponent No. 2 to Deputy Registrar of University that as complainant is not attending duties and has applied for two weeks medical leave therefore he may be allowed to hire visiting teacher for classes of Mst. Faiza

Urooj. If in fact position was so, nothing has been brought on record by both opponents that whether they had placed that situation before Vice Chancellor for having approval of hiring substitute teacher for classes of complainant, but all these facts are missing from record which show that correspondence being done in against to complainant was in view of previous grudge that has cropped up in 2010.

12. In view of above discussion I reached to the conclusion that complainant for no reason was unnecessarily harass and humiliate by both opponents because if medical leave applications of complainant were on flimsy ground then why with no new development just after filing this present complaint they were allowed with release of her salary. Though according to opponent inquiry committee was also constituted by university to probe into the matter but admittedly no progress till now has been made in that inquiry on pretext that as this complaint has been filed therefore they have not initiated any proceedings in that inquiry committee, does not have any reason therein. On whole I found weak administrative issues in university and it appears that authorities to whom responsibility to administer university has been given are not fulfilling the same.
13. Upshot of above discussion is that complainant has been able to prove undue act of harassment by both opponents towards her, therefore I hereby impose minor penalty of censure on both opponents under Seciton-4 Clause 4-(i)(a) and withholding of promotion of both opponents for a period of one year from date of this order under section 4 (i)(b).
15. Issue letter to Vice Chancellor of Wafaqi Urdu University Islamabad Campus to implement the decision and report to this office within 15 days of receipt of this order.
21. Parties be informed accordingly.
22. Announced in open court.

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