



FEDERAL OMBUDSMAN
For Protection against Harassment of Women at Workplace
Islamabad

J U D G M E N T

1. Complaint Number: 1(162) / 2015-FOS (Reg)
2. Date of Institution: 15.06.2015
3. Date of Decision: 07.09.2015
4. Complainant: Mst. Zonia Mehmood,
Postal Clerk,
Noor Pur Post Office (P.O),
Faisalabad.
5. Opponent: Muhammad Waseem Tariq,
Assistant Superintendent, Postal Services,
Faisalabad.

Justice (R) Yasmin Abbasey,

Ombudsman:

Complaint No. 1(162)/ 2015-FOS.

1. This complaint has been filed by Ms. Zonia Mehmood Postal Clerk, Noor Pur P.O Faisalabad against opponent Muhammad Waseem Tariq, Assistant superintendent Postal Services, and Faisalabad Division.
2. Facts of the case as narrated by complainant are that an application was moved by complainant to Director General Post Office Islamabad alleging that opponent made frequent un-authorized visits to Noor Pur PO which does not fall in his jurisdiction. Issued charge sheet to complainant and also conducted proceedings and finally with malafide intention served a warning letter on 11-12-2012 as Authorized Officer without having any lawful authority. Opponent also harassed complainant through telephone calls, making frequent visit to her office as well as at her resident and repeatedly calling her for personal hearing. Opponent is harassing, blackmailing, intimidating and terrifying her through un-lawful tactics to fulfill

sexual desire. Opponent has misused his official position and has given bad name to supervisory cadre and department. He has also created harassment among female postal staff, Faisalabad.

3. Inquiry was conducted. Chief Post Master Faisalabad GPO finalized disciplinary proceeding with a punishment of issuing "Censure" letter to opponent. Director General Office Islamabad by letter dated 06-11-2013 reviewed the findings and advised to re-open the case. Matter was again investigated by Inquiry Committee and after inquiry a minor penalty of "Stoppage of two increments for 2 years without future effect" was imposed vide office memo order 04-02-2015 that order was challenged before Regional Deputy Post Master General and by order dated 04-08-2015 penalty of stoppage of two increments for 2 years without future effect was set aside.
4. Opponent in his defense had denied all the allegations leveled by complainant. It is stated that first complaint moved by complainant was investigated by Mr. Feteah Mohammad

senior post Master GP that complaint was rejected on 22-12-2012, however he made recommendation to take action against both complainant and opponent but till now no proceeding have been initiated against complainant.

5. It is alleged that recalling of previous penalty order of "Censure" and for holding denovo inquiry is against disciplinary rules which were objected by him but no attention was paid to his request. However he challenged that finding and it was set aside. All allegations of complaint of harassing her are false.
6. It is stated that he has been involved in the matter because complainant's husband namely Shabir Ahmed Tahir is also a postal employee whose post working verification of arm license was assigned to him during his posting as ASPO Town-1 Sub Division Faislabad. He was persuaded to give OK report which was refused.
7. Opponent proceeded against complaint because of her late attendance in the office. Complainant lodged complaint against him after 10 days of finalization of her disciplinary

proceedings regarding her late attendance.

8. The allegations leveled by complainant were thoroughly scrutinized by inquiry committee in its report dated 30-04-2014 and in a very balancing way it has been observed that although complainant has leveled that opponent made unauthorized frequent visits to her office which does not fall in his jurisdiction and he used to call her and also made frequent visits to her home which is an act of harassing and black mailing her, but at the same time it has also observed by inquiry committee that complainant knowing all these things was arranging mails for opponent in absence of her husband and so on and so forth. Her husband had also taken tea with opponent and relation in between them were very normal. Admission of complainant to arrange mails for opponent because she was under process of charge sheet with opponent on her late attendance in office is a factor to show pressure of opponent on complainant to report against her in case of any disputatiousness. Although it has been denied by complainant that she and her husband had any official talk at

home but it is not believable that verification case of arm license of complainant's husband pending with opponent was not discussed in between them, and that is why complainant has shown lenient view towards opponent, as admitted by her in Para 9 (VII) of Enquiry Report dated 30-04-2014. So the comfortable atmosphere which has given by complainant herself to opponent to have those frequent visits at office and at home just to have positive reports for her and her husband, while assessing the matter cannot be ignored.

9. At the same moment report of inquiry committee of 30-04-2014 that complainant was put in such situation by illegal acts of opponent by initiating inquiry against her for late attendance, despite the fact that it does not fall with his jurisdiction, just to harass and put her under undue comfort and pressure are the elements which falls under definition of Harassment. A view is developing that term Harassment as defined in Act of 2010 is confined to sexual harassment. This perception is on wrong footing. Although much emphasis has been given in the definition on sexual harassment looking

over the environment which is developing in society. But it does not mean that other elements which are part and parcel of even this sexual harassment and make a comfortable situation for perpetrator to satisfy his illegal desire should all together be ignored just because of missing of word of "Sexual harassment" in a case. If indeed object of enactment of this Act is to protect Women or working person from harassment at Workplace as laid down in its preamble then term Harassment needs an interpretation at larger scope. Otherwise the intent of legislation of this law will be a joke for victims and perpetrators will take it as a hit to balls.

10. It is also pertinent to note that statement of complainant has not been rebutted by opponent and not a single question was put to her in cross examination. Though opponent in his cross examination has tried to deny the allegations leveled against him but that denial does not find support from the documents placed on record.
11. In view of above I uphold the findings of inquiry committee report of 30-04-2014 and the decision passed thereon on 04-

02-2015. Finding of Regional Deputy Post Master General dated 04-08-2015 are hereby set aside.

12. Announced in open court.

13. A letter be issued to Chief Post Master, Pakistan Post to implement the decision of Federal Ombudsman Secretariat (FOS) and report be submitted to FOS within a period of 15 days.

JUSTICE (R) YASMIN ABBASEY
Federal Ombudsman