



**FEDERAL OMBUDSMAN**  
**For Protection against Harassment of Women at Workplace**  
**Islamabad**  
**J U D G M E N T**

1. Complaint Number: 1(305) / 2016-FOS (Reg)
2. Date of Institution: 13-12-2016
3. Date of Decision: 20-03-2017
4. Complainant: Dr. Zubeda Chaudhary  
Associate Professor  
Hazara University  
Mansehra
5. Opponents:
  - i. Vice Chancellor  
Hazara University  
Mansehra, KPK
  - ii. Registrar  
Hazara University  
Mansehra, KPK
  - iii. Dr. Manzoor Hussain  
HOD Department of Botany  
Hazara University  
Mansehra, KPK



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**Justice (R) Yasmin Abbasey,**

**Federal Ombudsman:**

**Complaint No. 1(305)/ 2016-FOS.**

1. Complainant who is Associate Professor of Botany in Hazara University Mansehra has moved this application alleging harassment act towards her by most of the faculty members of the university and particularly towards the three opponents in present case. It is stated by her that she was selected as Associate Professor of Botany in the University in 2008. After her appointment Azhar Shah Lecturer in Botany department was cause of hindrance and hurdles in her duties. In March 2010 she applied for the post of TTS Professor in the same University, but her application was not considered. However syndicate notified her as regular Chairperson / HOD Botany which again annoyed Dr. Habib Ahmad, Ex-HOD Botany although he was selected for the post of TTS Professor and Chairman Genetics. After taking over charge as Chairperson HOD Botany she requested Dr. Habib Ahmed Ex-HOD Botany to hand over actual soft file having student record, but only few hard copy files were delivered to her. Registrar Dr. Muqrab Shah who was also brother of Vice Chancellor Sakhawat Shah, being on top managerial position gave complainant a tough time by directly managing all departmental activities. Complainant was not allowed to be a part of all these activities. She was only assign to sign on old DMCs old degrees verification through Azhar Hussain Shah who was also close to Dr. Haib Shah. As record of those old degrees was not available in Botany department, therefore complainant refused to verify those degrees, but Azhar Hussain forced her to verify them. After denial of complainant to sign on verification of old degrees, Azhar Hssain who was lecturer in Botany department used to sit in complainant's office for whole day and kept staring on her. Number of times he tried to slap her and catch her hand. All these acts of Azhar Hussain were brought in knowledge of Vice Chancellor Dr. Sakhawat Shah.
2. Complainant was also forced to perform admission duty and departmental tea management committee. On this attitude of faculty members of University she requested to Vice Chancellor to withdraw her chairperson notification. First he refused, but thereafter agreed, but still then act of registrar continued on. In February, 2011 in against to the post of Professor in regular grade 21 she applied for the same, but instead of her Azhar Hussain Shah was selected for the post.

He did his PHD in 2004. When she verified his four degrees of PHD registration of 2004, Msc registration of 2006, M.phill awarded in December, 2009, PHD awarded in March 2010, PHD 6 months training from Japan in 2008 she refused to verify them because it is not possible for a person to have four degrees in four years. In spite of it Registrar Dr. Muqrab Shah forced her to verify the same, on her denial he called Jirgah on 09-02-2012 which was reported to Vice Chancellor by complainant on same day.

3. It is further alleged that Dr. Muqrab along with Dean Dr. Bakhtiar Yousaf Zai badly humiliated her and forced her to get pardon from all faculty members and particularly from Azhar Hussain Shah by touching their feet and forcibly took resignation from her from chairpersonship. On 18-04-2012 after obtaining one year study leave for post Doctorial Research she proceeded abroad. On 25-04-2013 she on her return joined Botany department and also applied for university residence. First room was allotted to her, but in evening same was cancelled till 8<sup>th</sup> June. On 8<sup>th</sup> June her mother passed away.
4. Selection Board of University in June again ignored complainant in spite of her application and selected Dr. Manzoor Hussain as Professor in grade 21, though at that time he was serving in BPS 18 in a college and did his PHD in 2012.
5. Dr. Manzoor Hussain after taking charge of Professor of Botany and Chairman of Department started teasing her, passing unethical words and threatened her that he will not allow complainant to get professorship in university. Dr. Manzoor Hussain removed her name from departmental BOS committee, research committee etc. He took all office accessories of complainant unethically and cut down her electric connection. He further directed office boy not to help complainant if she needed. These acts of Dr. Manzoor Hussain were also reported to Vice Chancellor. In August, 2013 complainant got minor road accident. Her driver informed to PS to Vice Chancellor and PS to Registrar. When complainant was able to talk she called Dean Bakhtiar Yousaf Zai and requested him for medical leave. After availing medical leave when she joined university on 22-12-2013 she was not allowed to join her post on the pretext that semester was off and there are no classes. In spite of her request Dr. Bakhtiar Yousaf Zai in collusion with Zubair Alam and Bahadur Shah the new registrar had cancelled her medical leave and converted it into leave without pay. Both Zubair Alam and Bahadur Shah made fun of her in registrar room. They reimbursed all salary paid

to her against medical leave till 22 December. Thereafter she requested her physician to extend her medical leave as university will start on 16<sup>th</sup> February. Application for medical rest leave was again submitted in the university. On 16-02-2014 complainant joined her job, but no salary was paid to her till April, 2014. In May, 2014 40% salary was paid to her. On query from Registrar Dr. Surkhail and Acting Registrar Dr. Zubair Alam no reply was received till May, 2015. Complainant many times requested to release her salary. Her case was referred to anomaly committee. There also Dr. Manzoor Hussain Shah threatened her that she will never get any promotion nor any pension from the university.

6. Dr. Manzoor Hussain with malafied intention also played with her career by not allocating Mphil and PHD students to her from June, 2013 till date.
7. In December, 2015 when Emergency Selection Board was held by Dr. Habib Ahmad to consider foreign qualified grievance under umbrella of Bio Informative Board of Study. Complainant also intend to move application before that board, but was not allowed by Dr. Habib Ahmed. In February, 2016 in against to an advertisement complainant again applied for the post of Professor in Hazara University, but therein too she was not considered on pretext that this post is for TTS Professor and for BPS will be held in next week.
8. It is stated by complainant that once when she was returning to home, a car without number plate with two unknown persons followed her up to Abbotabad. That scared her. Incident was informed to PS to Vice Chancellor Sajad Hussain on sms. Dr. Manzoor Hussain HOD Botany is continuously harassing and threatening her. On 16-08-2016 harassment and physical assault had gone to extreme level. Detail of same is given in letter dated 17-08-2016 address to Secretary HED, Peshawar KPK, but till date there is no progress.
9. In spite of attending classes Dr. Manzoor Hussain is marking her absent and on this pretext he has stopped her 100% salary without any proper order. Every day Registrar give her a letter of new inquiry against her. All these acts made her insecure. She has life threats, financial damage because of which she is under mental stress. Her health is going weak, hence this complaint.
10. Opponents have not filed any defense specifically denying allegations leveled by complainant, but to rebut the same have filed certain documents.
11. After hearing parties and going through record it is found that conflict in between

complainant and Hazara University administration is not new one. It is going on since for years together. First complaint was moved by complainant Dr. Zubeda Chaudhary on 10-01-2012 against Azhar Shah Lecturer in Botany department against his non cooperative attitude. Record is silent that whether any step has been taken by Vice Chancellor on that complaint, but counter attack is appearing from record against complainant by moving joint application by all faculty members of Botany department including lecturer Azhar Hussain shah against complainant alleging that department is facing serious problems in result, because of administration issues of complainant. It is thereafter a meeting is said to have been arranged by Botany department and in that meeting it appears that complainant Dr. Zubeda Chaudhary was persuaded to submit her resignation as chairperson of Botany department. Although in that report dated 30-06-2012 submitted to Vice Chancellor at Page 14 of file that when at the end of meeting complainant had submitted her resignation she was asked to take it back, but that request said to had been made by Professor Dr. Bakhtiar Muhammad apparently seems to be vague statement because in very following paras he has expressed that "for last one year and four months of her tenure as chairperson department suffered a lot it was destroyed in every respect. She failed to run department affairs / development and creates more problems day by day". Record further reveals that just after resignation of complainant she moved application on 14-02-2012 under title of unpleasant incident leveling allegations against registrar for taking forcibly resignation from her of chairpersonship and disgracing and defaming her before faculty members and persons of other department. This time Inquiry committee was constituted after a lapse of about 1 and half month on 05-04-2012 on application of Dr. Zubeda Chaudhary. In that report Registrar was exonerated from all allegations leveled against him, whereas recommendations were made against Dr. Zubeda Chaudhary for initiating action against her for leveling false allegations against responsible office of university. It was also recommended that she may not be allowed to proceed abroad until she appeared before inquiry committee and record her statement. One another application of complainant dated 27-05-2013 is also appearing on record whereby complainant had requested that appointment of Dr. Manzoor Shah as Professor may be reversed because in comparison to Dr. Manzoor Shah she is much qualified and was suitable candidate for post of Professor, therefore inquiry committee be constituted in this matter to evaluate case of both i.e. Dr. Manzoor Shah and of Dr. Zubeda Chaudhary. That application of 27-05-2013 seems to be unattended.

After elapse of about four years on 16-08-2016 complainant has come up with allegation of harassment, threatening of confinement and physical abuse against Vice Chancellor and his associates. It is alleged in her application dated 16-08-2016 that as there were serious allegations against her, therefore on 15-08-2016 Vice Chancellor called her to discuss the matter. On that call when she met with Vice Chancellor he forced her to apologize from Dr. Manzoor Hussain. Next day on 16-08-2016 when complainant came in her department Vice Chancellor along with Dr. Mujtaba Shah entered in her room and they both asked that whether she has taken apology from Dr. Manzoor Hussain or not. According to complainant she replied to submit her statement in writing, but declining her request she was forced to take apology from Dr. Manzoor Hussain while leaving room with a message to return at 2:00 pm. It is alleged that they also left some unknown persons outside her office. As per complainant at 2:00 pm Vice Chancellor along with Dr. Manzoor Hussain HOD Botany, Dr. Mujtaba Associate Botany, Dr. Azhar Hussain Shah Hazara University, Dr. Manzoor Shah HOD Social Sciences, Dr. Majid Lecturer Botany, Dr. Sajid Ghafor Associate Professor Genetics, Dr. Hakim Registrar Hazara University, Major Shirin Gul Security Officer and along with many unknown persons came to her office and call her out. When complainant tried to submit her reply same was not accepted by Vice Chancellor and he directed Manzoor Hussain to forcibly drag her down to basement with help of male students. This direction of Vice Chancellor was strongly opposed by complainant which further annoyed them and persons along with Vice Chancellor started physically abusing her. They forcibly tried to drag her to basement. Dr. Manzoor Hussain also tried to touch her. In such state of incident complainant rush to her room and locked it from inside and called police for her help. At about 4:45 pm DSP Shinkiyari Nazir along with SHO came at University. It is thereafter in presence of DSP she submitted her written reply in registrar office, where again registrar threatened her for dire consequence because of calling police in department. Thereafter Police provided her safe exit. According to complainant this complaint was also forwarded by her to governor KPK and HED. But record shows that till filing of this complaint no action was taken by Hazara University nor by Governor of KPK or HED and matter is seems to have been sent on dormant file.

12. It is thereafter on 13-12-2016 complainant approached to this forum. During course of arguments this admitted position came forward that both Vice

Chancellor of Hazara University as well as Governor of KPK had ignored to examine allegations leveled by complainant, although they were bound under law to look into the matter, however after order of this forum on 28-12-2016 letter was issued by Section Officer of KPK government to Vice Chancellor Hazara University Mansehra to examine allegations leveled by complainant in her application moved on 16-08-2016 and it is thereafter Hazara University had constituted inquiry committee which has given its report to Federal Ombudsman on 06-02-2017.

13. Same conduct of police officers is appearing in above matter. It is an admitted position that on 16-08-2016 complainant had called police at Hazara University for her safeguard. Either that complaint may be false or true it was responsibility of police officer to investigate the matter and report the same, but it appears that reporting officer was in very much hurry and just after reaching at Hazara University without any investigation he reached to the conclusion that incident reported was not cognizable offence, but he will try to find out real facts after investigation. But thereafter no proper investigation appears to had been made by police officer. On 03-01-2017 SHO Shinkiyari has submitted his report dated 24-08-2016 stating that complainant has not been able to produce any witness and as it is internal matter of Hazara University, therefore complainant is advice to get remedy from forum of Higher Education department or Court, but in report dated 19-11-2016 at Page 6 true fact came forward that:

سایکھ سے تحریری رپورٹ حاصل کی جا کر برائے دریافت انکوائری شروع کی جا کر حوالے ہیڈ انسپکٹر کی گئی تھی۔ دورانِ دریافت چونکہ معاملہ یونیورسٹی کے اندر اور ڈپارٹمنٹ کا تھا۔ گواہان سے بھی رابطہ ہوا جو وقوعہ ہونا بیانی تھے۔ لیکن VC صاحب اور ادارہ کے ماتحت ہوتے اور خوف ڈر کیوجہ سے تحریری بیان دینے کو سامنے آنے سے گریزاں تھے۔ اور درخواست گزار اور VC صاحب بھی ایک ہی ادارے کے ملازم ہونے کیوجہ سے گواہان ماتحت شہادت دینے سے ڈر محسوس کرتے ہوئے بیان میں لغتِ تعلق کرتے تھے۔

14. Facts narrated about at least manifestly show that discriminatory attitude is not only been appearing by Vice Chancellor and administration of Hazara University in against to complainant, but same attitude is also appearing from side of KPK government and concerned police officers. In spite of receiving application they both thrown it aside taking it a non-serious issue. Contents of a complaint, to be false or true cannot be judge by just looking at application, they needs thorough investigation. Record further shows that instead of investigating on complaint of complainant, her salary was stop from October, 2016. Therefore another



applications were moved by her to Secretary Higher Education department and also to Vice Chancellor on 10-11-2016, 06-12-2016 and 19-12-2016 but no step is appearing on these requests of complainant for release of her salary. HOD Higher Education department also by writing a letter dated 29-12-2016 has tried to shift his burden on Vice Chancellor of Hazara University stating that

- a. Concrete step may be taken to reduce polarization / grouping among teachers of department of Botany.
- b. Inquiry may be conducted into the affairs of department of Botany through committee consisting of teachers from outside of faculty of sciences / held science.

15. These all steps taken by HOD and Hazara University of inquiry committee admittedly are after filing of complaint before office of Federal Ombudsman. In such circumstances the outcome of such inquiry is not out of expectation as in evidence from past history that from very first day of appointment of complaint in the department there was a tussle in between her and university on one ground or other.
16. At one stage it is complained by administration that even after her appointment in 2008 complainant joined her duty after lapse of a year in 2009, if this was fact no reason is disclosed that why so much leniency was given by Hazara University in favor of complainant if she was so much incompetent and irresponsible towards her duties. Opponents have also filed bundle of documents as Annexure A to D to show that mostly complainant remain absent form duty. But again it is surprising that in spite of her remaining absent from her duty and being carefree towards her duties which opponents had tried to show by placing complaint of students at different stages against complainant, long back to complaint filed by complainant on 16-08-2016 why university had not taken any step on those past allegations. In such eventuality suspension order of 07-12-2016 seems nothing but a counter attack to the steps taken by complainant against opponents.
17. It is also noteworthy that in spite of recommendation of inquiry committee held on 30-06-2012 that she may not be allowed to proceed broad until she appears before inquiry committee to be initiated against her for leveling false allegations against Registrar of university. She was allowed to go UK. This departure of complainant abroad was noticed and in report of 05-02-2013 inquiry committee had suggested that warning may be issued to all irresponsible officers who in contravention of recommendation of inquiry report facilitated safe passage to Dr.

Zubeda Chaudhary for proceeding her study abroad, but admittedly neither any action was ever taken against complainant Dr. Zubeda Chaudhary nor against these officers of Hazara University. In such state of affairs a cursory over view of Higher Education Department on 29-12-2016 has not only facilitated faculty members of Botany department, but also to students who were forced to involved therein.

18. Upshot of above discussion is that although except herself complainant has not been able to produce any other person to support here contention, but here solitary statement in light of report of police officer made on 19-11-2016 also cannot be ignored who too in spite of being partial person was not able to collect any evidence from the university, asf because of fear of Vice Chancellor neither employees of university nor students had given any evidence to bring the truth on record. Record shows that every authority involved in issue had tried to conceal true facts and facilitated each other with discriminatory attitude in against to complainant with particular mind set which is in the society.
19. In view of above discussion I hereby allow complaint of complainant and impose minor penalty of censure on all opponents with fine of Rs. One lac each payable to complainant under section 4-i(a) and 4-i(d) of Act of 2010 with hope that in future such incident will not happen in the university.
20. Issue letter to Chancellor of Hazara University Mansehra being competent authority 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