



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

J U D G M E N T

1. Complaint Number: 1(208) / 2015-FOS (Reg)
2. Date of Institution: 16.10.2015
3. Date of Decision: 15.01.2016
4. Complainant: Mst. Amna Gondal,
Assistant Personnel Officer-II,
Pakistan Railways, DS Office,
Karachi.
5. Opponent: Majeed Solangi,
Senior Ticket Examiner / KYC,
Pakistan Railways, DS Office,
Karachi.

Justice (R) Yasmin Abbasey,

Ombudsman:

Complaint No. 1(208)/ 2015-FOS.

1. Complainant Mst. Amina Gondal serving as Assistant Personnel Officer in Pakistan Railway at Karachi has filed this complaint against one another employee of Pakistan Railways Majeed Solangi STE / KYC alleging that on 15.09.2015 at about 1300 hrs when she was present in office, opponent came along with printed papers and forced her to sign on them. According to complainant she informed that under the duties assigned to her she cannot signed on it, but opponent in a threatened way forced her to sign thereon. It is stated that when opponent was asked to explain particulars of papers or sent it through proper channel he started abusing her in very extremely harsh manner and used derogatory language. It is further stated that because of the situation created by opponent she was confused and harassed and tried to leave her office but opponent came in a way so that she cannot go out, however one of his colleague who was with him pulled him on a side and then complainant was able to leave room. She immediately went to meeting room where all Divisional Officers were present in a meeting. She also made a written complaint on very same day. By letter dated 23.09.2015 she was informed by Railway administration about suspension of opponent with immediate effect and committee was formed to investigate matter. After receipt of letter intimating about suspension of opponent and constitution of inquiry committee complainant met with Additional Personnel Officer and requested him to restrain opponent's free movement as he was still harassing and disturbing her, but in contrary that suspension order was removed on 29.09.2015. Till now in spite of repeated request inquiry committee has not given its decision therefor she has approached this forum of FOS. She further alleged that being Chairman of Mehnatkash union Pakistan Railways he is only getting money from staff with no

solution of problem.

2. Opponent in his defense has denied all allegations leveled by complainant. According to him on 15.09.2015 he came to complainant along with widow of late Shams Naib Qasid of Railway School Marselling Yard Karachi for completion of settlement of his papers and requested complainant to resolve problem of that lady but complainant became harsh towards him and used unparliamentarily language. Opponent restrain himself because complainant is lady.
3. It is stated that contract of complainant has expired and she is not entitled to occupy post of Assistant Personnel Officer according to rules. Complainant does not give respect to employee and he can produce a lot of evidence that her working administration side is not good and she always create problems for employees. Inquiry committee has been constituted. Complaint be dismissed.
4. After filing defense both parties were asked to produce evidence in their defense if they want to produce. Complainant has filed statement of her two witnesses namely Muhammad Sharif and Muhammad Hayat but opponent in spite of repeat notices neither appeared before this forum nor ever intimated to this office about production of evidence from his side except by moving a letter dated 23.12.2015 wherein he has almost repeated the same statement as has been made by him on 02.11.2015 with further addition in para 5 that:

“In case undersigned committed an act of misconduct the establishment will certainly take action against undersigned as he is liable to abide Rules and Regulations.

That Secretariat may direct / forward complaint to Pakistan Railways and establishment can inquire matter and in fact which has already been enquired and found false.”

5. On 13.11.2015 complainant moved an application that as both parties are resident of Karachi therefore it will facilitate both of them if matter is proceeded through Video Conferencing. In view of this request both parties were directed to provide skype ID so that they can be contacted through skype. Letters were issued to opponents continuously on 23.11.2015, 30.11.2015 and 07.12.2015 to appear in the proceedings of this case through skype and provide his ID to contact, but all three letters issued from FOS were returned with endorsement of postal authority that opponent refused to receive them. In such circumstances no option was left for Federal Ombudsman to discharge witnesses of complainant for purpose of cross examination and to close side of opponent for purpose of evidence. Finally matter was adjourned to 15.01.2016 for judgment.
6. In the meanwhile inquiry report of inquiry committee constituted by Pakistan Railway office Karachi has also been received. Perusal of this inquiry report reveals that opponent before inquiry committee has admitted that he has uttered words as has been incorporated in second para of proceedings of inquiry report. He further admitted that he was loud while speaking with complainant, but has denied that he has used any threatened language against complainant and obstructed her way when she tried to go out. Inquiry committee has also reported that opponent has tendered apology to complainant before inquiry committee which was not accepted by complainant.
7. Finally it is unanimously observed by members of inquiry committee that:

“After hearing both the parties and the witnesses statements, it can be safely inferred that Mr. Abdul Majeed Solangi tried to unduly pressurize Miss Amna to sign the document, which she did not want to sign being impertinent to her domain in the capacity of APO-II. He admits saying the afore-mentioned underlined words in a loud voice.

The committee is of the view that Mr. Solangi’s language and his manner of saying were highly offensive, insulting, derogatory and intimidating. These actions of Mr. Solangi are sufficient to cause interference in work performance and create a hostile

environment for female officer”.

8. It is further observed that although all three witnesses of incident have stated that “no attempt was made by them to block her way when she wanted to exit. However possibility of Miss. Amnna claim that he tried to block her way, cannot be entirely ruled out, given the fact that the confrontation had escalated to such level”.
9. With this finding inquiry committee has recommended that “Minor Punishment” be imposed on opponent.
10. Opponent in present case along with his defense has filed two applications moved by Saeed Ahmad Syal and Comrade Abdul Majeed to Minister Railway. First application moved by Saeed Ahmad Syal is against behavior of complainant, but neither opponent nor Saeed Ahmad Syal appeared before this forum for purpose of their cross examination on statements made by them in his application, whereas other application moved by Abdul Majeed is against one Tariq Ahmad S/o Taj Din. In his application neither Abdul Majeed has been able to show that how alleged act of Tariq Ahmad can be taken against complainant, because in this letter of 15.10.2015 involvement of complainant in activities of Tariq Ahmad are totally missing. In contrary to, statement of complainants witnesses in spite of their presence before FOS were not contradicted by opponent nor these witnesses were cross examined. In view of these circumstances I am constrained to believe statement of complainant and her witnesses which too find support from inquiry report of 23.11.2015.
11. In view of above discussion I uphold findings of inquiry committee of Pakistan Railways Divisional Office Karachi made on 23.11.2015 and imposed minor penalty of withholding increment in pay of opponent for one year under section 4 sub-clause 4(1)(b) of Protection against Harassment of Women at Workplace Act 2010.

12. Issue letter to Pakistan Railways Divisional Office Karachi to implement decision / recommendations of Inquiry Committee uphold by FOS within period of 15 days from receipt of this order and intimate to this office.
13. Parties be informed accordingly.

JUSTICE (R) YASMIN ABBASEY
Federal Ombudsman