



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

J U D G M E N T

1. Appeal Number: 1(179) / 2015-FOS (Reg)
2. Date of Institution: 10.08.2015
3. Date of Decision: 22.09.2015
4. Appellant: Mst. Azra Aslam Qureshi,
Assistant Superintendent,
State Life Insurance Corporation of
Pakistan (SLIC), Regional Office,
Multan.
5. Respondent:
 - i. Rana Muhammad Afzal
Deputy General Manager (F&A)
State Life Insurance Corporation of
Pakistan (SLIC).
 - ii. All Committee Members
 - iii. Executive Director P&GS,
State Life Insurance
Corporation of Pakistan (SLIC).

Justice (R) Yasmin Abbasey,

Ombudsman:

Appeal No. 1(179)/ 2015-FOS.

1. Azra Aslam Qureshi, Assistant Superintendent, State Life Regional Office, Multan on 06-07-2015 filed a complaint having no. 1(169)/2015-FOS against Rana Muhammad Afzal, Regional Accountant, Multan stating that Inquiry Report in complaint filed against Rana Muhammad Afzal before Inquiry Committee of Institution has not been provided to complainant. It was therefore prayed that Institution i.e. State Life Insurance Company be directed to supply the same. That complaint was allowed and complainant Mst. Azra Aslam Qureshi received copies of proceeding of Inquiry Committee and its report on 31-07-2015. Thereafter, she filed this appeal before FOS on 10-08-2015.
2. Inquiry Committee vide its recommendations dated 17-03-2015 have imposed three penalties:-
 - (a) "Censure"
 - (b) "Withholding, for a specific period, promotion or increment"

(Since the accused is going to retire from the services of the Corporation from 31st January 2016, on attaining the age of superannuation, his one year's increment maybe withheld).

G.2: The sitting arrangement of accused may be removed from the premises of Regional Officer (Multan) or his transfer to the place where his family is living may be considered.

But Competent Authority instead of enforcing the recommendations in full, has only issued a letter of "Censure" to the accused on 04-06-2015. Being aggrieved with the decision of Competent Authority this appeal has been filed.

3. During the course of arguments complainant stated, that accused has not been punished adequately and to that degree with which he had done character assassination of complainant. The accused behavior and gestures was obnoxious and he made the complainant feels uncomfortable at workplace. She further stated that she was put in agony and stress for almost a year because the SLIC was lenient to attend her complaint lest she reported to the Ombudsman. Infact SLIC was deliberately using delaying tactics to prolong proceeding of inquiry, because opponent was due to retire on 31-01-2016. It was only on the directions of FOS that she got findings of the Inquiry Committee which facilitated her to file this appeal.

Inquiry Committee already constituted in 2013 was reconstituted on 15-12-2014. The reason attributed to delay in the constitution of the committee was that the Inquiry Committee constituted was headed by Deputy General Manager (DGM) and the accused was also DGM, therefore, General Manager (GM) Dr. Ghazal Nafees was nominated as a convener of the harassment committee and also some of the officers were posted at different stations.

4. During the course of arguments Manzoor Ali, Assistant General Manager,

State Life Insurance, Karachi / Member Harassment Committee reiterated that the report submitted by corporation is correct and the facts of the case elaborated in the report are also stated to be correct and they also confessed in the court that the delay took place because of the reasons given in the above para and the accused was accordingly punished by Competent Authority by issuing "censure" on 04-06-2015 and transfer of the accused from the premises of the Regional Office Multan to the place of his home town.

5. Ground of limitation was raised by opponent Rana Muhammad Afzal that letter of "Censure" was issued on 04-06-2015 whereas appeal has been filed by complainant on 10-08-2015 after a lapse of more than 30 days, but it cannot ignored that period of limitation starts from the date of knowledge of decision or delivery of its finding. In present case copy of findings of the inquiry report were delivered to appellant on 31-07-2015 on directions of FOS. Therefore period of limitation of 30 days will start from 31-07-2015 and thus appeal is within time.
6. After going through the record and evidence produced by parties before inquiry committee, allegations leveled by appellant somehow seems to be correct because beside the witnesses produced by both the parties before inquiry committee, reports and letters issued by Regional Chief and Regional Coordinators are very material in this regard. Regional Chief in his letter dated 28-03-2014 addressed to DGM / Divisional Head (R&A), Convener Committee, State Life has reported that although application

from Mst. Azra Aslam Qureshi, appellant was received by him a couple of month ago but the same was retained by him in order to settle down the matter amicably but all in vain. He further reported that beside appellant he has received many verbal complaints from other female officials with the same nature of allegation against respondent Rana Muhammad Afzal. He was directed to ameliorate himself but in inspite of promises he is not only indulge with such acts but also misbehaved / threatened lady in the office of undersigned that is Regional Chief Iftikhar Ahmed. Again on 27-10-2014 Z.M. Kamran Shamsi DGM Regional Coordinator reported SLIC that "respondent Rana Muhammad Afzal is habitual of making such attempts with ladies. For example he made attempt to harass Mst. Khadija Ahmed Assistant Manager F&A on various occasions and lastly in 2013, when Zonal Accountant was on leave, he managed to close her attendance register to transfer her from Zone to Regional Office forcefully and illegally and against the rules. It is also reported by DGM that similarly he had made an attempt to harass Mst. Hina Aftab, Assistant Manager RTA temporarily posted in R.C.S". Iftikhar Ahmed Regional Chief on 15-04-2014 again has reported to Dr. Mughal Baig DGM (P&GS) that inspite of his sincere efforts Rana Muhammad Afzal is threatening and misbehaving with the lady in his office and it is on the basis of these reports and complaint of appellant finally Inquiry committee was constituted on 15-12-2014, which has reported after going through the evidence produced before them that "allegations leveled by complainant are true with some difference of interpretation in the eyes of witnesses.

The witnesses of complainant indicated that the accused is habitual of vulgarity in passing comments on ladies. Witnesses on behalf of complainant endorse more or less specific episodes took place at the premises of Regional office Multan”

“On the other side accused in his defense made every effort of character assassination of complainant and tried his best to make the committee understand that complainant due to her character (in the eyes of accused) deserved the vulgarity for entertainment and in compliance of CBA letter trying to alleged the accused due to his position being Regional Accountant”.

7. This stand taken by respondent even before Inquiry committee show his state of mind and vulgar thinking of him towards female which again find support from letter of Regional Chief Iftikhar Ahmed at page 78 of the file wherein he is reported that “The undersigned made an attempt to resolve the matter, I called both of them in my office but Rana Muhammad Afzal started shouting on her. He leveled indecent allegation upon her without keeping in view the decorum of my office. Hence informal attempt to resolve the matter ended. His attitude with regard to ladies is not commendable.”
8. In view of the evidence placed on record I totally agree with the recommendations made by the inquiry committee on 17-03-2015, but it is observed that the Management of SLIC has not fully complied with recommendations of Inquiry committee. Just implementing the first

recommendation of “censure” and G2 they have ignored the second recommendation of “withholding in promotion or increment for a specific period”. By virtue of section 5, competent Authority is bound to impose the penalty recommended by the inquiry committee under sub section 4 within one week of the receipt of the recommendations. Competent Authority cannot make any change in the recommendations of the Inquiry Committee or ignore any of its recommendation for implementation.

9. In view of above this appeal is hereby disposed off with the directions to Competent Authority of SLIC that all the three recommendations at para (a)(b)(G2)(G3) be fully implemented in its true spirit as observed by Inquiry committee and report to office of FOS within 15 days of the receipt of this order. Appeal allowed accordingly.

JUSTICE (R) YASMIN ABBASEY
Federal Ombudsman