



FEDERAL OMBUDSMAN
For Protection against Harassment of Women at Workplace
Islamabad

J U D G M E N T

1. Complaint Number: 1(250) / 2016-FOS (Reg)
2. Date of Institution: 15.03.2016
3. Date of Decision: 26.04.2016
4. Complainant: Dr. Rukhsana Malik
Pathologist
Pathology Department
Shaheed Zulfiqar Ali Bhuto
University
Islamabad
5. Opponent: Prof Ashok Kumar
Head of Pathology Department
Shaheed Zulfiqar Ali Bhuto
University
Islamabad

Justice (R) Yasmin Abbasey,

Ombudsman:

Complaint No. 1(250)/ 2016-FOS.

1. Complainant Dr. Rukhsana Malik, Pathologist in Shaheed Zulfiqar Ali Bhutto Medical University (SZABMU) Islamabad has filed this complaint against Professor Ashok Kumar Head of Pathology department in same institution, alleging that since 2012 opponent has a rude and abusive attitude towards her. Against his threatening and improper behavior she moved a complaint to Vice Chancellor (VC) on 10.01.2016. She also reported the matter to Secretary Capital Administration and Development Division on 30.01.2016 and 05.03.2016 but no action was taken thereon. Opponent unacceptable behavior has caused severe mental torture to complainant. VC was requested to take action but University administration is patronizing opponent. As no action has been taken from both side i.e. from VC and CADD therefore complainant has approached this forum of FOS.
2. Opponent in his defense has denied harassment issue raised by complainant. According to him an amount of Rs. 1744727(One Million Seven Hundred Forty Four Thousand Seven Hundred and Twenty Seven) share money of Pathology department was given to complainant with direction by opponent that amount should be distributed according to approved policy of University, but later on it came in knowledge of opponent that amount was distributed without observing policy. Upon this irregularity opponent called complainant and asked to explain that why she did not comply his instructions. In response complainant misbehave very harshly and did not justify her act, therefore an explanation letter on account of irregular distribution of amount and financial embezzlement was issued which too was not replied by complainant. On contrary she has filed this complaint which is liable to be dismissed.
3. Beside documentary evidence both parties were provided an opportunity to produce verbal evidence also. Complainant has filed her statement and of her two witnesses namely Professor Hassan Abbas Zaheer and Dr. Haroon Khan, whereas on 04.04.2016 opponent had made statement that he do not want to

produce any verbal evidence. He also has not cross examined complainant and her witnesses by statement made on 05.04.2016.

4. After going through record and contents of complaint I found that by using word “harassment” and “rude behavior” complainant has tried to make out a case under Act of 2010, but record shows contrary to it. It appears to be a departmental case of alleged irregularity in distribution of share money of Pathology department in violation of policy of the University by complainant.
5. Complainant in her complaint before this forum as well as to VC on 10.01.2016 and to Secretary CADD on 30.01.2016 and 05.03.2016 has specifically mentioned three allegations against opponent which reads as under:
 - i. False allegations against me of indulging in financial corruption and issued me a “Show Cause” notice F.No.F-1-1/2015(Gen)Path/PIMS dated 23/12/2015.
 - ii. Threatened me with dire consequences in front of many departmental colleagues in a staff meeting held in his office on Jan 04, 2016.
 - iii. Adopted rude and abusive attitude towards me consistently since 2012 when I was re-designated by the PIMS administration.

Contents of all these three allegations leveled by complainant circle the same issue of irregular distribution of share amount by complainant and issuance of show cause notice in result of that irregularity. If some irregularity is committed by any employee of any department or institution, inquiry initiated thereon or to explain position from alleged employee in no circumstances can be said an act which falls within ambit of harassment as defined in Act of 2010 or can be said to be an interference in work performance of complainant or creating hostile environment. Irregularity and illegality is never acceptable for good governance. Apparently I do not find any act of harassment as alleged and particularly in the circumstances when even show cause notice issued to complainant on 23.12.2015 till institution of this complaint before FOS on 15.03.2016 has not been replied. This act of complainant instead of being affected by an act of harassment by opponent is an act of indiscipline behavior on part of complainant. Beside three allegations as have been alleged which relates to irregular distribution of share amount neither complainant nor her witnesses have been able to make out case of creating hostile environment for

complainant because not a single incident has been pointed out by all of three which can be termed an act of harassment against complainant by opponent.

6. Complainant by producing certain emails of Dr. Anwar-ul-Haq and Dr. Hassan Abbas Zaheer has tried to show indecent behavior of opponent, it may be so, but that has no relevancy with present case because the opinion expressed by witnesses or demand of complaint was his personal perception and that too was not related to complainant.

Complainant has also tried to show that as per policy of University vide notification dated 23.12.2015 and 21.03.2016 it has been decided that as per HEC revised and improved eligibility criteria to ensure quality education, Ph.D has become essential requirement for all faculty members for appointment and promotion in any University in Pakistan, whereas opponent is not a full fledged Ph.D but is a Ph.D student in SZABM University and therefore is not entitled to any share as a Professor. It may be so that opponent being Ph.D student is not entitled to share in amount, but instead of raising this fact before this forum of Ombudsman it is a responsibility of complainant to point out all these issues in reply to show cause notice issued to her which she has failed to do. Even otherwise whether opponent is Ph.D or not or that he is entitled to share are questions to be decided by University and not by this forum.

7. Apparently it is not a case of harassment at workplace, but is a misappropriation or mishandling of amount given to complainant for its distribution as per University policy which fact has not been specifically or impliedly denied by complainant at any stage during proceedings.
8. In view of above discussion I do not find any merit in case hence complaint is hereby dismissed.
9. Parties be informed accordingly.
10. Announced in open court.

JUSTICE (R) YASMIN ABBASEY
Federal Ombudsman

