



FEDERAL OMBUDSMAN
For Protection against Harassment of Women at Workplace
Islamabad

J U D G M E N T

1. Complaint Number: 1(343) / 2017-FOS (Reg)
2. Date of Institution: 03-05-2017
3. Date of Decision: 16-08-2017
4. Complainant: Mst. Fakhra Arshad
Resident of Islamabad
5. Opponents:
 - i. Sohail Awan
Security Supervisor
Metro Habib Cash and Carry
Islamabad
 - ii. Ahmed Lamhat
Security Supervisor
Metro Habib Cash and Carry
Islamabad

Justice (R) Yasmin Abbasey,

Federal Ombudsman:

Complaint No. 1(343)/ 2017-FOS.

1. Case of complainant is that she is serving in Metro Habib Cash and Carry Capital store Islamabad for last two years. One Sohail Awan and Ahmed Lamhat are also Security Supervisor in same store. It is alleged that accused posted on security duty pressurize girls and women to develop sexual relationship with him and on their refusal he misbehave and use unethical language with them. He also threatened them to remove from service. It is also alleged that without any reason opponent use to sit along with complainant and other girls and behave with girls in very unethical way. When complainant threatened to file complaint against him he use very indecent language and attempted to physically beat her. Prior to this complaint before FOS complainant has also moved written application to one Atiq-ur-Rehman member of sexual harassment committee of store, but in spite of passing of one month no action was taken against opponents. When complainant made inquiry from Atiq-ur-Rehman member of sexual harassment committee of store he intimated that prior to complainant's application one another application of an employee of store namely Marya Abbasi was received by one member of sexual harassment committee namely Saeed Iqbal and when Saeed Iqbal has referred that complaint to Administration, instead of taking any action against that culprit administration has removed service of Saeed Iqbal. Therefore Atiq-ur-Rehman is not prepare to take any risk of his service. Because of the reason placed by Atiq-ur-Rehman she remained silent. When opponent came in knowledge that complainant and other girls have filed application against him he has also removed service of one lady worker namely Aroosa and had put pressure on complainant to develop illicit relation with him. Hence this complaint.
2. Opponent Sohail Awan in his defense has denied all allegations leveled by complainant. According to him on 30-05-2017 complainant has been removed from service. According to opponent incident is said to had been taken place on 27-03-2017 then no reason has been given by complainant that why she remained quiet for two months. If opponent had slapped complainant and other lady Maryam Shehzadi then none of the person who were present at that time have given any evidence nor complainant and Mst. Maryam Shehzadi had moved any complaint against him. Even HR Manager Noman Arshad and Javed Security

Manager have not disclosed any said incident said to had been taken place with Mst. Maryam Shehzadi. Matter can be investigated by calling CCTV footage recording.

3. Opponent No. 2 Ahmed Lamhat has not filed any defense, however a statement has been filed on behalf of Managing Director Metro Habib Cash and Carry Private limited though he is not party in proceeding. He has denied all allegations leveled by complainant. According to him complaint is not maintainable. CCTV footage of alleged incident could not be produced because as per agreement only 15 days CCTV camera footage is available, whereas incident is alleged to had taken place in March 2016 or March 2017. No report of alleged incident has been reported to high ups of Metro Habit Cash and Carry Private Limited. Both complainant and opponent who were nominated to serve with Metro Habib Cash and Carry Private Limited by ZIMS security has been removed by them. Complaint is liable to be dismissed.
4. Complainant and opponent No. 1 Sohail Awan have filed their statements. Opponent No. 2 remained absent and has also not filed defense or statement.
5. After perusal of record I found that complainant beside herself has leveled allegation of sexual harassment by opponent No. 1 against other female employees of Metro Habib Cash and Carry Private limited, but neither names of them nor any complaint moved by them against opponent No. 1 or 2 have been placed on record. So also Mst. Maryam Shehzadi, Mst. Marya Abbasi and Mst. Uroosa who have been particularly named by complainant as victim of harassment along with other female employees of Metro Habib Cash and Carry Private limited have not been produced to give evidence and to support complainant's contention. Even Atiq-ur-Rehman to whom complaint is said to had been moved by complainant have not been produced by complainant to support her contention. Even otherwise it's not a case of Metro Habib Cash and Carry Private limited. Both parties in proceedings were employees of ZIMS security from where they were hired in Metro Habib Cash and Carry store, therefore it is responsibility of ZIMS security to conduct inquiry if any incident is alleged to had happened in between parties. Even otherwise all three employees i.e. parties in proceedings have been terminated by ZIMS security by letters dated 15-05-2017 placed at Page 41 to 43 on record.
6. Record further shows that except levelling allegation of demand of sexual

relationship complainant has not given any period or specific date when such demand was made by opponent No. 1 or opponent No. 2, because in application filed before this FOS in spite of naming two persons as opponents in contents of complaint no specific allegation has been leveled against each of opponents. The term "accused nominated on security" is used against opponent therefore it is difficult at this stage to find out that which one accused out of these two nominated in complaint as opponents had committed this act of harassment. CCTV footage because of its period limitation also could not be produced to reach at proper conclusion. So also complaint filed by complainant before inquiry committee of Metro Habib Cash and Carry Private limited said to had been moved by her has not been placed on record to judge period of incident committed and the person who offended with her.

7. In view of above because of unsatisfactory evidence complaint of complainant is hereby dismissed.
8. Parties be informed accordingly.
9. Announced in open court.

JUSTICE (R) YASMIN ABBASEY
Federal Ombudsman