



FEDERAL OMBUDSMAN
For Protection against Harassment of Women at Workplace
Islamabad

J U D G M E N T

1. Compliant Number: 1(60)/2013-FOS
2. Date of Institution: 29-04-2013
3. Date of Decision: 26-6-2013
4. Complainant: Muhammad Farooq Ahmed
Floor Manager, NIB Bank Limited
G.T. Road Gujranwala
5. Respondent:
 - i) Nadeem Ahmed Butt
Regional Distribution Head
NIB Bank Ltd. Gujranwala
 - ii) Aqeel Ahmed Mirza
Area Distribution Head,
NIB Bank Ltd. Gujranwala

Yasmin Abbasey,

Ombudsman:

Complaint No. 1(60)/ 2013-FOS.

1. According to complainant he is an employee of NIB limited and was posted as Branch Manager through merger and acquisition of PICIC into NIB Bank limited. It is stated by complainant that during his entire career with NIB Bank limited he was ranked at 'II' on his performance rating scale from I-V (1 being highest and V being lowest). He was promoted in 2008 because of his outstanding performance.
2. It is alleged that now he is being harassed by local management through various manners and is being pressurized to resign. Specifying the details of harassment it is stated that the insulting attitude to defame the personality of complainant is being adopted by the management to pressurize him to resign. He has been demoted from Branch Manager to Floor Manager and has also been transferred to Gujranwala city which is about 220 Kilometer away from his residence at Lahore, without offering / reimbursing

to him in additional cost / expense, incurred due to this transfer.

As per Bank policy there is relocation allowance in case of transfer from residence place but that too has not been given to him which is adversely affecting his monthly budget.

3. Complainant has personally named Nadeem Ahmed Butt Regional Distribution Head Gujranwala and Aqeel Ahmed Mirza Area Distribution Manager Gujranwala. According to complainant they are bias and mistreating and threatening him to terminate him from service. His character assassination was done. Hated and disgraced discussion in against to him as an unwanted person in the management was a cause of harassment.
4. Frequent transfer of complainant from one place to another is also a cause of hardship for him. It is stated by him that he is a diabetic patient and can not travel daily from Lahore to Gujranwala beside that he also can not offered the cost of transfer because of his limited salary.
5. It is prayed by complainant that the top management be refrained not to harass him and put pressure of termination of his service.

Reconsider his transfer to Lahore city or grant relocation allowance in case he is remained posted in Gujranwala.

6. In reply Aqeel Ahmed Mirza Area Distribution Head Gujranwala NIB Bank limited beside the factual aspect has also taken legal plea that this complaint has been filed by complainant just to harass and pressurize the regional management for unjustified and unlawful gains. Present complaint is not maintainable as the Act 2010 is only enacted to provide protection to women against the sexual harassment at workplace while no such issue is with the complainant and no such protection is required by him. This forum has no jurisdiction to entertain this complaint.
7. Coming to the factual aspect of the case it is stated by opponent that it is normal routine of the Bank rather of all Banks to give targets to Branch Managers to meet out the same and in return they are awarded. In case of not achieving the targets warning letters are issued to them. In cases where warning remained ineffective then transfer on rotation as the case may be are done to give chance to officials to perform and play their rule for the

organization.

8. There is no illwill against the complainant as alleged by him because the management had sufficient ground to terminate him from service when in a criminal case registered against him, a specific role was assigned against complainant in FIR. Anyhow as the complainant failed to perform well in Sheikhpura branch therefore he was transferred within the same region but with no punishment and the complainant is working with the same grade with the same salary package.
9. At the time of merging of PICIC with NIB Bank complainant was already posted in Kamonki branch Gujranwala region therefore at this stage to say that the present management because of any bias attitude has posted him far from his home district is false and frivolous. Recent posting is within the same region of Gujranwala where he was previously posted therefore he can not claim relocation allowance. Complainant has repeatedly failed to meet the target set by high management.

10. The main crux of complainant is that in order to terminate him from service opponent management and particularly Nadeem Ahmed Butt Regional Distribution Head Gujranwala and Aqeel Ahmed Mirza Area Distribution Manager Gujranwala are constantly pressurizing him to resign from service. At the same time in his cross examination it is stated by him that:

“The respondent No.1 and 2 had asked me to give resignation, being senior to me, they induce an intimated and motivated me to leave the bank as according to them it is not a suitable job for me and I should look for a better job”.
11. It is further stated by him that in order to meet their objects he is being humiliated by management of opponent in presence of other employees of Bank. These allegations of complainant have been categorically denied by the opponent. According to them if this would had been the purpose of the NIB management they had a sufficient opportunity to terminate him from service when he was involved in a criminal case and specific role of him was

assigned in the FIR. It is clarified by the opponent that although complainant is competent and efficient officer but as he was not able to meet the target assigned to him from January to March 2013 therefore it was proposed that being an experience person he may be transfer to a bigger branch otherwise there was no ill will of the Bank management against him.

12. This statement of opponent witness Nadeem Ahmed Butt find support from his subsequent statement where he has admitted that because of his good performance he was transferred from Gujranwala to Sheikhpura branch to upgraded as it was a small branch. He has further admitted that complainant has upgraded Sheikhpura branch as per expectation and management has rewarded him. This statement of Nadeem Ahmed Butt too finds support from the other witness of NIB Bank Aqeel Ahmed Mirza who too has appreciated the performance of complainant.
13. If the statement of both these witnesses of opponent are read with the statement of complainant I found no difference in both of them as to the evaluation of complainant's performance and

reward or the warning issued in that context. Complainant in his statement in chief as well as in his examination has admitted that in case of best performance he was awarded but in case of non performance he was warned which is a normal course in Bank business.

14. So for the allegation of harassment and humiliating him at different stages just to pressurize him to resign does not find support from his statement on oath. The only issue that has been raised by complainant is of his posting at a far distance from his home district and non payment of relocation allowance in case of posting different from the home district.
15. In reply it is pleaded by opponent that at the time when PICIC was merged with NIB Bank complainant was already posted in Gujranwala region far away from his town therefore there was no change of his posting place after the merger of PICIC with NIB Bank further the posting of complainant from Gujranwala to Sheikhpura is also within the same region therefore complainant is not entitled to any additional allowance or relocation allowance

as claimed by him. So far as transferred to Lahore is concern an e-mail addressed to complainant by Nadeem Hamed Butt on 28-5-2012 has been placed on record wherein on a request of complainant for transfer to Lahore through a letter dated 22-5-2012 a positive reply was given that "As soon as any vacancy is intimated at Lahore we certainly consider your request".

16. The file further show that this request of complainant of his transfer to Lahore was pursued by Nadeem Ahmed Butt and he forwarded this request of complainant to Regional General Manager Lahore, his reply is reproduce as under:

"We do not have space at the moment, I will keep this in mind and will accommodate his request on a next available vacancy."

17. It is pertinent to note that in his letter dated 24-5-2012 send though e-mail although he has requested for his transferred to Lahore but no such objection as to non grant of additional allowance on transfer or non payment of relocation allowance have been raised therein as admittedly complainant knew that the

moment PICIC was merged in NIB Bank he was already posted in Gujranwala and as such he was not entitle to any additional allowance or relocation allowance.

18. Apparently it is an after thought plea of the complainant which seem to have been made to pressurize opponent's management to transfer him to his home town Lahore.
19. The next ground taken by complainant is that by an act of harassment complainant has been demoted from Branch Manager to Floor Manager. This allegation too has been denied by opponent witness Nadeem Ahmed Butt. According to him status of complainant is still of a Bank Manager but has been designated as Floor Manager because the two Branch Managers can not be posted in one branch, as Aqeel Ahmed Mirza was already in Gujranwala branch as Branch Manager. So for the demotion is concerned it is had been admitted by complainant in his cross examination that inspit of being posted as Floor Manager he is drawing salary at Gujranwala branch at Rs.1,18,000/- per month which is higher to his last drawn salary at Sheikhupura which was

Rs.1,12,000/- per month .

20. In view of above I do not find any element of harassment as alleged by the complainant. Record reveals that the only move of filing this complainant was to pressurize the opponent management to transfer him to Lahore from Gujranwala Branch.
21. Upshot of discussion is that the complaint has no merit therein and is hereby dismissed.

YASMIN ABBASEY
Ombudsman