FEDERAL OMBUDSMAN
For Protection against Harassment of Women at Workplace
Islamabad

<u>J U D G M E N T</u>

1.	Complaint Number:	1(146) / 2015-FOS (Reg)
2.	Date of Institution:	28.04.2015
3.	Date of Decision:	12.06.2015
4.	Complainant:	Mst. Lubna Khan, House No. 111, Lane No. 6, Lake View Lanes, Bani Gala Islamabad
5.	Opponent:	Iftikhar Qutub, Collector Sales Tax, Large Taxpayer Unit Karachi

<u>Justice (R) Yasmin Abbasey,</u>

<u>Ombudsman:</u>

Complaint No. 1(146)/ 2015-FOS.

1. This complaint has been filed by Mst. Lubna Kan against opponent Iftikhar Qutab who was Collector in Sales Tax Karachi and while serving under his sub-ordination, it is alleged by complainant that behavior of opponent towards her was insulting, ridiculous and has gone to extent that he started to make snide remarks, asked for personal questions and talk about things which were not related to work which made her very uncomfortable. Beside that very serious nature of allegation has been leveled by complainant against opponent relating to sexual harassment such as offer to smoke, invitation at his home or request to call him at her home and so on. Because of his continuous immoral behavior, complainant moved an application on 22.12.2006, but in spite of repeated requests no action till now has been taken thereon. According to complainant, under this distress complainant resigned on 02.07.2004 but the same was withdrawn on 13.07.2007, despite of withdrawal of resignation within required time, notification of acceptance of resignation was issued on 20.09.2007. Thereafter at number of times complainant moved application to her department requesting to reconsider notification issued on 20.09.2007 and for her posting except with opponent and for an action against opponent on harassment issues placed by her, but unfortunately no action was taken thereon. Only one letter of Secretary FBR dated 10.12.2013 is appearing on record, whereby complainant has been intimated that although:

> "matter is quite old and request for reconsideration has been submitted after six years of acceptance of resignation. In view of this you are requested to submit corroborative evidence to substantiate your stance with documentary material, if any, that

you made efforts for cancellation / withdrawal of acceptance of resignation. Further action in the matter will be taken upon receipt of your reply on lines as discussed above."

2. Opponent has denied almost all allegation leveled by complainant. According to him, complaint moved on 22.12.2006 by Mst. Lubna Khan is a counter blast to the explanation called by him on 05.12.2006 and 07.12.2006 addressed to Mst. Mussarrat Jabeen Member (SD&FE) Central Board of Revenue Islamabad, wherein opponent has reported about unauthorized absence of complainant, leaving office without entering her departure time, late coming and official conduct of complainant.

3. Although both parties had tried to place sufficient material in proof of their contentions, but still record is silent that what action has been taken by Central Board of Revenue either on complaint moved by opponent on 07.12.2006 to Mst. Mussarrat Jabeen Member (SD&FE) or on complaint moved by complainant on 22.12.2006 or thereafter.

4. Record is also silent that if withdrawal of complainant on 13.07.2007 was in time as per rule why same was not considered and notification was issued on 20.09.2007. Except one letter of Secretary Central Board of Revenue of 10.12.2013 placed at Page-52 of file, whereby he had asked from complainant to produce requisite documents to substantiate her stance with documentary material that she made efforts for cancellation / withdrawal of acceptance of resignation, no other document is available on record to show any progress in matter after this letter of 10.12.2013. From opponent side main issue was of non performance of complainant in her official capacity, her frequent absence and late coming in office which cropped up in this litigation. To support his statement he has filed different documents titled as Large Tax Payers Units showing attendance of complainant, but same have been denied alleging to be maneuver

documents. Authenticity of these documents cannot be judged except by corroborative evidence of Central Board of Revenue which in present case is missing.

5. In this circumstances of case, I think it proper that matter be referred to Chairman Central Board of Revenue to hold inquiry on two complaints moved by parties in the matter. First is of 07.12.2006 moved by opponent against complainant for taking disciplinary action to Mst. Mussarrat Jabeen Member (SD&FE) and second is complaint moved by complainant Mst. Lubna Khan on 22.12.2006 addressed to Second Secretary (MGT) Central Board of Revenue Islamabad.

6. Chairman Board of Revenue is further directed that both complaints moved by parties in matter against each other be inquired jointly as corroborative evidence which have not been placed by parties or denied by them must be on record of CBR to adjudicate upon them in proper manner. They are further directed that inquiry be initiated just after receipt of copy of this order and should be reported to this FOS within 15 days without any delay or request for extension of time.

7. Complaint disposed off accordingly.

JUSTICE (R) YASMIN ABBASEY
Federal Ombudsman