



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

J U D G M E N T

1. Complaint Number: 1(188) / 2015-FOS (Reg)
2. Date of Institution: 27.08.2015
3. Date of Decision: 28.10.2015
4. Complainant: Mst. Malika Quddus
Superintendent (BPS-16),
Alternative Energy Development
Board (AEDB),
Islamabad.
5. Opponent:
 1. Chief Executive Officer
Alternative Energy Development
Board (AEDB),
Islamabad.
 2. Muhammad Asghar
Deputy Director, HR,
Alternative Energy Development
Board (AEDB),
Islamabad.

Justice (R) Yasmin Abbasey,

Ombudsman:

Complaint No. 1(188)/ 2015-FOS.

1. By this order I hereby disposed off two complaints moved by complainants Mst. Malika Quddus and Mst. Sobia Sabir having complaints no. 1(88)/2015 and 1(89)/2015 as facts and law applicable in both cases are same.
2. Case of complainants is that they are serving as Superintendents in Alternative Energy Development Board (AEDB) and have also been regularized on the post on 19-11-2012. According to them as per office memorandum issued by Finance Division, Government of Pakistan on 23-09-2014 whereby up-gradation of Superintendents from BPS-16 to BPS-17 has been allowed, irrespective of their length of service and no DPC will also be required for this exercise. In spite of this clear direction, complainants' applications moved on 23-06-2015 were not considered by Chief Executive Officer (CEO) that is opponent no. 1. On the contrary on 27-07-2015 opponent no. 2 Deputy Director HR

called both complainants in his office and had conveyed directions of opponent no. 1's not to raise up this issue of up-gradation and in case any person will go in litigation will suffer consequences. It is further alleged that before start of this meeting opponent no. 2 had also forcibly taken their mobile phones which is an act of harassment by opponent no. 2 against complainants. On 28-07-2015 complainants had also moved applications to CEO against the ill attitude of opponent no. 2 but no action was taken thereon. Finally they approached office of Federal Ombudsman Secretariat (FOS) and it is thereafter on the same day that is 27-08-2015 department has constituted an Inquiry committee and had rejected complaints of complainants vide order dated 10-09-2015.

3. Opponent no. 1 in his reply has stated that in a meeting held in May 2015, issues regarding promotions, up-gradation, pay structure etc. were raised by staff and they were assured to resolve their grievances as per rules. Deputy Director HR, opponent no. 1 was assigned responsibility of coordination at

all levels for the accomplishment of above task. Despite that, complainants continued on pressurizing opponent no. 2 for issuance of notification and implementation of Finance Division office memorandum regarding up-gradation of post of Superintendents without following law and requisite procedure.

4. Opponent no. 2 in his reply has denied the allegation leveled by complainant being false and with mala fide intentions to defame him and pressurizing management for their case of up-gradation. Although in a meeting held all employees were assured to resolve their problems but complainants went on repeating their demands again and again. Therefore, on 27-07-2015 a common message of senior was conveyed to all concerns including complainants in presence of Mohsin Ali, APS. It is denied that opponent no. 2 had snatched mobile phones of complainants. Unfortunately there is a practice at AEDB to take photos of important official record or voice recording of general / official discussions for blackmailing, therefore, on request of opponent no. 2 complainant Mst.

Malika Quddus had handed over her mobile phone to Akram khan, Naib Qasid for placing it with their female colleague. Complainant Mst. Sobia Sabir did not have her mobile phone at that time. Allegations regarding humiliation and threatening are absolutely false.

5. From perusal of record it appears that main dispute arose in between parties when in the light of office memorandum issued by Finance Division, Government of Pakistan on 23-09-2014, complainants moved application for up-gradation of their scale from BPS-16 to BPS-17. Record shows that after elapse of about 2 months, on 23-02-2015 a committee was constituted by AEDB to resolve all appointment, regularization, promotion etc. in AEDB but what was the outcome of that committee has not been placed on record. But when application were moved by different employees for promotion and up-gradation, on 03-12-2014 a circular was issued under the direction of competent authority showing his displeasure on the applications moved by employees in terms that:-

“Direct and instruct all employees to refrain from such activities in future. Meetings of DPCs shall be held at appropriate time and before that all employees of AEDB have to show performance upon which they will be evaluated”.

6. Even if allegation leveled by complainant about forcibly taken of mobile phones and threatening message of opponent no. 1 communicated through opponent no. 2 at the moment is ignored, then also not granting the adequate relief to employees within time in spite of clear instructions of higher ups is an act of putting employee under undue pressure. Circular issued on 23-09-2014 by Finance Division Government of Pakistan specifically rules out all conditions for up-gradation of post of Superintendents from BPS-16 to BPS-17 in clear terms that all existing Superintendents are required to be granted BPS-17 irrespective of their length of service, therefore no DPC will be require for this exercise. In the light of this clear direction defense of opponent that committee has been constituted in this regard to examine all

appointments / irregularities is an act not only to put employees under constant threat of Inquiry committee constituted on 23-02-2015 by Department which is an act of defiance to the instructions issued by Finance Division vide circular dated 23-09-2015.

7. In view of above, this complaint is hereby disposed off with the directions to the management of AEDB that case of both complainants for their up-gradations be considered in the light of office memorandum dated 23-09-2014 issued by Finance Division without taking any adverse action against them on the basis of this complaint moved by complainants before this office of FOS.
8. A report of implementation of this order be submitted to FOS within a period of 15 days.
9. Parties be informed accordingly.
10. Announced in open court.

JUSTICE (R) YASMIN ABBASEY
Federal Ombudsman