



FEDERAL OMBUDSMAN
For Protection against Harassment of Women at Workplace
Islamabad

J U D G M E N T

1. Complaint Number: 1(314) / 2017-FOS (Reg)
2. Date of Institution: 16-01-2017
3. Date of Decision: 19.04.2017
4. Complainant: Mst. Saba Mughal
Assistant Registrar (Academics)
Benazir Bhutto Shaheed University, Lyari
Karachi
5. Opponent: Dr. Akhtar Baloch
Vice Chancellor
Benazir Bhutto Shaheed University, Lyari
Karachi

Justice (R) Yasmin Abbasey,

Ombudsman:

Complaint No. 1(314)/ 2017-FOS.

1. Complainant Saba Mughal serving as Assistant Registrar (Academics) in Benazir Bhutto Shaheed University Lyari has filed this complaint against Vice Chancellor of that University namely Dr. Akhtar Baloch. It is alleged that after joining of opponent as Vice Chancellor in January, 2015 complainant's working capacity has severely been affected due to mental abuse, improper and unprofessional behavior of opponent. He at number of times on different occasions had approached complainant with immoral prepositions and inappropriate advances. It is alleged that he also offered her to have dinner at Hotel Ramada and to meet with him at his friend's house in DHA Karachi.
2. According to complainant he further offered her number of times to pick her from different places. These offers and situations created by opponent had made complainant unable to function. On refusal of complainant to accept offers of opponent he took it as his personal disgrace and started hated campaigns against her on social media through informal gossiping with co-workers and also through other means he could defame complainant. Use of threats, insult and verbal intimidation was routine task of opponent. He also disgrace her in front of outsiders, his guests and pressurize her to have discussion on irrelevant issues in present of outsiders. He with connivance of junior colleagues has removed some important documents from complainant's personal file and thereafter started blackmailing her that as complainant do not possess required documents to qualify for post of Assistant Registrar therefore her appointment is illegal but when complainant has produced copies of those documents on record (opponent's efforts failed). He also got published news in Daily Umat and telecase it at Channel 24 that complainant's appointment is illegal. He also made character assassination of her in front of employees of university that complainant has immoral relation with Acting Registrar of University.
3. In spite of all these ill practices of opponent complainant do not have any documentary proof to prove acts of harassment of opponent. In spite of being

head of the Institution opponent allowed certain employees of University to disgrace complainant in front of many employees. Though opponent has denied such direction but, at the same time he has not taken any notice of said event nor issue any explanation letter to culprits of that event. Opponent managed to get letter from complainant's junior Mst. Mohsina Sikandar demanding termination of complainant as Assistant Registrar on ground of having incomplete documentary requirement for job. On basis of that letter opponent issued warning letters to complainant and also threatened her to terminate from service. Hence this complaint.

4. Opponent in his defense has denied all allegations of harassment or immoral acts towards complainant. It is stated that being head of the institution it is responsibility to watch acts, deeds and misdeeds of employees of university. As complainant was charging extra money in cash during admission session 2016-17 from students therefore inquiry was initiated against her which is pending. In order to save herself from that charging she has come up with this issue of harassment and did not care for her modesty. Opponent in order to prove illegal charging by complainant from students has filed receipt of Rs. 9600/- of Silk Bank limited collected by complainant from students without permission of authority. During inquiry it also came in knowledge that even last year she has collected cash amount from students without permission of university and no account of same has been submitted by her till now. Complainant has already filed a complaint before Provincial Ombudsman for Protection against Harassment of Women at Workplace Karachi. On direction of Provincial Ombudsman for Protection against Harassment of Women at Workplace Karachi university is conducting inquiry on complaint of complainant but complainant is avoiding to appear before inquiry committee.
5. Facebook ID of Shazma Naz and Angel Khan in fact is constant nuisance as obnoxious information against different employees of this university including opponent are being posted thereon except complainant. In spite of our best efforts opponents and University is unable to find out main culprit of that FB ID account, therefore help was taken from Cyber Crime wing of FIA.

6. Allegation of removal of documents from her personal file is baseless. After taking over charge as Vice Chancellor he received some complaints from different employees including complainant about manipulation of their personal file but now problem has been solved and all files are save. Allegation of publishing news against her in daily Umat and Channel 24 are misleading. In fact news was published against opponent in Daily Umat whereon opponent has sent legal notice to that newspaper. No complaint was ever made against any incident happened in auditorium in against to complainant therefore no proper action could have been taken, however informally matter was inquired. Beside that inquiry committee has also been constituted on 16-02-2015 under Act of 2010. It is incorrect that Mst. Mohsina Skandar has been promoted without approval of syndicate and is working as Assistant Registrar however an additional charge of Deputy Registrar was given to her on 27-09-2014 but at that time opponent was not Vice Chancellor. Allegation of issuance of warning letters to complainant are incorrect. During tenure of opponent only two explanation letters were issued to her on 10-02-2016 because of her late arrival on duty and leaving early. Another one on 13-01-2016 when in spite of being absent from duty she has signed on attendance register. Case in hand is purely an administrative issue and does not fall under definition of harassment. Complaint is liable to be dismissed.
7. After going through record and hearing parties my observations are as under:

Complainant case is that opponent just after joining University in January 2015 had started his mal practices of harassing. He used to convey illegitimate offers to her on different occasions. According to her those offers were of the nature of inviting her for dinner, immoral propositions, ill appropriate advances towards her, offer to pick up from different places and so on. It is stated that time and again situations like these had left her distort and unable to function, but at the same time it is also an admitted position that if opponent was involved in such immoral activities towards her why complainant has waited for such a long time of two years and has opened her mouth only on 13-01-2017 by filing this complaint before this forum. Anyhow according to complainant when opponent was not able to have any success in his attempt he issued explanation letter on 10-02-2016. She further alleged that on 18-10-2016 an event was staged in

auditorium of the University where she was badly condemned by the participants of that event particularly Waqar Hassain Laghari, Hameed Baloch, Kashif Ali Mehser employees of university just on the pretext that one Shazma Naz who is posting counter messages on Facebook in against to the employees of university in fact is Saba Mughal, the complainant.

8. This incident according to complainant was reported to opponent against Waqar Hassain Laghari, Hameed Baloch, Kashif Ali Mehser and other employees present in auditorium on 18-10-2016 but no action was taken by Vice Chancellor which indicates that incident happened was with consent of opponent, the Vice Chancellor. In counter of this allegation it is stated by opponent in his defense as well as in his statement on oath that both complainant and her husband Mr. Khuram on their visit to him were advice to make complaint in writing of the alleged incident of 18-10-2016 said to had been happened in auditorium of university, but no such application in writing was ever moved by complainant before him. In spite of that he at his own had made inquiry, but did not find any proof of the allegation leveled by complainant. It is further stated that without having any written complaint from complainant he cannot suo moto take any action on verbal statement of complainant and till last moment complainant has failed to do so. It is for the first time she has come up with plea of harassment by opponent against her and has tried to involve opponent also in the alleged incident of 18-10-2016, when on 11-12-2016 notice was taken against complainant for taking entry test at her own without approval of competent authority. To support his version opponent has referred merit list of admission of BS IT Spring 2017 at Page 87 to 89 of file issued by Incharge Faculty of CS & IT. If same is compared with another list at Page 91 to 93 and 99 to 100 under signatures of complainant names of certain students have been highlighted therein who never appeared in written test taken by university but were included by complainant as qualifying candidate in spite of objection raised in documents as Page 84 and 85.
9. According to opponent this is not only the incident of illegal activation of complainant in admission of university, but beside that complainant in contrary to notification issued on 26-08-2015 at her own has revised verification fees of mark sheet enhancing them from Rs. 250/- to 500/- which admittedly does not

have any approval of competent authority, the Vice Chancellor or syndicate. Contents of letter issued on 04-04-2014 enhancing mark sheet verification fee further shows that complainant at her own had nominated one Uzma Clerk and Abdullah Shah Assistant in her office to collect fee from students. In continuation of this letter issued by Mst. Saba Mughal certain receipts from Page 70 to 74 in this very reference have also been placed on record which does not bear signatures of any person. It is also noteworthy that in spite of collecting mark sheet verification fee in 2016, complainant kept it with her, till notice of same was taken by opponent and it is thereafter on 12-01-2017 amount was deposited in Bank. This act compelled opponent as Vice Chancellor to direct Registrar of University to issue letter dated 23-02-2017 which contains with direction:

- i. To submit account of cash amount collected by her from 2014 to 2017 with year wise and program wise statement.
- ii. To submit approval of competent authority for collection of cash amount from students for verification
- iii. Responsibility to look after admission were withdrawn immediately.

No reply of this letter of 23-02-2017 is appearing on record but still in her cross examination she was persistent on her statement that her act of issuance of notification dated 04-04-2014 and collection of mark sheet certificate verification fee was correct and she had submitted statement of that collection to Registrar upto 2014. Though statement said to had been submitted is not part of this record. Complainant by making statement that said statement can be confirmed from Dr. Mehmood Ali Shah, has tried to discharge herself from the responsibility but this statement with reference to official document cannot be accepted in such a way as stated by complainant because every institution has inward and outward dispatch register which prove dispatch and receiving of any document. In her further statement complainant has tried to shift responsibility of collecting cash amount as mark sheet verification fee on shoulders of Director Administration / Registrar that he / she has allowed her to collect this verification fee in cash and opponent in Academic Council has revised mark sheet verification fee from Rs. 200 to 500, 1000 and 300 but no such recommendation of Academic Council has been placed on record by complainant to testify her

statement. To support her contention complainant has also referred minutes of second meeting of Academic Council, held on 10-03-2016, issued on 14-03-2016. According to complainant in item No. 4 of this minutes mark sheet verification fee was revised but contents of this item does not reflects about any enhancement of mark sheet verification fee. It relates only to extent of revision of fee structure of students studying in university. No revised fee structure as shown in item No. 4 has been filed by either of parties. However even if document as referred by complainant at Page 170 of file is taking into consideration then also this consolidated fee structure from morning program does not make mention of any revision of mark sheet verification fee structure than issue on 26-08-2013. Here it also cannot be ignored that as per complainant's own statement fee collected by her towards mark sheet verification till date of her cross examination which was taken on 15-03-2017 were not deposited by complainant. She has also not been able to clarify that why this amount was kept pending with her since long and what is reason behind that. Beside documents placed on record by parties in proceedings complaint's act of taking aptitude test at her own till date i.e. 15-03-2017 is also an important factor to examine conduct of complainant. Though she has stated that these aptitude test of students was taken by her with written permission of Head of Department of different faculties but no such written permission has been placed on record by complainant from HODs of different faculties which authorized her to taken those aptitude test.

10. All these facts discussed above supports contention of opponent that when mal practices done by complainant were noticed by administration of university and action was taken against her she has come up with plea of sexual harassment against opponent.
11. To support the incident said to had happened in auditorium on 18-10-2016 which according to complainant was with consent of opponent, complainant has filed statements of Abdul Ghani Soomro, Muhammad Bin Qasim, Hamid Baloch, Amina Bano and Hina Sultan but just filing these statements is not sufficient proof of incident happened until and unless these witnesses are produced to testify their statements through cross examination. Even otherwise it is also an important factor that beside allegations directly leveled against opponent

complainant's case is that she was also humiliated and insulted by Waqar Hussain Laghari, Hamid Baloch and Kashif Ali Mehser but from 18-10-2016 till now it is an admitted fact that no complaint has ever been filed by her either in institution or before any other authority in against to these persons.

12. So far as publication of news in Daily Ummat and Channel 24 is concern same cannot be attributed in against to opponent because in comparison to complainant serious nature of allegations were leveled against opponent in that news, however as after issuance of notice to Chanel authorities, as complainant has also approached to Court of Law therefore by letter dated 24-08-2016 it was decided by PEMRA that "as Mst. Saba Mughal has moved case in Court of Law and that matter is already subjudice. It is recommended matter be referred till decision of the Court".
13. Upshot of above discussion is that complainant has not been able to prove allegations of sexual harassment as alleged by her against opponent. It seems that when notice of her irregular attendance of duty, collection of mark sheet verification fee without any authority and non-deposit of same in government treasury, taking aptitude test of students at her own and of inserting their names in merit list self-prepare by her were taken in notice by administration of university, particularly by Vice Chancellor she come up with this issue of harassment with no evidence. Complaint of complainant is hereby dismissed having no merit.
14. Announced in open court.
15. Parties be informed accordingly.

JUSTICE (R) YASMIN ABBASEY
Federal Ombudsman