



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

J U D G M E N T

1. Complaint Number: 1(298) / 2016-FOS (Reg)
2. Date of Institution: 24-10-2016
3. Date of Decision: 05-06-2017
4. Complainant: Mst. Saeeda Begum
VP / Area Manager
National Bank of Pakistan
Fatima Jinnah Road Branch
Hyderabad
5. Opponent:
 - i. Haji Anwar Baloch
VP / President Area Manager
Fatima Jinnah Road Branch
Hyderabad
 - ii. Rao Zahir Ahmed, OG-I
VP / Area Manager
National Bank of Pakistan
Fatima Jinnah Road Branch
Hyderabad
 - iii. Muhammad Kalam, OG-II
National Bank of Pakistan
Fatima Jinnah Road Branch
Hyderabad
 - iv. Tariq Aziz Memon, OG-I
VP / Area Manager
National Bank of Pakistan
Fatima Jinnah Road Branch
Hyderabad

Justice (R) YasminAbbbasey,

Ombudsman:

Complaint No. 1(298)/ 2016-FOS.

1. Complainant who is Vice President / Area Manager of National Bank of Pakistan (NBP) Fatima Jinnah Road Branch Hyderabad has filed this complaint against four opponents namely Haji Anwar Baloch, Rao Zahir, Muhammad Kalam and Tariq Aziz Memon employees of same National Bank of Pakistan Hyderabad. It is alleged that all these persons are continuously harassing, threatening and are part of character assassination and black mailing her through various sources in office, public places, in social and print media.
2. According to her in April 2015 she joined NBP Fatima Jinah Road Branch Karachi as Area manager and as past practice here also started working diligently for achieving targets allocated to her. In order to maintain internal discipline and working up to mark complainant has assigned work to officers and officials of branch, which annoyed opponents and these so called leaders of officers federation Sindh started continuous torturing her at her workplace in order to divert complainant's attention from work. Opponents are habitual in blackmailing officers and through these tactics they used to take undue benefits from branch as well as from Regional Management by scandalizing them. When complainant pressurized them and notified their duties and were restrained to take undue benefits such as remaining absent from office, without performing duty getting outstanding appraisal report, cash awards and promotion, they repeated the same practice again. Opponent particularly Haji Anwar Baloch Vice President of President Officers Federation Sindh reacted in a meeting of Managers at Regional office Hyderabad on 16-16-2015 and threatened complainant and passed intolerable remarks for actions taken by complainant. He threatened before all Regional Management and Branch Managers of entire region that if complainant will not stop marking absent

attendance of opponents office bearers posted at her branch he will take action against her and will issue circulars against her and will scandalize her. It is thereafter series of complaints were sent to higher authorities as well as to enforcement agencies in against to complainant on their letter head, as well as through anonymous persons such as Ahmed Khan Resident of Kotri and Fazal-ul-Haq resident of Jamshoro. In those complaints opponents had alleged bogus allegations and had used very abusive and shameless language in against to complainant.

3. On complaint of complainant to Regional Head he ordered to hold inquiry but all three members of inquiry committee refused to inquire because no one can face pressure of opponent No. 1. They were afraid of consequences but however on initiation of inquiry Regional Head of NBP Hyderabad got settle the matter. Opponent No. 1 had given an undertaking in writing that in future decorum and appropriate utilization of words will be made during meeting specially during presence of ladies to avoid misunderstanding as happened with Mst. Saeeda Begum.
4. In 2015 none of office bearers posted at her branch performed any duty, therefore she had given remarks in appraisal as D. In reaction of that opponents once again started campaign against complainant and assassinated her character by leveling different allegations and started sending anonymous complaints in against to her to higher management and to Law Enforcing Agencies.
5. In July 2016 fraud in pension payment was detected in main branch Kotri where complainant remained posted as Manager in two different tenures i.e. from 06-08-2008 to 26-03-2012 and 11-03-2013 to 08-04-2015. Said fraud was committed by culprits during period from September 2014 till August 2016 with manual pension along with GP Assistant payment. In preliminary investigation it was reported that quantum of fraud was of 5.3 million paid twicely by culprits through GPS as well as manually and an amount of one million pension was pocketed by them. That matter is still

under investigation with Head office Karachi.

6. After 6 months of start of fraud, on 08-04-2014 complainant was transferred from Kotri branch and one Mr. Mehboob Abroo AVP started working on that branch on 11-04-2014. Said fraud was running during his incumbency as well till detection of fraud in month of July 2016.
7. On 27-09-2016 when investigation officer Head office Karachi had gone to Regional office Hyderabad to investigate fraud case opponent No. 1 Haji Anwar Baloch and his group against started propaganda against complainant just to pressurize investigation officer as well as legal management. Pamphlets were circulated and wall chalking was made in against to complainant in bank as well as on social and print media alleging that said fraud of 1 million has been committed by complainant.
8. It is because of this mental harassment, character assassination and interference in work performance this complainant has been filed.
9. Opponent No. 1 Haji Anwar Baloch who is Vice President of NBP Regional Office Hyderabad in his defense has stated that this complaint has been filed by complainant just to divert attention of bank authorities from different transactions which have been detected in different branches of NBP where complainant remained posted from time to time, therefore through this complaint complainant has tried to save herself from criminal and financial liabilities by misusing and taking benefit of this law for Protection against Harassment of Women at Workplace, whereas present complaint does not fall within definition of harassment as defined in Act 2010. Complainant has failed to point out any specific act of behavior amounting to harassment by opponents towards her. All allegations leveled by complainant are denied. An inquiry of same nature is already pending before President NBP Head office Karachi and before completing of same this complaint has been filed which is not maintainable as complainant cannot invoke two different forums at a time on same issue.

10. Interference in administrative control of complainant and her work performance is denied as opponent No. 1 is neither posted in NBP Fatima Road Branch Hyderabad nor he can interfere in administrative and banking business of said branch. In monthly managers meeting with regional management team opponent No. 1 has highlighted various issues with respect to problems being faced by executive / officers in Hyderabad region. That address of opponent No. 1 was misunderstood by complainant that those problems highlighted by him were with her reference, and on 30-06-2015 she filed a complaint against him. Inquiry was conducted but complainant has failed to prove allegations leveled by her and it is thereafter on intervention of regional head Hyderabad matter was settled and it was decided that in future / grievance executive / officers will be discuss separately in between regional management and National Bank officers association to avoid any misunderstanding. It is denied that opponent no. 1 or any other office bearer of NBP officers Association Hyderabad Region had sent any complaint against complainant to law enforcing agency or to higher ups of NBP. Opponent No. 1 is unaware of any Ahmed Khan who lodged complaint against complainant. He came to know that FIA is conducting an inquiry in fraud case reported at NBP Kotri Branch during her tenure. Outcome of that inquiry must be in knowledge of NBP management. Rest three opponents namely Rao Zahir, Muhammad Kalam and Tariq Aziz Memon have worked with full honesty and dedication in spite of hostile work environment, but complainant had awarded them with D appraisal report because of her personal biasness.
11. In fact during fraud investigation complainant has approached opponents to help her and allow her to use platform of NBP officers association to have a safe way from that fraud case. On denial of opponents complainant is victimizing them and has created hostile work environment for them.

12. Complainant has admitted that fraud was committed during her period and reportedly only 30% transaction so far has been checked by inquiry officer as has been mentioned by complainant herself. There is need of forensic audit and inquiry to determine role of relevant persons and complainant in fraud case. Complainant by moving this application is trying to gain undue sympathies of top management and regional management to influence inquiry proceedings under process and to get exonerated herself from fraud case at NBP Kotri branch. Complaint is liable to be dismissed.
13. Opponents No. 2 to 4 have filed joined statement and has also taken almost same grounds which have been raised by opponent No. 1 Haji Anwar Baloch therefore need not think it proper to repeat the same contents again.
14. Both parties have filed their written arguments and have explained to some extent verbally. My findings are as under:

After going through whole record it is observed that dispute in between parties is of administrative issue and both parties i.e. complainant as Manager of Fatima Jinnah Road Branch Hyderabad and opponents as office bearers of NBP officers union are trying to overpower on each other.
15. Case of opponents is that as complainant is involved in pension fraud case therefore she had requested them to help her to get out from that corruption matter which was refused by opponents particularly opponent No. 1 Haji Anwar Baloch and this fact has been brought on record by Haji Anwar Baloch in his reply submitted on 06-07-2015 to complainant's complaint moved on 30-06-2015 to Regional Head office NBP. It is further contended by opponents that allegations leveled by complainant in her application moved on 30-06-2015 about non cooperative attitude of office bearers of NBP Fatima Jinnah Road Branch Hyderabad and use of abusive language by opponent No. 1 in against to complainant are also

false and frivolous. But it is also an admitted fact that when an action was taken on complaint of complainant moved on 30-06-2016 by Regional Head office, the then Regional Head Hyderabad entered into the matter and got settle disputed in between complainant and opponent No. 1 Haji Anwar Baloch. In that statement opponent No. 1 had given undertaking with assurance that in future:

- i. Separate and proper forum for area manager and for officers association will be utilized in view of agenda of meeting.
- ii. Decorum and proper utilization of words will be made during meeting specially during presence of ladies, to avoid misunderstanding as happened with Mst. Saeeda Begum.

and it is after that assurance complainant Mst. Saeeda Begum had withdrawn her complaint moved on 30-06-2015 by statement dated 15-09-2015. But soon thereafter again conflict arose and a complaint has moved by complainant on 08-10-2016 to President NBP, almost with same statement of allegations of non cooperation of staff members and that when she has given employees of NBP as D in appraisal report they all stood up against her by moving anonymous applications with fake name and alleging corruption against her in pension fraud case in Kotri Branch.

16. Record further shows that beside moving these applications it is also alleged by complainant that opponents had circulated pamphlets against her which is cause of harassment to her. According to complainant opponents had got those pamphlets circulated in office and also pasted on walls of Fatima Jinnah Road Branch Hyderabad through one Imran Ali janitorial staff got appointed by NBP Fatima Jinnah Road Branch Hyderabad through private company. Complainant has also moved an application against that Imran Ali to his company on 27-09-2016 for his removal from office and it is because of that his services have been terminated from NBP but still he is serving in bank and is also performing

- duties to union office bearers without any compensation.
17. Through this Imran Ali opponents had also tried to involve Federal Ombudsman that Mst. Saeeda Begum had intimated to Imran Ali that she had contacted Federal Ombudsman at her house and there Federal Ombudsman had assured her to give decision against office bearers of union. This conduct of opponents and particularly Haji Anwar Baloch through whom statement of all witnesses have been placed on record in office of Federal Ombudsman show malice act of opponent, wherein beside dispute in between them and complainant they had also tried to make a blame on Federal Ombudsman. This conduct is not tolerable and I hope that while conducting inquiry in above matter competent authority will also consider his mal practices adopted by opponents with an attempt to malign this office.
 18. With reference to pamphlets according to complainant these are in handwriting of Rao Zahir Ahmed but no conclusive proof in support of her contention has been placed on record. Rest of witnesses have also denied to distribute any circular in against to complainant.
 19. Statements of both parties is on oath verses oath which in the circumstances of case without any corroborative evidence cannot be admitted as true. One application dated 10-01-2017 has also placed on record whereby sub inspector / EO of Federal Investigation Agency had also written a letter to Regional Chief NBP Fatima Jinnah Road Branch to submit audit report of Toula Ram AVP and Ranmal AVP conducted in the matter of misappropriation of amount of Rs. 2154864/- from fund of pension during posting of Mst. Saeeda Begum as Manager NBP.
 20. From all these documents placed on record produced by parties I am of the view that it is case of weak administration of competent authority of NBP which has developed so much grievances in between parties. Just taking an undertaking from opponent No. 1 for withdrawal of complaint of

complainant moved on 30-06-2015 is not a solution of the matter. Competent authority of NBP should take up the matter at its own to resolve these administrative issues which in no way can be termed as harassment.

21. In view of above complaint is hereby disposed of as dismissed with direction to President NBP to investigate the matter in proper way to resolve all issues in between parties.
22. Announced in open court.
23. Parties be informed accordingly.

JUSTICE (R) YASMIN ABBASEY
Federal Ombudsman