



FEDERAL OMBUDSMAN
For Protection against Harassment of Women at Workplace
Islamabad

J U D G M E N T

1. Complaint Number: 1(50)/2013-FOS
2. Date of Institution: 16-04-2013
3. Date of Decision: 06-06-2013
4. Complainant: Ms. Shabana Nadeem
Training Coordinator, Staff College,
NBP Islamabad.
5. Respondent: Mr. Waseem Ullah
National Bank of Pakistan,
Islamabad.

Yasmin Abbasey,

Ombudsman:

Complaint No. 1(50)/ 2013-FOS.

1. As per complainant's statement she joined Staff College Islamabad on 13-8-2009 and was working as Training Coordinator to the entire satisfaction of her superiors. In February 2011 respondent joined Staff College as Director. It is alleged that just after joining Staff College he tried to develop personal relations with the complainant. Frequently call the complainant in his office and while handing over some documents or files try to touch the complainant.
2. As per complainant statement respondent took a female to ORNAT Hotel Civic Center Islamabad to avail the room facility for his evil desire. When Hotel management through security cameras installed at Hotel recorded that visit of respondent, respondent in retaliation terminated the contract of ORNAT Hotel and the trainees were sent at a distance place in bad reputed Hotels or Motels which was discomfort to the trainees. It is stated that these restrictions were made so that no one could take notice of the activities of respondent. It is alleged that in return to the good performance of the complainant although respondent had given her a good Grade in Performance Evaluation Report, but subsequently changed it in 'C' grade just for not compliance of evil desires of respondent.
3. Respondent with evil will persuaded some of the trainees to pass on unreasonable remarks on the complainant. In spite of lodging complaint no action was taken against them to humiliate the

complainant. Complainant was stopped to visit trainees which was a part of her job description and gave it to one Mr. Nasir who is an accomplice and facilitate the respondent on promise of good Grade. Respondent alongwith Mr. Nasir also encouraged two trainees from cash officers batches of OG-III to pass questionable remarks on the complainant. As those trainees had directly hit on the character of complainant therefore she reported the matter to the respondent and an inquiry was held.

4. On 18-7-2011 respondent openly expressed his evil desires and asked complainant to facilitate him with female trainees in return of good Grade for the complainant. Complainant knowing the fate of one MDS from whom administration was taken remains mum.
5. Due to his bad reputation respondent's entry was banned in female department of International Islamic University. On 03-8-2012 respondent after calling complainant in the office ordered to handover most of the job description approved by the Group Chief including the feed back performance job to Mr. Qaisar Jamshed of staff college. On inquiry of complainant respondent reply he is Director and can do anything and the complainant can inform Dr. Baig and Moez and also passed humiliating remarks towards her husband. By stopping the entire staff not to talk with the complainant respondent has created the environment of harassment for the complainant at workplace., The coordination of various courses to be run in forces of September 2012 were also assigned to other staff members instead of complainant being training coordinator.
6. It is prayed by the complainant that she may be fully protected under law as she has saved the honour of many trainees at the cost

of her job and repute.

7. Respondent in his reply while giving his academic and professional achievements has totally denied the allegations leveled against him being baseless, factious and with malafide intact. It is stated that because of the report of complainant respondent had gone through two inquiry proceedings by National Bank of Pakistan (NBP) but complainant had failed to justify her allegations. The allegations leveled are shameful and insulting. Decision of termination of contract with ORNAT Hotel was done in a meeting held on 14-5-2011. Complainant was also a member of that committee. It is on the recommendation of the committee, National Institute of Banking and Finance was suggested to be a best place for residence of trainees. This suggestion was also approved by competent authority at head office. The catering assignment of NIBAF was also approved by three members committee out of which one was complainant. So the decision of shifting of trainees respondent from ORNAT Hotel to NIBAF was soul decision of competent authority and respondent had no specific role therein. So for the allegation that complainant was not allowed to visit to trainees at ORNAT Hotel, it is clarified that being female she was provided a facility by the management by not requiring her to visit the Hostel/Hotel/Motel as it was against the norms of our society and also that trainee problem may occur to odd hours which might be difficult & complainant, and not to disturb her family life.
8. The respondent gave her a score of 4.83 out of total 5.0 in her Annual Performance Appraisal, but the Bell Curve is not under the control of respondent. The “C” category was giving by the head office, but still that is not considered as a bad performer but it means

“Good” according to rating system of NBP. Complainant has taken the case of renewal of her contract much before of time as her contract was going to expire on 12-8-2012 where as she send her case much prior on 19-6-2012.

9. It is denied that any trainee or official of organization as alleged was ever motivated to pass unrefined remarks to the complainant. No complaint was ever filed in this regard. However on 09-5-2012 a complaint was filed against Mr. Waqas. Immediate action taken on that report and inquiry was conducted on the initiative of respondent, if respondent would have use Mr. Waqas against complainant he would had never initiated inquiry against him.
10. Reference of MDS as to humiliating is probably Mr. Muhammad Nadeem who was relived from his additional assignment of administration to focus on training. It does not mean any adverse action against him. He was given “Excellent” appraisal with 4.79 score by respondent with recommendation of cash award. It clarified that in May 2012 complainant at her own gave a present to him as a birthday gift which she might be taking as persuading female trainees to fulfill his evil desires. The allegations are disgusting and baseless.
11. No restricting ordered was ever passed by the International Islamic University. He is still honorary member of top committee of International Islamic University. Prior to International Islamic University the opponent was working with State Bank of Pakistan on very respectable position and there he was given performance report in grade A with 49/50 score by his superior at NIBAF. On 26-3-2013 respondent was called by the NIBAF authorities to

deliver as key trainer in high program of NIBAF. There were verbal complaints about non serious attitude of the complainant by MDS however one written complaint was filed by Attiq-ur-Rehman AVP /MDS. In the best interest of the college the respondent entrusted the responsibility of taking evaluation of programs to Mr. Qaisar Jamshed Training Analysts and Research Officer of NBP Staff College Islamabad. As a Director respondent has to watch that the training coordinator is properly coordinating all training activities and also to monitor the post training feedback through respective supervisors not necessarily the Training Coordinator. All the allegations about his personal life are false and frivolous and complaint be dismissed.

12. From the perusal of record and evidences produced by both the parties and particularly by complaint, except leveling of direct allegation against respondent in para 5 of his main complaint at no subsequent stage complainant has been able to produce any corroborating evidence to the allegations leveled by her. Even in her cross examination although she has stated that respondent has tried to establish any informal relationship with her during office hours. But at the very next moment she had admitted that opponent never tried to contact out of the office or to have any meeting at any other place beside the office. So far the allegation that while handing over the papers opponent tried to touch the complainant has further not been elaborate by her that the said touching was with some evil will or an accidental.
13. From documents as produced by the complainant it appears that she was aggrieved from the conduct of one Mr. Waqas and some of the trainees who are alleged to misbehaved with her and inspite of

reporting the matter to opponent he has not taken any action against him. To support her assertion she has placed a copy of complaint made by her to Director Staff College NBP Islamabad moved on 09-5-2012 wherein she has specifically named Mr. Waqas, MTO (OG-III) as a source of nuisance and trouble since the day he has join the training. It is alleged that:

“Waqas has crossed all the limits of decency and had not only become the source of trouble for training staff but also his colleagues especially female colleagues. He has also passed derogatory remarks for undersigned also”.

14. But this statement of complainant of not taking any action has been denied by the opponent. According to him just after moving the application he took immediate action and sent it to divisional head of the organization wherein inquiry was conducted against Mr. Waqas. The statement of opponent made in cross examination also find support from the letter written by him to divisional head of National Bank of Pakistan on the very day, placed on record at page 49 (Annex-N) to the reply by opponent. It is also an admitted position that during inquiry proceedings complainant her self had forgiven Mr. Waqas.
15. Record further reveals that to prove the case of sexual harassment complainant has tried to prove that opponent is not a man of good character and to fulfill and satisfy his evil desire just after joining the organization he has terminated the contract of ORNAT hotel which was providing accommodation to the trainees of the organization. According to complainant this contract was terminated because of the complaint of the administration of ORNAT hotel that

the opponent had sought a room facility on his visit to the hotel alongwith a female for fulfilling his ill desires. But neither the complaint of management of ORNAT hotel civic centre Islamabad nor any corroborating evidence has been placed on record by the complainant in support of her assertion by proceeding any official of Ornat Hotel.

16. However with reference to the minutes of meeting held on 14-5-2011 and 19-5-2011 at staff college Islamabad of NBP when a question was put as to her counsel she replied that although she was member of that committee who had finalized the arrangements for the upcoming batch of the officers and of boarding lodging facilities to be provided for the said batch, but was unaware of her role to be played in that committee. This statement of complainant who was next to the Director VPC the opponent in staff college Islamabad of NBP seems to be very surprising and astonishing as an officer to the rank of Training Coordinator with the responsibilities assigned to her, as produced vide Annex A to the complaint, is not supposed to be unaware of the purpose of the meeting and the role to be played therein when there were only three members of the committee. She had also signed on the minutes of the meeting held on 19-5-2011 for providing boarding and lodging facilities for the upcoming batch of officers from Sindh.
17. Apart from it the allegation that opponent as Director solely managed to shift the trainees from ORNAT hotel Islamabad to NIBAF (National Institute of Banking and Finance) is also incorrect because after taking decision on 19-5-2011 by the committee members the matter was refereed to the Staff College who after recommending the same has again forwarded it to Wing Head of

NBP and with the final approval on 24-5-2011 the accommodation of NIBAF was availed.

18. Apparently I do not find the matter to gain any favour of sexual nature by opponent from complainant.
19. In her evidence to the reply of respondent filed on 08-5-2013 complainant had specifically named Dr. Baig SEVP (Group Chief) and Mr. Waqas as persons who were cause of nuisance to her and the trainees particularly female trainees but no complaint against them seems to have been lodged by the complainant, or by any of the trainees who were affected because of the behaviour of both these persons, either before the management of the organization or before this forum, except the application moved by complainant on 09-5-2012 which too was compromise by her during inquiry stage.
20. In this very documents of 08-5-2013 complainant has named different persons as a witness of the incidents or the events happened at different stages such as:
 - i. Mr. Tariq Zafar, Regional Head of Islamabad and Mr. Ayaz of NBP Islamabad and the entire trainees staff when Dr. Baig had passed remarks on complainant in presence of respondent,
 - ii. Hotel owner and Manager Razi Anwar as witnesses of bringing female by opponent to ORNAT hotel Islamabad.
 - iii. Mr. Attiqu-rehman (MDS) calling complainant on 26-8-2011 on phone to check the where about of Mst. Saima Rana, a trainee .

- iv. Complaint of trainees against one of their batch mate having batch No.14 viz Saima Rana
 - v. Dr. Abrar Baig is named as a person to whom complainant said about the hostile attitude of the opponent.
 - vi. Prof. Aman ullah, (Dean) as to the decision that a ban has been imposed on the opponent to visit female campus International Islamic University, and that entire staff has been directed by opponent not to have any kind of interaction with the complainant.
21. In spite of giving names of number of persons who can be witness of the illegalities and irregularities committed by the opponent not a single witness out of them has been produced by the complainant to prove her allegation against opponent to be a person of bad character with evil desires.
22. Whereas on the other hand denying the allegation leveled by complainant it is clarified by opponent in para 9 of reply that as complainant has not completed the goal assigned to her and that she had not collected the data by the time of complaint and also did not present any written plan for improvement of college therefore being Director he had given directions to fulfill all such goals with all possible energy which might have effected her, otherwise there was no issue on the ground. He had given her excellent remarks in her performance report with 4.83 score, if subsequently the Bell Curve had put her in the category of "C" the opponent has no role in that as it is the decision of the organization. Even otherwise "C" is not a bad performance report but it means "Good" according to rating

system of NBP.

23. In view of above discussion I reached to the conclusion that prima-facie the dispute in between the complainant and opponent relates to their job description and no issue of sexual harassment is involve therein as complainant has not been able to bring on record any evidence satisfactory or unsatisfactory to support her case to be brought in any clause of definition of “Harassment” as defined in section 2 (h) of Act No. IV of 2010.
24. In view of above the complaint is herby dismissed having no merit.

YASMIN ABBASEY
Ombudsman