

Justice (R) Yasmin Abbasey,

Ombudsman:

1. Complainant Yasmin Munir has filed this complaint against Dr. Naveed A. Malik Rector, Virtual University (V.U), Dr. Sadaqat Mehdi Campus Registrar and present Coordinator Quality Enhancement Cell V.U.
2. It is alleged that she is serving in V.U since February, 2006 under control of Dr. Mehdi, his attitude towards her is humiliating and discriminating. He uses to discriminate her among her colleagues. It appears that he wants to get rid of her due to gender bias, complexion and socio economic status. He shouts and charge her on baseless mistakes in her work and has reduced her service contract illegally without getting her signatures on ACR and without communication of adverse marking to her in isolation of University rules. Annual performance, appraisal reports are issued in such cases which was never issued to complainant. After appearing as witness, in one of her female colleague case namely Mst. Sadia Sharif before Federal Ombudsman against Dr. Sadaqat Mehdi, he became more harsh to her and harass and humiliate her among her juniors as well as officials of different departments. Against this behavior of Dr. Sadaqat Mehdi on 26th March, 2014 she moved a complaint before opponent No. 1 Dr. Naveed A .Malik, Rector of V.U but neither Inquiry Committee was constituted nor any protection was provided to her because she was also under influence of Dr. Sadaqat Mehdi.
3. After appearing as witness in case of Mst. Sadia Sharif, she moved complaint before Dr. Naveed A. Malik for providing protection to

complainant, but instead of providing protection to complainant, on 12.05.2014 she was transferred to another campus of V.U at Ferozpur Road Lahore and her service contract which was reduced by Dr. Sadaqat Mehdi was kept pending without investigation. Apparently complainant was transfer from main section to Ferozpur road campus but she still was under control of Dr. Sadaqat Mehdi as Head of department. Opponent Dr. Naveed A. Malik by letter dated 20.05.2014, issued by Director Administration, has informed that an interdepartmental transfer is not possible due to eligibility criteria of University position. Dr. Sadaqat Mehdi also use different tactics to corner and victimize her in collaboration with Ehsan Puri Director Campus / Director ICT, Tahir Malik Regional Campus Manager Central and her immediate supervisor Muhammad Ali Khan. Series of discrimination were not stopped even after transfer in campus and she was deprived of her basic rights of V.U employ.

4. On 23.05.2014 she was messaged by Dr. Sadaqat Mehdi through Ehsan Puri Director Campus / Director ICT, Muhammad Ali Khan Campus Manager and Tahir Malik Regional Campus Manager that:

“You don’t think that she has been transferred to your campus and is working under your supervision, in-fact she is working under the supervision of Registrar (Dr. Sadaqat Mehdi), she has been transferred to your campus due to critical court case, you have to treat her strictly and send each and every matter of her to us, even you are not authorized to sanction her leaves”.

She was also informed that her counter signing authority is Dr. Sadaqat Mehdi and he is authorized to evaluate her performance

and her ACR will be written according to Dr. Sadaqat Mehdi instructions and plan. Opponents including Tajdar Alam Managing Director, Naeem Tariq Director Finance, Ehsan Puri Director ICT and Dr. Mushtaq Hussain Kazmi Controller Examination are running University under their monopoly. Basic rights of promotion and training which is provided to every employ of V.U within 2,3 days of joining was not provided to complainant. Despite working on vertical assignments, she was not allocated specific VISS in spite of passing of more than 5 months. Beside verbal request on 22.09.2014 she made written request through email message for providing VISS but no response was given to it. Complainant as well as other female Assistant Registrar were not made part of workshops organized by HEC in V.U.

5. Dr. Sadaqat Mehdi bias of female employees from time to time are terminating their services and are also restricting their promotions and training opportunities to end their career. Complainant was given work of lower grade i.e. of office Assistant and was forced to serve officials of different departments of V.U.
6. On 12.09.2014 and 15.09.2014 when complainant was on leave, by tempering in system, presence of complainant was shown in V.U on both these days. On joining she submitted an application for expost facto approval of both these days, as request of leave was also communicated verbally to Muhammad Ali Khan, but this matter was given a different touch and she was declared as culprit of marking attendance fraudently, without conducting inquiry. Complainant approached Dr. Naveed A. Malik vide application dated 24.10.2014 and request for justice, but she was removed from service and her contract was terminated with immediate effect without assigning any

reason just to get rid of her because of appearing in connected case of harassment against Dr. Sadaqat Mehdi. Despite her huge work load influentially group of Dr. Sadaqat Mehdi is harassing and victimizing female employees of V.U.

7. Management of V.U pretends that Dr. Sadaqat Mehdi had left V.U after completing his service terms, but in fact he is still serving in V.U as Coordinator Quality Enhancement Cell and is also availing his university residence from 2008 to date and at the same time he is also availing house rent. Management of V.U has hide this fact from Federal Ombudsman.
8. It is prayed by complainant to restore her service with benefits and opponents be penalized for harassing and victimizing her.
9. Opponents in their joined statement have denied allegations made by complainant, it is stated that complainant has imposed serious allegation of discrimination based on gender, complexion and even at religion on Dr. Sadaqat Mehdi, but nothing was ever reported during last 8 years of her service at Virtual University. Present complaint has been filed when Dr. Sadaqat Mehdi has already retired from University w.e.f 05.09.2014. All allegations are after thought after retirement, Dr. Sadaqat Mehdi is not engaged in any of University matter. It is denied that Dr. Sadaqat Mehdi Rector being Chief Executive Officer of University worked under influence of his junior officer Dr. Sadaqat Mehdi Ex-Registrar. However an application was filed by her on 26.03.2014 before Rector, wherein she has leveled allegations on Head of Department. In light of prayer made by her in that complainant as per Virtual University rules, Rector transferred her services to Virtual University of Pakistan

Ferozpur road Lahore campus as desired by her. It is stated that Dr. Sadaqat Mehdi had not evaluated performance of complainant for period ended in February, 2014.

10. It is denied that Rector supported victimization act of Dr. Sadaqat Mehdi in against female employees. There is an Inquiry Committee constituted under Protection against Harassment of Women at Workplace Act 2010 vide office notification dated 28.02.2014. Complainant's complaint of 26.03.2014 was immediately granted as per rules. It is denied that even after transfer to Ferozpur road Lahore campus Dr. Sadaqat Mehdi was Head of Department. Notification dated 20.05.2014 clearly mentions that for her performance she was to report to campus Manager of V.U Ferozpur campus. As per university rules no new designation without going through proper hiring process can be given to any employ as stated in para 9 of her complaint. An email ID was provided to her on 23.05.2014 by concerned department for official correspondence. Complainant must be aware of facts that Assistant Registrars working at campus use campus portal for dealing with visiting students therefore she was not deprived from her basic rights. Para 13 of complaint are denied as a matter of fact she was demanding same right to assist system for information as she use to have at head office but it was not possible because she was supposed to perform different duties then those which she performed at head office. Complainant was supposed to share campus portal with her campus Manager because she was serving as Assistant Registrar at Virtual University campus. Higher Education Commission organized training workshops after retirement of Dr. Sadaqat Mehdi therefore he had no role to play in that, however anyone among staff serving

at any Virtual University campus was included in that training because training series of training workshops was only for staff serving at head office and faculty members at Laurence road office which is also part of head office but at different locations.

11. An employ of University can be assigned any task during service either in addition to existing task or any replacement. She being Assistant Registrar at J-III leveled serving at Virtual University campus was supposed to support campus Manager. It is denied that password of complainant was hacked for tempering her attendance in VISS system. Leave application was submitted by her for 12.09.2014 and 15.09.2014. It is well known that if public holidays / off days fall between 2 availed leaves then such leave is treated as sandwich leave, whereas she applied both leaves separately for post facto approval already availed which are supposed to be applied within 48 hours from joining of date which she also failed. Complaint is liable to dismissed.
12. It is alleged that opponent Dr. Sadaqat Mehdi, Ex-Registrar in V.U bias against female employees and his behavior against all of them is always discriminating. He does not want to see presence of complainant and other female employees in University and with this attitude he continue on shouting on her on baseless mistakes in her work, and finally he succeeded in reducing term of her contract from 3 years to 2 years vide notification dated 11.05.2014.
13. According to complainant because of bias attitude of Dr. Sadaqat Mehdi on 26.03.2014 she moved an application to Rector of V.U with detail grievance and discriminating attitude faced by her from Dr. Sadaqat Mehdi. At the same time, to avoid to face

Dr. Sadaqat Mehdi she has also made 2 requests, first to restore her 3 years contract and secondly to transfer to some other department of V.U Ferozpur Road Lahore Campus or Divas Road Lahore Campus. It is stated by complainant that on this complaint of her neither any inquiry was conducted nor her service contract was extended, but instead of she was transferred to Campus Ferozpur Lahore vide letter dated 20.05.2014. But again it is alleged that although she was transferred to campus Ferozpur Lahore and apparently was to report to campus Manager of V.U of Ferozpur Lahore, but in fact Dr. Sadaqat Mehdi was main boss and was supervising her, as has been expressed and informed to Rector V.U in her application dated 24.10.2014, wherein she has reproduced instruction communicated by Dr. Sadaqat Mehdi to Muhammad Ali Khan Campus Manager of Ferozpur Lahore through Ehsan Puri, Director ICT and Tahir Malik RCMC that:

“You don’t think that she has been transferred to your campus and is working under your supervision, in-fact she is working under the supervision of Registrar (Dr. Sadaqat Mehdi), she has been transferred to your campus due to critical court case, you have to treat her strictly and send each and every matter of her to us, even you are not authorized to sanction her leaves.

14. Whether the communication as reproduced is true or correct is not an issue but at least when it is reported clarification should have been sought from Dr. Sadaqat Mehdi nor any action seems to have been taken on this complaint of 24.10.2014 because according to complainant even after transfer of her to campus Ferozpur Lahore

Dr. Sadaqat Mehdi was counter signing authority on ACR of complainant and to support her version she has referred ACR for period from 06.02.2013 to 05.02.2014. But this reference of ACR from period 06.02.2013 to 05.02.2014 does not help to complainant as it is even much prior to complaint moved by complainant on 26.03.2014. Even otherwise it does not seem to be adverse report because overall evaluation report by Registrar Dr. Sadaqat Mehdi was satisfactory.

15. Although allegations as alleged by complainant have not been rebutted by opponents, but it is a fact that even after transfer, complainant was making complaint, of and on for not providing facilities which were required by her in terms of her service assigned in V.U. Though there are some positive notes to such complaint which appears from Page 46 to 49 of this file through email communication in between complainant and different authorities of V.U.
16. What appears from record is that the main dispute arose in between her and V.U when after of availing leave for two days i.e. 12 and 15 September, 2014. It is alleged that complainant misused VIS system she has given her VIS password to one Adeel Office boy for marking her attendance without attending office and because of that warning letter was issued to her on 26.11.2014. An appeal was filed against this warning letter to Rector V.U stating that she has never given her password to any person for marking attendance and in that appeal she had also made serious allegations against Dr. Sadaqat Mehdi, but again it appears that V.U has not taken any appropriate action on this appeal, nor representative for opponent during course of arguments has been able to explain that why appropriate actions

were not taken on complaint of complainant moved on 26.03.2014 and 27.10.2014.

17. It is argued on her behalf that if there would have been any malice intension on her part to mark her attendance for 12th and 15th September, 2014 without attending office then why she would had moved application on 19.09.2014 because warning letter was issued to her much later to it on 26.09.2014.
18. From perusal of record, it appears that whole case of allegations are surrounding against Dr. Sadaqat Mehdi because of his particular attitude towards female employees. In these circumstances, proper course for V.U would had been to take serious steps in such eventualities to curb this element of discrimination within institution against female employees, it appears that no positive steps were taken by V.U.
19. At present, service of complainant has been terminated on 27.10.2014 and in view of one month notice she has also been compensated in terms of contract entered on 31.01.2006 in between complainant and V.U. She was contract employ and V.U by its terms of contract was empower to terminate her appointment during contract period which were accepted by complainant on 06.02.2006, therefore even if her terms of contract were extended from time to time upto 2014. She is abide by terms and condition entered in between her and V.U on 31.01.2006, therefore it has been rightly observed in writ petition No. 14306/13 that rules and regulations of V.U of Pakistan are none statutory, relationship in between contract employ of V.U on basis of contract services is that of master and servant, so even if a contract employ is wrongfully terminated from

service before end of his contract then only remedy lies with him / her is to recover damages and she cannot claim reinstatement , same rules also applies in present case therefore by end of contract on 27.10.2014 she is no more employ of V.U. So far action against Dr. Sadaqat Mehdi, it has been reported by opponent that he has already left V.U after retirement therefore apparently as allegations leveled were also not scrutinized by V.U through proper inquiry, no adverse observation can be made against him. Rest of two opponents Dr. Naveed A. Malik and Muhammad Ali Campus Manager seems to be formal authority as no specific allegations has made against them.

20. In view of above, complaint is hereby dismissed.

YASMIN ABBASEY
Ombudsman