



FEDERAL OMBUDSMAN
For Protection against Harassment of Women at Workplace
Islamabad

J U D G M E N T

1. Complaint Number: 1(7)/2011-FOS
2. Date of Institution: 14-5-2011
3. Date of Decision: 14-7-2011
4. Complainant: Asia Khanum
Widow of Khalid Rasheed Bhutta
Flat No.1, Block No. C-3
Radio Colony, G-8/4, Islamabad.
5. Respondent: Maqbool Hussain Shah
Director Administration
PBC Headquarter, Islamabad.

Musarrat Hilali,

Ombudsman:

1. Briefly the facts are, that complainant is serving in Pakistan Broad Casting (PBC) Corporation as Steno Typist since 2007. That on 06-11-2010 she moved an application for allotment of flat No. 1, Block 3, Radio Colony, Sector G-8/4, Islamabad which was previously allotted to her brother-in-law Mr. Aslam Iqbal Bhutta an employee of PBC (now retired).
2. That the complainant was living with her brother in law alongwith her children and after the retirement of her brother in law, she applied for the same flat for her own use. That in this connection the complainant met the accused respondent and requested him to consider her request on humanitarian grounds. According to the complainant, the accused called her to his office next morning and asked for sexual favour in order to accept her request for flat.
3. That on her refusal she was victimized through issuing show cause notice and her increment was also stopped and the flat was allotted to some other person. The complainant feared that she may be ordered to evict the said flat and she may be transferred to some other place. The complainant prayed that accused

respondent be restrained from making transfer order of the complainant and her eviction from the flat she was living in.

4. Respondent was served with show cause notice alongwith statement of allegations leveled against him by the complainant to which accused respondent submitted his reply.
5. I have gone through the complaint and the reply submitted by respondent and all the attached documents.
6. According to the record, one Aslam Iqbal Bhutta the brother-in-law of the complainant who was an employee of Radio Pakistan (now retired) was allotted the said flat. The complainant, a widow was living with Mr. Bhutta being her brother in law. After retirement Mr. Bhutta un-authorisly occupied the flat and to linger on his stay in that flat, he filed a civil suit which was dismissed on 30-3-2010. An appeal against the judgment of learned Civil Judge dated 30-3-2010 was also dismissed. On 05-7-2010. Mr. Bhutta filed a writ petition, which was dismissed by the Honorable Lahore High Court Rawalpindi Bench on 12-8-2010 for non prosecution. The complainant then made an application to the Honorable Ombudsman (maladministration) on 09-12-2010 but the office of Honourable Ombudsman closed the case being a service case in terms of Regulation 23 (I) (K) of the Wafaqi

Muhtasib (investigation and disposal of complaints) Regulations 2003. The complainant then made an application to this office alleging therein that she being an employee of PBC applied for the flat in question, according to her respondent promised allotment of the said flat but in return he demanded sexual favours from her. It is worth mentioning here that the allegations of sexual favor have been introduced for the first time in the complaint made to this office. Neither in her letter to the President of Pakistan dated 09-5-2009, she made any allegations regarding sexual favours by respondent nor in her complaint to the Honourable Ombudsman (maladministration) she has referred to any sexual harassment or sexual favours demanded by the accused.

7. So far the show cause notice is concern, she was putting pressure on the administration to bow before her demands, therefore a show cause was served upon her and she was awarded penalty of withholding annual increment for a period of one year but later on the accused being competent authority commuted that into censure.
8. Interestingly the matter of show cause notice which was given to her was due to the pressure that she was putting on the

administration by ministers etc and the matter was closed after when her sentence was reduced to censure on 27-8-2010 but the dates of harassment mentioned in complaint are 18-10-2010, 19-10-2010 and 20-10-2010 which shows that show cause notice and stoppage of one year increment was not due to her refusal to accept the demands of sexual favours but was due to putting illegal pressure on administration for allotment of the flat.

9. The complainant has failed to make out a case of sexual harassment under section 2 (h) of Protection against Harassment of Women at Workplace Act 2010.
10. In the view of what has been discussed above, this complaint is dismissed without any costs.

Announced

**MUSARRAT HILALI
Ombudsman**

Certificate

Certified that this decision consists of 04-pages each page has been signed and verified by me after completion and compilation.