

OFFICE OF THE OMBUDSMAN

Islamabad

FORM OF ORDER SHEET

Appeals No. i. FOH-HQR/0000075/19
ii. FOH-HQR/0000076/19
iii. FOH-HQR/0000083/19
iv. FOH-HQR/0000084/19

| Serial No. of Order of Proceedings | Date of order of Proceedings | Order of other proceedings with Signature of Federal Ombudsman Title: IFTIKHAR AHMAD VS ADDITIONAL DG & OTHERS MALIK FAISAL SALEEM VS ADDITIONAL DG & OTHERS MUHAMMAD AYYAZ VS ADDITIONAL DG & OTHERS MIRZA SHAHID ALTAF VS ADDITIONAL DG & OTHERS |
|------------------------------------|------------------------------|--|
| 1 | 2 | 3 |
| | 18-04-2019 | <p>Appellants Muhammad Ayaz through his counsel Barrister Ehsan Ejaz, Malik Faisal Saleem and Iftikhar Ahmad through their counsel Alia Zareen and Mirza Shahid Altaf Hussain through his counsel Rizwan Shabbir Kiani were present in person. (Hereinafter collectively referred to as “Appellants”)</p> <p>The Appellants have filed their respective appeals along with the interim applications, wherein it has been prayed by all the appellants that the operation of the impugned orders dated 15-03-2019, 20-03-2019, 25-03-2019 and 26-03-2019 respectively shall be suspended until the pendency of the instant appeals.</p> <p>This Forum intends to decide all the four interim applications filed by the Appellants through this single order.</p> <p>The appellants counsels initiated the preliminary arguments and argued that the inquiry committee has been constituted illegally and the legal requirements u/s 3 of Protection against harassment of women at the workplace act 2010 were not met. The such enormous nature of irregularities in the constitution of committee make the transparency and impartiality of the members of the inquiry committee questionable.</p> <p>The appellant’s councils further contended that the incident took place in 2017 and has been reported in 2019, which makes the whole incident</p> |

doubtful, false and frivolous.

Director HR Mr. Hamid Raza Khalid present in person on behalf of DG National Savings, before court and contested the arguments put forward by the appellants. He explained the criteria of constitution of central inquiry committee and further stated that there is no mala fide intent on committee's part. Furthermore, he pointed out that there is pending litigation before the honorable High Court Islamabad regarding the status of CBA. However no final order has yet been passed in this regard.

Arguments heard record perused.

In view of the submission made above, this forum is of the view that the arguments set forth by both the parties need serious consideration, after analyzing the arguments of both the parties it can be inferred that a number of irregularities had been observed in the constitution of inquiry committee which is a clear violation of Section 3 of 2010 Act. The fact that the complaint was filed after the lapse of two years, raise serious questions on the authenticity of the complaint. The proceedings conducted before this forum are of quasi-criminal nature and such a delay in lodging complaint is not reasonable. The proceedings conducted by the inquiry committee have met serious abnormalities. Furthermore the due process of inquiry was also not followed.

Hence in the interest of justice and fair play the operation of orders dated 15-03-2019, 20-03-2019, 25-03-2019 and 26-03-2019 respectively passed by the central inquire committee of National Savings is hereby set aside until the pendency of the instant appeals.

Case is fixed for **29-04-2019** for further proceedings.

Order Announced.

18.04.2019

OMBUDSMAN