

OFFICE OF THE OMBUDSMAN

Islamabad

FORM OF ORDER SHEET

Complaint No. FOH-ONL/0000133/19

Serial No. of Order of Proceedings	Date of order of Proceedings	Order of other proceedings with Signature of Federal Ombudsman			
		TITLE:	SALMA AZIZ Program Manager	VS	ZAIGHAM ABBAS Deputy Director
		Department: Press Information Department			
1	2	3			
	10-08-2021	<p>Complaint No. <u>FOH-ONL/0000133/19</u></p> <p>The instant case came into being on the bases of an online complaint of Mst. Salma Aziz, the then programme Manager of the social media cell of the Press Information Department of Information and Broadcasting Division Government of Pakistan. In her complaint Mst. Salma Aziz alleged that the accused Zaigham Abbas, Deputy Director, was forcing every girl working there to have sexual relations with him, to be in that job. Some girls surrender to his immoral demands but those who refused, were threatened to be out of job. That she alongwith her co-employees Faiza was also in trouble due to hostile environment created by the accused at the working place, apprehending ouster from the assignment. That Accused Zaigham Abbas was very influential and nobody asked him for his bad activities.</p> <p>That she talked to her departmental head as well as the Federal Secretary concerned but they did not listen to her. She also complained on PM Portal but there too the accused managed to delete her complaint.</p> <p>The complaint sought for indulgence of this forum in the matter. She later on, filed formal detailed complaint, praying to evaluate her complaint and to award punishment to the culprit to set an</p>			

		<p>example so as to encourage working women who suffer from harassment related challenges on their work places.</p> <p>Accused Zaigham Abbas was summoned to reply to the allegations against him. He furnished his defence statement wherein he repudiated all the allegations of the complainant. Both the sides were given quite free hand to produce their respective evidences as they wished. They, accordingly, adduced their evidences both oral and documentary upto their entire satisfaction.</p> <p>Thereafter, I heard the arguments of the parties and gone through the record with the able assistance of the learned counsel for both the parties.</p> <p>Before discussing the merits of the case, I deem it appropriate to mention here that we are bound to decide this matter while remaining within the boundaries and limits prescribed by the law and rules i.e Protection against Harassment at Workplace Act, 2010 and the rules made thereunder. Generally, harassment in its generic sense covers all forms and manifestations based on race, gender, religion, age, disability and sexual harassment etc but the Act, 2010 is focused on sexual harassment defined in section 2(h) of the Act, 2010.</p> <p>Judging and analyzing the present case in the above mentioned prospective, the claims and allegations of Ms. Salma Aziz seem standing on a weak footing.</p> <p>She appears to have failed to come up with a credible and confidence inspiring evidence. Her version that in fact she joined the office on 2nd July, 2019 but was shown to have assumed the charge on 15th July, 2019, is not proved on the record. On the other hand she is proved to have joined the duty on 15th July, 2019 vide Ex DW 2/x-4. Complainant has admitted</p>
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in her cross examination that she has no proof to show that she joined her duty on 2nd July, 2019. Needless to explain it was the complaint to prove that she joined on 2nd July, 2019.

Regarding her allegation that the accused invited the complainant to his flat in F-8 Markaz, Islamabad in order to sleep with him for three (3) hours, is without any proof and corroboration as no message, video or voice recording has been provided by the complainant in this regard. In absence of any cogent evidence, such a charge or blame cannot be safely believed.

The alleged incident is shown to have occurred on 14th July, 2019 whereas as per admitted record, complainant joined duty on 15th July, 2019.

It has not been proved by the complainant that the accused had flat in F-8 Markaz, Islamabad. On the contrary, complainant could not deny the assertion of the accused that he had flat in F-11 not F-8 Markaz, Islamabad.

It has come in the evidence of the complainant that Naila Maqbool BPS-20 officer was in the knowledge of the things. If so, why that material witness has not been produced by the complainant to throw some light on the subject matter.

Complainant's affidavit in evidence is silent on the crucial issue of any sexual harassment.

Her witness namely Chaudhry Waqar Rahim (PW-2) is infact not her witness rather a witness for Faiza. He has been unable to support the complainant;s case. It is strange that the said witness came for Faiza but Faiza herself did not come forward.

Testimony of Chaudhry Waqar Rahim, on its very face, is contradictory and incredible. It is of such a bad nature which

		<p>may be included in the domain of perjury.</p> <p>Accused side may initiate proceedings against this witness under the relevant provision of law if so desired, for, some legal process, to put check on such witnesses, is quite essential to curb the trend. Another witness namely Saim Raza has not come to support the complainant's case.</p> <p>Admittedly, the complainant made no complaint against the accused during her stay in PID. The question arises, why? she stated that she made oral complaints to Shahzad Shaikh, Tahir Khushnood and Secretary Zahida Perveen but none of them came forward to support her version.</p> <p>The complainant's theft allegations against her colleague also yielded no fruit while on the other hand the other staff members complained against her vide Ex- DW-1/6 and Ex-DW-1/7.</p> <p>To sum up, the complainant has failed to establish any harassment case in terms of the Act, 2010 against the accused to the hilt, the benefit which of is certainly to go to the accused. However, the analysis of the record particularly with reference to the different messages placed on the tile, admitted by both the sides, it reflects that both the parties were, perhaps, in romantic mood at the beginning. These messages would also suggest that both the sides were equally involved and hence anyone party cannot be exclusively blamed for it. Neither the complainant nor the accused can be absolved of the things. Both of them appear to be having equally indulgence.</p> <p>Accused through his messages and display of body parts looked to get sympathy of the complainant for getting her closeness while the complainant also responded favorably. So the conduct of both the parties remained not above board and commendable. Such a conduct deserves displeasure at least if</p>
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		<p>not a strong condemnation.</p> <p>Although, the harassment case within the terms of the Act, 2010 is not made out against the accused and for that matter the complainant's case stands dismissed, yet, in view of my observations in the case, this matter may be placed before the competent authority for consideration and further necessary action in connection with the accused, in order to make the environment of workplaces safer and protected.</p> <p>Announced accordingly.</p> <p style="text-align: right;">OMBUDSMAN</p>
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