



BEFORE THE OMBUDSPERSON, PUNJAB

Complaint No. WOP/13-67/2014 Lahore, the 15th of July, 2015

Ms. TK, DEO, RESCUE 1122.....Complainant
Vs.

Mr. MS, DEO, RESCUE 1122.....Accused

DECISION

The complaint in hand was lodged by Ms.TK, District Emergency Officer, Rescue 1122, against Mr. MS, District Emergency Officer, Rescue 1122.

According to the complainant, she joined Rescue 1122 as a grade 17 officer on 01.09.2006 and was transferred to District S in September, 2010. The accused, invited her and her grandfather to dinner with his family where he tried to convince her grandfather that the service was not suitable for a female, which discouraged her a lot; that he started harassing her in different ways including: once he called her in his office to invite her to his house mentioning that his wife was not at home which she declined; another time, Mr. MS sent her a message asking about the date of her menstrual cycle to which she did not reply; he once called her to tell that she had to accompany him to Shahpur on Sunday for a meeting in civil dress but she found out that there was no meeting and refused; further,

after an Iftar dinner of officers during Ramzan 2011, Mr. MS insisted to drop her back in his vehicle and on the way, he talked to her in an indecent manner ; one night on an emergency call from the police lines, she went there in the official duty van where the accused asked her to take pictures by going to the site in his vehicle with the driver but he came and sat in the driving seat himself; that after her engagement, her in-laws, her family and the Director General received vulgar messages about her and that mobile phone was traced to have been issued to the accused's Naib Qasid, who did not even possess a mobile phone and even did not know how to use one; that on her complaint, about those messages, the accused did not take any action which showed that he was involved in the matter. Further, he told the staff false stories about her character and she was given an assignment junior to her rank which discouraged her from working hard. The complainant added that as a result of an inquiry held on her complaint, the accused was found guilty but both were transferred. Later, she was transferred back to the same district in September 2013 while Mr. MS also got himself transferred there a few days later and started harassing her by creating difficulties in her job: e.g. the electricity meter of her official residence had been disconnected when she re-joined duty there and asked her to vacate the residence; also he transferred her to a sub-station on 21.09.2013 where she had to sit in the office of a junior official; that on her request to Mr. MS on 24.09.2013 for provision of an official vehicle, he degraded her in front of staff members and through she was in the family way, but was compelled to use a truck and that too only with the permission of her junior.

The version of the accused Mr. MS was that on her joining in September, 2010, Ms. TK requested him to provide accommodation to her so he allowed her to use the retiring room; that she started to sit in his office aimlessly but he told her not to waste his time; that he would ask his

P.A. to sit with him whenever Ms. TK came to his office and also directed his Naib Qasid to keep the door of his office open. He stated that Ms. TK came to his office after a few days and asked him about the perfume he used but he replied that his shopping was done by his wife and gave her the phone number of his wife. According to him, three months after Ms. TK joined at Sargodha, she came to his house on 24.12.2010 alongwith her grandfather and that in Ramzan 2011, Ms. TK again contacted his wife and visited his house alongwith her grandmother. He added that on a number of occasions when his family members had left for some family engagement, he told Ms. TK that he was going home and that she had to look after official matters timely but she came to his house in the official vehicle with the diner but he declined to meet her. He stated that Ms. TK had come to his house seven times in total. He alleged that Ms. TK used to talk to him in an immoral and indecent manner so he told her in anger that he was married and did not have interest in such matters. That on Ms. TK's application to the headquarter, Mr. RZ, DEO, was sent for enquiry but he did not provide a copy of the complaint to him nor did he record his statement. Both the officers were transferred out but the orders were cancelled after one month. He stated that Ms. TK again started sending complaints to the headquarter and other forums so he wrote to them that she be transferred.

Mr. AM, complainant's husband, who worked as Wireless Technician in the same office, deposed that before his marriage to Ms. TK, the accused used to portray her as a corrupt and characterless woman; that once after an Iftar party, the accused insisted on dropping her and later called him and said that she was "number 2"; that after his marriage to the complainant, they were both victimized by the accused, as also elaborated by her.

The parties and their witnesses were examined on oath. Record has been perused at length. The accused, in his defense reply and statement recorded on oath, denied the allegations and contended that the complainant used to talk to him in an immoral manner and had tried to convince him for adultery and that she had come a number of times to meet him at his house knowing well that his family was away, coming there in the official vehicle with driver. His witnesses mainly stressed upon the reputation and character of the complainant and admitted that Mr. MS had told them that Ms. TK had been confined to her house by her family due to her character.

It is to be noted that none of the drivers named by Mr. MS to have brought Ms. TK to his house, were produced by him as witnesses. As per the departmental inquiry report annexed by the complainant, the accused Mr. MS had admitted to portraying the complainant as a corrupt woman. A number of other contradictions were noted in his defense statement here and the version that he took in the said inquiry. Also, he did not file any complaint before his seniors regarding his allegation against the complainant that the complainant wanted to have illicit relations with him as stated by him, in his defense here, nor did he take up this plea in the enquiry held by his department. These allegations appear to be an afterthought and the accused or his witnesses failed to bring up any evidence in support of his version nor could he rebut the allegations leveled against him in the complaint. The emphasis of Mr. MS's witnesses, all his sub-ordinate officials, was on complainant's character mainly portrayed to them by him which appeared to be quite orchestrated.

Keeping in view the above discussion, I have reached the conclusion that the accused, Mr., MS by way of his "unwelcome sexual advances, requests for sexual favours, sexually demeaning attitude and communication of a sexual nature" thereby creating an intimidating,



OFFICE OF THE OMBUDSPERSON (MOHTASIB) PUNJAB

174-Shadman-II, Lahore

hostile and offensive work environment for the complainant Ms.TK, is guilty of sexual harassment as defined in Section 2 of the Protection Against Harassment of Women at the Workplace Act, 2010, and the following major penalty under Section 4(ii)(a) of the Act is hereby awarded to him:-

“Reduction to the Minimum Stage in Time-Scale”.

The complaint is disposed of accordingly. Parties be informed.