

Serial No.05
Supp. List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 40 of 2024

Date of Decision :01.03.2024

1. Smti. Evansara Shullai, MFS
D/o (L) W.Kurbah,
R/o Marbaniang Umseiniong Village
East Khasi Hills District, Meghalaya

::: Petitioner

-Vs-

1. State of Meghalaya,
Represented by Chief Secretary,
Government of Meghalaya, Shillong.
2. The Principal Chief Conservator of
Forest & HOFF, Government of Meghalaya,
Shillong.
3. The Commissioner & Secretary to the
Government of Meghalaya,
Forest and Environment Department,
Shillong.
4. Member Secretary,
Directorate Level Internal Committee,
Department of Forest and Environment,
O/o the Principal Chief Conservator of
Forest & HOFF, Meghalaya.
5. Shri. N.Luikham, IFS
Chief Conservator of Forest (T)
Government of Meghalaya.

::: Respondents

Coram:

Hon'ble Mr. Justice H.S.Thangkhiew, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. P.Yobin, Adv.
Mr. K.V.Kharlyngdoh, Adv.

For the Respondent(s) : Mrs. T.Yangi B, AAG with
Ms. Z.E.Nongkynrih, GA.

i) Whether approved for reporting in Law journals etc: Yes/No

ii) Whether approved for publication in press: Yes/No

JUDGMENT AND ORDER (ORAL)

1. The petitioner being aggrieved with the inaction of the respondents in dealing with her complaint of sexual harassment in the work place, by respondent No. 5, and a transfer order dated 06-02-2024, is before this Court seeking appropriate directions to direct the respondents to strictly follow the set principles in such matters and provisions of law as provided under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

2. Mr. P.Yobin, learned counsel for the petitioner submits that as far back as 19-12-2023, the petitioner had filed a complaint of sexual harassment against respondent No. 5 to the respondent No. 2 and had also requested to relieve her of working under the said Officer, but instead of the complaint being attended to by the Internal Complaints Committee, the petitioner was asked to compromise. It is also submitted that the petitioner being in fear of her life due to certain incidents, had also lodged an FIR before the Superintendent of Police on 01-02-2024, and the Deputy Commissioner by letter dated 06-02-2024, had also directed for action to be taken by the Secretary Forest and Environment Department. After these complaints, learned counsel submits that action was then initiated, asking the petitioner to furnish details of the complaint and other materials before the Internal Complaints Committee, and the respondent No. 3 then by order dated 06-02-2024, transferred the petitioner to the Forest Resource Survey Division, which he contends was not a safe place at all, especially when the petitioner was in fear of her personal safety.

3. Mrs. T.Yangi B, learned AAG appearing for the State respondents had initially prayed for time to obtain instructions, but however, the respondents had then changed the transfer order and have now posted the petitioner as Divisional Forest Officer, Khasi Hills Autonomous District

Council, Shillong, vide order dated 27-02-2024 superseding the earlier transfer order dated 06-02-2024.

4. With this development, which has been brought on record by way of an affidavit, the counsel for the petitioner submits that the petitioner is satisfied with the same, but has however prayed that her complaint, be taken up in earnest and be dealt with expeditiously by the Internal Complaints Committee in accordance with law.

5. In view of these developments and submissions, as nothing remains for consideration, this writ petition is disposed of with the direction that the complaint of the petitioner be taken up on a war footing and disposed of as expeditiously as possible by the authority concerned.

6. Writ petition is accordingly disposed of.

Judge

Meghalaya
01.03.2024
"Samantha PS"