

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.15842 of 2026

Date of Decision: 11.9.2026

Ritu Sareen

.....Petitioner

Versus

HPHRC and Anr.

.....Respondents

Coram

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting? Yes.

For the Petitioner: Mr. M.L. Sharma, Advocate.

For the Respondents: Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocates General and Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for respondent No.1.
Mr. Vishal Mohan, Senior Advocate with Mr. Kulwant Chauhan, Advocate with Mr. Virender Thakur, Deputy Manager Legal (Company representative), for respondent No.2.

Sandeep Sharma, J. *(Oral)*

Precisely the grouse of the petitioner, who is an employee of respondent No.2-M/s Ambuja Cements Limited, is that on account of non-constitution of Human Rights Commission (in short the "Commission"), complaint having been made by her to it, is not being decided, as a result thereof, great prejudice is being caused to her. Petitioner approached the Commission by way of complaint, alleging therein violation of her rights as well as mandate of the judgment passed by Hon'ble Apex Court in **Vishaka**

v. State of Rajasthan, wherein certain guidelines came to be framed with regard to prevention of sexual harassment in public offices, but since there is no member in the Commission, Chairperson/Lokayukta, who has been also given additional charge of the Commission, is finding it difficult to conclude the proceedings.

2. Though at the time of filing of the complaint in the year 2024, there was regularly appointed Chairman of the Commission, but there was no member. However, complaint of the petitioner was entertained and certain proceedings also took place and at the time of final arguments, objection came to be raised at the behest of respondent No. 2 with regard to quorum. Aforesaid respondent submitted before the Commission that for rendering final decision upon a complaint, if any, there should be quorum of minimum two persons i.e. one Chairman and one member or two members. Though pleadings reveal that respondent No.2 had actually consented for disposal of the complaint by the Chairman while sitting singly, but subsequently raised objection as recorded above, as a consequence thereof, Lokayukta who is holding the charge of the Commission, adjourned the proceedings sine die. In the aforesaid background, petitioner is compelled to approach this Court in the instant proceedings, praying therein for following main reliefs:

“1.To issue a writ of mandamus or any other writ, order or direction directing respondent no.1 to conclude and finally dispose of Complaint No.224/2024; Diary No.44/IN/2024, Case No.410/8/11/2024-WC within a reasonable time notwithstanding that at present the Commission is manned only by the Chairperson particularly in the background of the consent recorded by both the parties on 29.10.2025 ANNEXURE-P/7 and to quash the subsequent order dated 03.03.2026 ANNEXURE-P/9 being arbitrary and illegal.

2.To issue a writ of certiorari or any other appropriate writ, order or direction quashing impugned order dated 08.08.2026 ANNEXURE-P/6 having been issued in colourful and *mala fide* exercise of power.

3. It is also pertinent to take note of the fact that during pendency of the proceedings before the Commission, respondent No.2 also filed preliminary objections with regard to maintainability of the complaint, but since same was not adjudicated, aforesaid respondent was compelled to approach this Court by way of CWP No. 7755 of 2026, which was disposed of on 18.05.2026 with a direction to adjudicate the preliminary objections raised at the behest of respondent No. 2, but fact remains that aforesaid issue never came to be adjudicated.

4. Be that as it may, in nutshell, grouse of the petitioner, if any, can be said to be against respondent-State, which has failed to appoint

Chairman, Commission as well as its members. Needless to say, Human Rights Act, 1993 mandates respondent-State to appoint Chairman, Human Rights Commission as well as its members, but more than one year has passed and till date, no steps have been taken to appoint Chairman, Human Rights Commission as well as members, as a result thereof, petitioner and other similarly situate persons are suffering for no fault of them.

5. True, it is that it is the domain of State to appoint Chairman and members strictly as per mandate contained in the Act and rules, but certainly, this Court, while exercising power under Article 226 of the Constitution of India, being a constitutional court having plenary powers, can always direct the State to do the needful in terms of the Act, especially for appointment of its Chairman as well as members within a specific timeframe, so that very purpose and object of Act is not defeated.

6. Though learned counsel representing respondent No. 2 strongly raised objection with regard to maintainability of present petition as well as complaint filed before the Commission, but this Court, having taken note of larger issue of public importance, does not find it necessary to adjudicate upon aforesaid objections, rather deems it fit to dispose of the present petition with a direction to the Chief Secretary, Government of Himachal

Pradesh to ensure that necessary steps are taken towards appointment of Chairman, Human Rights Commission as well as its members in terms of Act, expeditiously, preferably within a period of six weeks. Ordered accordingly.

7. However, in the interest of justice, it is ordered that till the time complaint filed by the petitioner before Human Rights Commission, which has been adjourned sine die, is not adjudicated, petitioner shall not be transferred from her present place of posting and orders, if any, already passed with regard to transfer, shall remain stayed.

Pending miscellaneous application(s), if any, shall also stand disposed of.

September 11, 2026

(manjit)

**(Sandeep Sharma),
Judge**