

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

WRIT PETITION NO.39193 OF 2014

Between:

Katam Jaya Sekhar

... Petitioner.

And

The State of A.P. Rep. by its Prl.Secretary
to Government for Agricultural Marketing
and Cooperation Department Secretariat,
Hyderabad and 2 others.

... Respondents.

DATE OF JUDGMENT PRONOUNCED: 27.07.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

AND

THE HON'BLE MRS. JUSTICE ANIS

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | No |
| 3. Whether Their Ladyship/Lordship wish to see
the fair copy of the Judgment? | No |

**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND
THE HON'BLE MRS. JUSTICE ANIS**

WRIT PETITION No.39193 of 2014

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ORDER: (per Hon'ble Sri Justice Nooty Ramamohana Rao)

The petitioner herein is aggrieved by the orders passed by the A.P. Administrative Tribunal which entertained O.A.No.5818 of 2014 moved by him, challenging the correctness of the orders passed by the State Government in G.O. Rt.No.486 Agricultural and Cooperation (Vigilance.II) Department dated 01.09.2014, placing the writ petitioner under suspension, based upon a complaint lodged by a woman employee, the police have registered a criminal case in FIR.No.109 of 2014 under Section 354 IPC.

Heard Sri P.Suresh Reddy, learned senior counsel on behalf of the learned counsel for the petitioner.

Sri P.Suresh Reddy, learned senior counsel, would urge that the petitioner is working as an Executive Engineer and since he has initiated action against a couple of subordinate Deputy Executive Engineers, for their misdeeds, those two officers have conspired and saw to it that a false criminal complaint has been lodged by a woman employee alleging harassment on the part of the writ petitioner. Since the police did not have the benefit of knowing all the true and correct facts and that they are obliged to register every complaint which

discloses commission of cognizable offence, they have registered the criminal case and merely because a criminal case is registered, the State Government is not supposed to sacrifice the interest of the petitioner and make him to suffer by placing him under suspension. Sri P.Suresh Reddy, learned senior counsel, would also urge that this Court has entertained a petition moved by the petitioner herein for quashing the F.I.R. registered by the police against him for the alleged offence under Section 354 IPC, entertaining the same, this Court has granted interim stay of the investigation into the complaint. Upon being satisfied that a prima-facie case is made out. Therefore, it is urged, that placing the petitioner under suspension for no fault of his and confining him to a prolonged suspension, which is not at all in the interest of the Government or the individual, is unjust and the Tribunal has missed to correct the error committed by the State Government in the process.

Having given our anxious consideration to the submissions made at the bar, we are not at all impressed by them, for, the fact remains that a woman employee has lodged a complaint against the petitioner on 21.08.2014 clearly bringing out the misdemeanor exhibited by him. The motive behind such a complaint, as at present advised, is totally irrelevant. We are not proceeding any further in this regard, in as much as a quash petition is stated to have been preferred by the petitioner and we do not considerate, hence, appropriate to say anything more than this. But

however, we are aware that pursuant to the judgment rendered by the Supreme Court in “***Vishaka and others v. State of Rajasthan and others***”^[1], every employer is now under an obligation not to ignore the complaints of harassment of women employees at work place. Women employees, it has now come to be recognized, have an equal

fundamental right to lead an honourable life and also entitled to hold their heads high at their work place and any harassment of a woman employee at the work place is not to be tolerated or taken lightly, but every such complaint has got to be redressed. Therefore, the State of Andhra Pradesh has no exception thereto. Hence, the action of the State Government in placing the writ petitioner under suspension pending enquiry into the complaint of the woman employee cannot be interfered with. We are, therefore, of the opinion that the Tribunal has not committed any jurisdictional error in declining to set aside the orders of the State Government contained in G.O.Rt. No.486 Agricultural and Cooperation (Vigilance.II) Department dated 01.09.2014 placing the writ petitioner under suspension, warranting our interference.

But however, it is urged that the State Government has not reviewed the order of suspension and it is yet to initiate the disciplinary proceedings against the petitioner. It is stated that nearly 10 months time has already elapsed. In these set of circumstances, we direct the State Government to review the order of suspension and also take prompt and necessary steps for not only conducting the disciplinary proceedings but also carrying them to their logical conclusion in quick time. We hope that the State Government would accomplish this task in not more than 6 months time from now.

With this, the writ petition stands dismissed at the admission stage. No order as to costs.

The miscellaneous applications, if any shall also stand dismissed.

JUSTICE NOOTY RAMAMOHANA RAO

JUSTICE ANIS

27.07.2015
Ksp

Note: Copy to be communicated forthwith.

[\[1\]](#) (1997) 6 Supreme Court Cases 241