

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6565 OF 2014

Ms. Chanda Gaurikumar Baisane. ..Petitioner.

Versus

Tata Memorial Centre & Others. ..Respondents.

Mr. V. N. Tayade for the Petitioner.

Mr. S. K. Talsania, Senior Advocate along with Mr. Agnal Carneiro
i/b Mulla & Mulla Company for Respondent Nos. 1 and 2.

Mr. H. V. Mehta and Mr. A. H. Gakhale for Respondent No. 3 –
Union of India.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **June 6, 2016.**

P. C. :

1. Heard the learned Counsel appearing for the
respective parties. By this petition, the Petitioner has sought
following reliefs :

“(a) that this Hon'ble Court be pleased under
Article 226 of the Constitution of India to issue writ of
mandamus or writ in the nature of mandamus, order or
direction, thereby directing the Respondents to constitute
enquiry committee as per the judgment of Hon'ble Court
Supreme Court in Vishakha v. State of Rajashthan, [(1997) 6
SCC 241], and Sexual Harassment of Women at Workplace
(Prevention, Prohibition and Redressal) Act, 2013, in
respect of the complaint of the Petitioner dated 16/04/2013
against Mr. Sachin Suryawanshi, Technician “C”, Tata
Memorial Hospital, by making it time bound to be decided
on or before three months from the date of initiation of
enquiry.

(b) that this Hon'ble Court be pleased under

Article 226 of the Constitution of India to issue writ of mandamus or writ in the nature of mandamus, order or direction, thereby directing the Respondents to call for the records of charge-sheet dated 19/06/2013 and 12/08/2013 issued against the Petitioner and after examining the legality and propriety of the enquiry, quash and set aside the same."

2. So far as the relief claimed in prayer clause (a) is concerned, it is in two parts. The first part is relating to the constitution of a committee in accordance with the provisions of section 4 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the second part is about the expeditious disposal of the enquiry initiated at the instance of the Petitioner. So far as the first part of prayer clause (a) is concerned, Mr. Talsania, the learned Senior Counsel appearing for Respondent Nos.1 and 2 makes a statement that a Committee as contemplated under section 4(2) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 has been constituted by the Tata Memorial Centre, namely, the Internal Complaints Committee. He placed reliance on the affidavit-in-reply filed by the Chief Administrative Officer of Tata Memorial Centre [Exhibit-M]. Therefore, first part of prayer clause (a) does not survive. So far as the second part of

the prayer clause (a) is concerned, Mr. Talsania makes a grievance that the Petitioner is not co-operating in the enquiry, therefore, enquiry could not proceed further. Mr. Tayade, learned Counsel appearing for the Petitioner, having taken instructions from the Petitioner who is personally present in the Court, makes a statement that the Petitioner will co-operate in the said enquiry. Statement is accepted as an undertaking to this Court. In the light of the statement, Mr. Talsania, submitted that enquiry instituted at the instance of the Petitioner will be concluded as early as possible. The statement is recorded as an undertaking to this Court.

3. So far as prayer clause (b) is concerned, Mr. Tayade states that enquiry instituted against the Petitioner be expedited. Mr. Talsania states that enquiry commenced against the Petitioner is already completed and the report of the officer is being awaited. In the light of this statement, we are not inclined to grant this prayer clause also.

4. In the light of above, writ petition is disposed of.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]