

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 02.01.2017

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The Honourable Mr.Justice K.K.SASIDHARAN

and

The Honourable Mr.Justice V.PARTHIBAN

W.P.No.44526 of 2016 &

W.M.P.Nos.38354 to 38356 of 2016

Miss G.Shoba

.. Petitioner

versus

1. Union of India, rep. by
The Chief Post Master General,
Tamil Nadu Circle,
Chennai-600 002.

2. Thiru M.S.Balasubramanian

3. Mrs.J.Charukesi

4. Mr.R.Ganapathy Swaminathan

5. Ms.J.Vasugi

6. G.P.Josephine Selvia

7. M.Mohanarangam

8. Enoch Santharaj

9. The Registrar,

Central Administrative Tribunal,

Madras Bench,

High Court Campus,

Chennai-104.

.. Respondents

Prayer: This Writ Petition is filed under Article 227 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the learned Central Administrative Tribunal made in O.A. No.310/01339/ 2016 dated 16.11.2016 on the file of the 9th respondent and the proceedings issued by the 3rd respondent in proceedings NO.PMG-SR-SH-5-2015-16 Madurai dated 18.05.2016 and consequent proceedings passed by the 2nd respondent in his proceedings No.VIG/ 37-Misc/ 2015 Chennai dated --.07.2016 and the 7th respondent in his proceedings NO.PF/ G.Shoba dated 05.08.2016 and quash the same and issue a consequential direction to the

1st respondent to constitute internal complaint committee by excluding respondent Nos. 3 to 6 and appoint the persons from other organization and in consonance with section 4(2) of the Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal Act No.14 of 2013).

For Petitioner : Mr. R.Saseetharan

ORDER

(Order of the Court was delivered by V.PARTHIBAN, J.)

The Writ Petition has been filed against the order passed by the 9th respondent/Central Administrative Tribunal, Madras Bench (in short, ' the Tribunal'), dated 16.11.2016 dismissing the Original Application filed by the petitioner herein.

2. The petitioner herein approached the learned Tribunal, seeking the following prayer:

"to call for the records relating to the proceedings of the 3rd respondent No.PMG-SR/SH-5/2015-16 Madurai dated 18.5.2016 and the further proceedings passed by the 2nd respondent No.VIG/37-Misc-2015 Chennai dated Nil 07.2016 and the consequent proceedings of the 7th respondent No.PF/G Shoba dated 05.08.2016 at Chennai-600 008 and quash the same as illegal and unlawful and biased and consequently direct the 1st respondent to constitute internal complaint committee other than respondents 3 to 6 and appoint the persons from other organization and in consonance with section 4 (2)(a) proviso of the Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal Act No.14 of 2013) (in short, ' the Act')."

3. The case of the petitioner was that she was subjected to sexual harassment at the hands of 7th and 8th respondents and in respect of the same, she had made complaints to the authority concerned. In response to her complaint, 3rd respondent herein constituted a Committee by proceedings dated 18.5.2016 and the petitioner was directed to attend enquiry in respect of the complaint forwarded by the petitioner. The petitioner, however, was not satisfied with the constitution of the Committee, as according to her, the constitution of Committee was not in consonance with Section 4(2)(a) proviso of the Act. It was also her case that the 3rd respondent was biased and therefore, she cannot get justice in the enquiry to be conducted by the Committee constituted for the said purpose. She therefore, approached the learned Tribunal with the above mentioned prayer.

4. The prayer of the petitioner was sought to be resisted by the official respondents stating that the Officers who were the members of the constituted Committee, were all responsible persons with gazetted status and the apprehension of the petitioner was unfounded and it cannot be countenanced in law and on facts.

5. After taking note of the rival submissions of the parties, the learned Tribunal disposed of the Original Application, stating that on perusal of the composition of the members of the Committee so constituted, the Tribunal was satisfied that Section 4(2)(a) proviso of the Act has been complied with.

6. The petitioner's apprehension that the members of the Committee did not have legal experience was also found far fetched, since they were high ranking Government Officials with Gazetted rank and that they would have enough knowledge in dealing with the subject. As regards other contention raised by the petitioner was that the 7th respondent against whom, she gave the complaint, had given a communication to the HRO, to relieve the petitioner enabling her to attend the enquiry with an observation that if the petitioner does not attend the enquiry, it would be held ex parte, the Tribunal was of the view that the same cannot be constituted to be conduct in the nature of sexual harassment since he being the Head of the Department, issued the communication to the petitioner in his official capacity. In fact, the learned Tribunal protected the interest of the petitioner and observed that he should avoid in participating in any of the correspondence in his official capacity in order to give more credibility. With these observations, the learned Tribunal disposed of the Original Application.

7. As against the above order passed by the learned Tribunal, the present Writ Petition has been filed.

8. Learned counsel for the petitioner reiterated his submissions put forth before the Tribunal. It appears from the records available that the petitioner is not only satisfied with the constitution of the Committee with responsible officials, her grievance seems to be against the constitution of the Committee itself, as she had no belief in the Committee itself and its functioning. This fact substantiated by the fact that her one of the representations, dated 13.7.2016 addressed to the Chairperson, Internal Complaints Committee and Post Master General, Southern Region, Madurai, requesting for winding up of the Committee proceedings and handing over the case to the CBI.

9. The petitioner's attitude appears to raise apprehensions even against the Committee constituted in response to her complaint which cannot be appreciated at all. The apprehensions expressed by the petitioner are unfounded and baseless as could be seen from the materials placed on record. Therefore, the learned Tribunal rightly disposed of the Original Application after giving a seal of approval to the constitution of Committee in terms of the Act. We do not find any infirmity in the order passed by the learned Tribunal in order to interfere with the same.

Accordingly, the Writ Petition is dismissed as devoid of merits. No costs. Consequently, connected WMPs are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar



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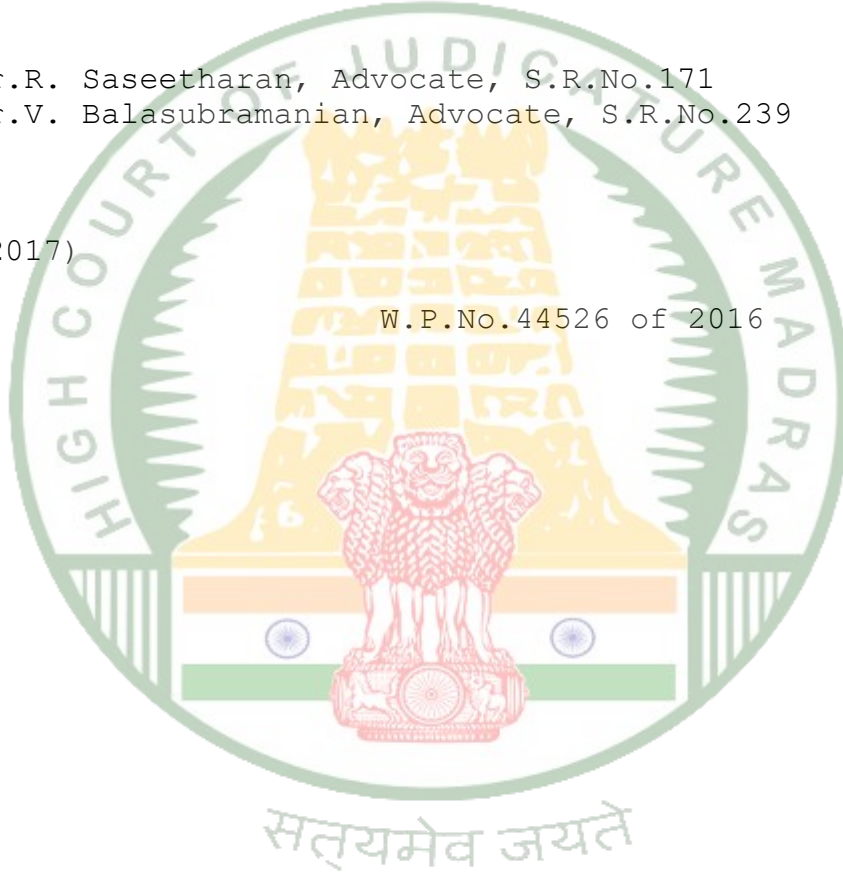
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Chennai-104.

+1cc to Mr.R. Saseetharan, Advocate, S.R.No.171
+1cc to Mr.V. Balasubramanian, Advocate, S.R.No.239

ks (CO)
md(07/02/2017)

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