

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.2288 of 2017 (O&M)
Date of decision: 22.03.2017

Anju

... Petitioner

Vs.

Andhra Bank

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. K.K.Gupta, Advocate
for the petitioner.

Mr. Gaurav Goel, Advocate
for the respondent.

RAJIV NARAIN RAINA, J. (ORAL)

On 08.03.2017, this Court passed the following ad interim
order:-

“The Transfer order dated 04.03.2017 has been produced in Court and the same is taken on record and marked 'A'. As per order, the transfer has been made from Kalka to Mahendragarh.

The petitioner's husband has deserted her and she has to look after her four year old girl child. There are serious allegations of sexual harassment levelled by her against two officers of the respondent bank, who are in superior positions as Branch Manager and Personnel Officer in charge of Zonal Office at Chandigarh respectively. The parents of the petitioner are based in Yamuna Nagar.

It appears that the transfer to Mahendragarh is prima facie vindictive and punitive in nature.

Learned counsel for the respondent bank says he will seek instructions from the respondent- bank to accommodate the petitioner in some other place which is within 60-70 kms radius of Yamuna Nagar so that the child can be looked after by her parents and she can visit the home at weekends as she was doing earlier, as informed by learned counsel for the petitioner.

List on 15.03.2017.”

This Court is happy to note the submission made by Mr. Goel that the Bank has decided to transfer and post the petitioner to Chota Cowra, Branch of the Andhra Bank in Ambala.

This arrangement would satisfy the petitioner for the time being. However, before closing the case liberty is granted to the petitioner to apply even after it is disposed of, in case she has reason to believe she is still being harassed by those against whom allegations were made. The Court expresses no opinion on the allegations or their correctness which remains subject to enquiry but nevertheless this protection is given to a female employee since women belong to the most vulnerable sections of society.

The Court appreciates the personal intervention of Mr. Gaurav Goel learned counsel with the authorities in the Bank to find an amicable solution to the dispute which has led to cancellation of the transfer order to far flung Mahendragarh and posting nearby.

Also the petitioner would have the statutory protections afforded by the provisions of the Sexual Harassment of Women at

Workplace (Prevention, Prohibition and Redressal) Act, 2013 including Sections 11 and 12 thereof. To avail those protections the petitioner may apply to the competent authority in the Bank for measures, in case not already, and in case she does then her request, if any, under Section 12 of the Act will be considered and decided in accordance with law.

The present petition stands disposed of as above.

22.03.2017
sonia

[RAJIV NARAIN RAINA]
JUDGE

1. Whether speaking/reasoned:
2. Whether Reportable:

Yes
No