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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 556/2014 & CM 17856/2014, 19164/2015, 25035/2015**

PRERNA SINGH

..... Petitioner

Through Mr Aditya Aggarwal, Ms Samia Malik,
Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through Mr Ajay Digpal, CGSC and Ms Mohita,
Advocate for R1/UOI.

Mr Sidharth Luthra, Senior Advocate
with Mr Samer Parekh, Mr Lalit Chauhan,
Mr Ritesh Isaac, Mr Tanuj Agarwal and
Ms Raveena Rai, Advocates for R2 and R3.
Mr Aparna Bhat and Mr Joshita Pai, Advocates for
R4.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **12.07.2017**

1. The petitioner has filed the present petition, *inter alia*, praying that respondent no.3 (hereafter 'ICICI') be directed to comply with the guidelines laid down by the Hon'ble Supreme Court in ***Vishaka and others v. State of Rajasthan and others: AIR 1997 SC 3011*** and thereby to execute the recommendations given by the National Commission for Women (hereafter 'NCW'). The petitioner has further prayed that respondent no.1 (Union of India) and respondent no. 2 (ICICI) be directed to monitor the due compliance of the recommendations of NCW, as

contained in the letter dated 23.04.2013. In addition, the petitioner prays that ICICI be directed to reinstate the petitioner in its employment.

2. The petitioner was employed with ICICI in its branch at NOIDA as an Assistant Manager (Band-I) on 01.03.2011. It is the petitioner's case that she was harassed by her superiors. In her complaint sent to the senior management of ICICI by an e-mail on 09.08.2012, she made several allegations against her immediate superior (Mr Kapil Mehrotra) including that (i) he compels her to sit till late in the office; (ii) he ensures that she has to take calls from customers when she is sick; (iii) refuses her request for leave; (iv) calls her on phone late in the evening; and (v) that he had informed her after office hours for a training session on the next day and then held her responsible for not bringing the log sheets (which were lying in her desk but was not brought by her on account of being informed about the training session belatedly). She also complained of a specific instance of an offending remark made by Mr Mehrotra. In her complaint, the petitioner also alleged that another senior officer (Mr Bipin Kaul) had also made sarcastic remarks against her during a review meeting and had asked her to put in long hours (9:15 AM to 8:30 PM).

3. Apparently, the said complaint was enquired into by committees set up by ICICI and the committees found the allegations made on administrative issues to be untrue and exaggerated. However, one of the Committees (Gender Neutral Committee) concluded that the remark made Mr Kapil Mehrotra was unbecoming and issued a caution letter to him (which forms a part of his service record.)

4. There were also allegations against the petitioner and she was suspended from service on 25.08.2012 and thereafter, her services were terminated on 06.09.2012. ICICI states that the same was in terms of the service contract with the petitioner. A complaint was also made regarding threat calls received by Mr Bipin Kaul.

5. Thereafter, the petitioner made a complaint to NCW on 05.10.2012, in which the petitioner made serious allegations (including allegations of sexual harassment) against her superiors, Mr Kapil Mehrotra and Mr Bipin Kaul. It is relevant to note that most of the allegations made in her complaint to NCW, did not find mention in her earlier complaint dated 09.08.2012 made to the senior management of ICICI.

6. NCW issued a report to ICICI making certain interim recommendations *inter alia* to conduct certain enquiries.

7. The reliefs sought by the petitioner have to be considered in the aforesaid context.

8. Insofar as the petitioner's first prayer is concerned, it appears that although petitioner has made certain complaints and certain enquiries have been conducted, however, they were not in compliance of the guidelines laid down in ***Vishaka and Others*** (*supra*). Subsequently, 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013' has been enacted.

9. Mr Luthra, learned senior counsel appearing on behalf of respondent nos. 2 and 3 states, on instructions, that the enquiry would be

conducted on the allegations made by the petitioner in her complaint dated 09.08.2012 as well as the complaint made to NCW on 05.10.2012. In view of this statement, no further orders are required in respect of the petitioner's first prayer.

10. Needless to mention that such enquiry would be conducted uninfluenced by the outcome of the enquiries conducted earlier.

11. Insofar as the petitioner's prayer that respondent nos.1 and 2 be directed to monitor the due compliance of the recommendations of NCW is concerned, it is seen that the said recommendations were only interim in nature. The same would be addressed to some extent by conducting the enquiry as indicated above.

12. The learned counsel for the respondents states that in addition to interim recommendations, NCW had also made final recommendations. However, a careful examination of those recommendations also indicate that they were only for reinstating the petitioner pending enquiry; to consider the case of the petitioner on humanitarian grounds; and to complete the enquiry within a specified period. The interim recommendations were made awaiting the report of the police authorities which are now available. ICICI has also made a detailed representation stating the facts and providing the information in regard to the controversy in hand.

13. In the circumstances, this Court also considers it appropriate to permit ICICI to make a representation to NCW. NCW may consider the report of

the police authorities as well the representation of ICICI which would be forwarded by respondent no.2 within a period of four weeks from today. The petitioner and ICICI are directed to co-operate with NCW.

14. Insofar as the petitioner's prayer for being reinstated is concerned, this Court is not inclined to grant the said prayer. The petitioner has been removed by ICICI after due examination and unless it is established that such removal was a result of victimization of the petitioner (which this Court is not inclined to examine at this stage), no such relief can be granted. Needless to mention that if the petitioner is able to establish that the allegations made against her are not true, it will be open for the petitioner to take such appropriate remedies as available in law.

15. It is clarified that all rights and contentions of the parties are reserved and nothing in this order ought to be construed as an expression of opinion on the merits of the dispute.

16. The petition and the pending applications are disposed with the aforesaid observations.

VIBHU BAKHRU, J

JULY 12, 2017

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