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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 602/2016 and C.M. Nos.2429/2016 (stay), 9646/2016 (to bring on record new facts by petitioner) & 46366/2016 (for modification of order dated 27.1.2016 by respondent)

ARSHAD ALAM

..... Petitioner

Through: Mr. Trideep Pais, Advocate with Ms.
Vrinda Bhandari, Advocate.

Versus

JAWAHARLAL NEHRU UNIVERSITY

..... Respondent

Through: Ms. Monika Arora, Standing Counsel
for the respondent.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **03.02.2017**

1. This writ petition challenges the order passed by the disciplinary authority dated 23.12.2015 directing dismissal of the petitioner from his services with the respondent/Jawaharlal Nehru University(JNU). The enquiry report in this case will be an enquiry report under Section 13(3) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as 'the Act').

2. CCS(CCA) Rules apply to the respondent and as per the

proviso to Rule 14(2) of the CCS(CCA) Rules, a sexual harassment committee, who enquires into the complaints, substitutes the enquiry officer which is otherwise appointed to examine the misconduct alleged against a person.

3. In the present case, recommendations of the sexual harassment committee will be under Section 13(3)(i) of the Act and this will be subject to appeal as per Section 18 of the Act read with relevant rules of the employer organization. Once the statutory appeal is pending, then, the order of the disciplinary authority dated 23.12.2015 is subject to decision in the appeal, and petitioner has already filed an appeal against the order of the disciplinary authority/sexual harassment committee's report. Therefore, till the statutory appeal is decided, petitioner cannot file the present writ petition to challenge the original order of the disciplinary authority which will necessarily merge in the order of the appellate authority.

4. In view of the above position, counsel for the petitioner states that this writ petition be disposed of as not pressed with liberty to the petitioner to urge all aspects, including as stated in this writ petition, before the concerned appellate authority, and which liberty is granted to the

petitioner and consequently the writ petition is disposed of as not pressed, at this stage.

VALMIKI J. MEHTA, J

FEBRUARY 03, 2017

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