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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (PIL) No. 4 of 2018**

- Asha Yadav, D/o Late Ganesh Prasad Yadav, A/o 27 years, R/o Kundrapara, Ward No.13, Lormi, District - Mungeli (C.G.)

---- Petitioner**Versus**

1. Union of India, Through : Secretary, Ministry of Home Affairs, Government of India, North Block, Cabinet Secretariat, Raisina Hill, New Delhi.
2. State of Chhattisgarh, Through : Secretary, Department of Home, Mantralaya, Naya Raipur, District - Raipur, Chhattisgarh.
3. Director General of Police, Police Headquarters, Naya Raipur, Chhattisgarh.
4. Pawan Dev, Currently working as Additional DIG (Appointment and Recruitment), Police Headquarters, Raipur, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Saurabh Dangi, Advocate.
For Respondent No.1/Union of India	:	Shri B. Gopa Kumar, Asstt. S.G.
For Respondents No.2 & 3/State	:	Shri J.K. Gilda, Advocate General
For Respondent No.4	:	Shri Sunil Otvani, Advocate.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Sharad Kumar Gupta, J.

Judgment on Board**Per Thottathil B. Radhakrishnan, Chief Justice****27/02/2018**

1. Heard the learned counsel for the Petitioner, the learned Advocate General and the learned counsel appearing for the 4th Respondent apart from the learned Assistant Solicitor General.
2. The Petitioner is stated to be a woman police constable. Having regard to the contents of this writ petition, an order was issued on 06.02.2018 that this matter cannot be considered as a Public Interest Litigation, though it

is instituted as one such. However, through that order, it was also directed that, having regard to the gravity to the issues involved, this matter be before the Division Bench.

3. The 4th Respondent is an IPS Officer. He is now in the Chhattisgarh cadre. Different allegations are leveled by the Petitioner against the 4th Respondent. The State Government authorities are accused of having failed to duly carry forward the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013; hereinafter referred to as the 'Act' in dealing with the different allegations against the 4th Respondent.
4. The 4th Respondent's counsel submitted that whatever procedures have been adopted by the State Government against the 4th Respondent, they are contrary to the Act and the Rules thereunder. It is also pointed out that the 4th Respondent's representation against some tentative views or findings is also pending. In this context, the Petitioner's counsel submitted that no such representation could lie and no challenge is levied by the 4th Respondent to the Report which is already available. These issues, according to us, are premature for determination now.
5. The learned Advocate General states that the State Government has no intention or interest in shielding any particular officer from any due process of law.
6. The Report dated 02.12.2016 is available with the Government. This is not in dispute. It is submitted that it relates to the 4th Respondent. If that is a Report which is to be dealt with in accordance with the provisions of the aforesaid Act, such follow up action on that Report in accordance with the laws, and in particular; in accordance with the aforesaid Act and the

Rules thereunder cannot be delayed having regard to the terms of that Act and the context and setting in which that legislation has been made in the backdrop of the judgment rendered by the Apex Court in **Vishaka v. State of Rajasthan; (1997) 6 SCC 241**.

7. For the aforesaid reasons, without expressing on the merits or demerits of the contentions of the petitioner vis-a-vis the 4th Respondent and also vice-versa, we direct Respondents No.2 and 3 to take up the Report dated 02.12.2016 and do the needful thereon in terms of the aforesaid Act and bring the same to the notice of the 1st Respondent, if the law obliges the State Government to do so. Let action at the State level be concluded within a period of 45 days from the receipt of a copy of this judgment. Writ Petition is ordered accordingly.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(Sharad Kumar Gupta)
JUDGE