

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:07.02.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.2540 of 2018

&

W.MP.3100 & 3101 of 2018

N.Dilshad Begam

.. Petitioner

Vs

1. The Government of Tamil Nadu,
Rep. by Secretary,
School Education Department,
Fort St. George, Chennai - 600 009.
 2. The Government of Tamil Nadu,
Rep. by Secretary,
Social Welfare Department,
Fort St. George, Chennai - 600 009.
 3. The Director of Public Libraries,
No.737/1, Anna Salai,
Chennai - 600 002
 4. The Director,
Social Welfare and Integrated Child Development
Services Schemes,
No.1, Pammal Nallathambi Street,
Taramani, Chennai - 600 113.
 5. The District Library Officer,
1st Floor, District Central Library Buildings,
Cherarajan Road, Salem - 639 007.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the 1st, 3rd and 5th Respondents to conduct an enquiry as to the harassment at work place as per the procedure established by law.

For Petitioner : Mr.P.Balasubramanian

For Respondents: Mr.R.P.Prathapsingh
Government Advocate

O R D E R

This Writ Petition has been filed by the petitioner seeking a direction to the respondents 1, 3 and 5 to conduct the enquiry as to the harassment faced by the petitioner at work place.

2. Heard the learned counsel for the petitioner, as well as the learned Government Advocate appearing for the respondents 1 to 5.

3. The learned counsel for the petitioner submitted that the petitioner is working as a typist appointed by the Tamil Nadu Public Service Commission from 27.09.2009 in the office of the fifth respondent. Since, her marital status is single, she is living with her aged parents at Gangavalli, which is 120 kms. away from the work place and therefore it is very difficult for her to travel 120 kms. daily. Hence, she applied for one way transfer from the third respondent department to fourth respondent office or any other office situated in and around her residence. The third respondent, accepted her own way transfer and issued No Objection Certificate on 12.08.2011. The fourth respondent also accepting the petitioner's approval communicated the same to the third respondent. But, no order is passed to that effect as on date. In the mean while, the petitioner is facing unbearable torture and sexual harassment from the Superintendent of the fifth respondent office from 12.11.2013. Since the alleged harassment has become a routine affair, a complaint was made to the Fifth respondent to enquire into the harassment, but it was replied that no such mechanism was available in the Department. Thereafter, she went on appeal to the first and third respondents but no tangible action has been taken. In view thereof, the petitioner went on leave from 18.04.2016. In spite of going on leave, the respondents have not even issued one way transfer order nor looked into her complaint alleging sexual harassment. Hence, the petitioner has come up with this Writ Petition seeking for the aforesaid relief.

4. This Court is not able to find any merits whatsoever, the reason being that the petitioner is serving as a typist from 29.07.2009 in the Office of the fifth respondent. Thereafter, she has made a request for one way transfer citing that her house is situated 120 kms from the work place and she is finding it difficult to travel from her residence to work place. The said request was made in February 2011. It is not known how transfer can take place from the third respondent Department to the fourth respondent Department. The learned counsel for the petitioner submitted that the fourth respondent, accepting the one way transfer proposal has communicated the same to the third respondent. But, no proceedings of the fourth respondent accepting the transfer proposal has been enclosed. Although, the third respondent has communicated the transfer request made by the petitioner to the fourth respondent as averred by the petitioner in the affidavit, the fourth respondent has not accepted the petitioner's transfer. Therefore, when the petitioner made a request for want of transfer from one Department to another Department, it appears that her proposal for request for transfer could not be materialized. Therefore, the petitioner being frustrated for not getting the transfer, has made a

complaint only in the year 2016 to the third respondent. A perusal of the said complaint dated 22.11.2016 also shows that Superintendent has been using some harsh words against the petitioner's performance of the duties in the office. Since there is no allegation of sexual harassment found, this Court is unable to agree with the contentions of the petitioner. Therefore, I am not able to find allegation with regard to sexual harassment made against the petitioner. The petitioner states that Superintendent had thrown the files at her in the office. But, it is not mentioned at what date the said incident had taken place. Therefore, this Court is of the view that only for the reason that the petitioner did not get the transfer as sought for by her from one Department to another Department, she is making all sorts of false allegations.

5. In view of the above, this Writ Petition fails and the same is dismissed. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

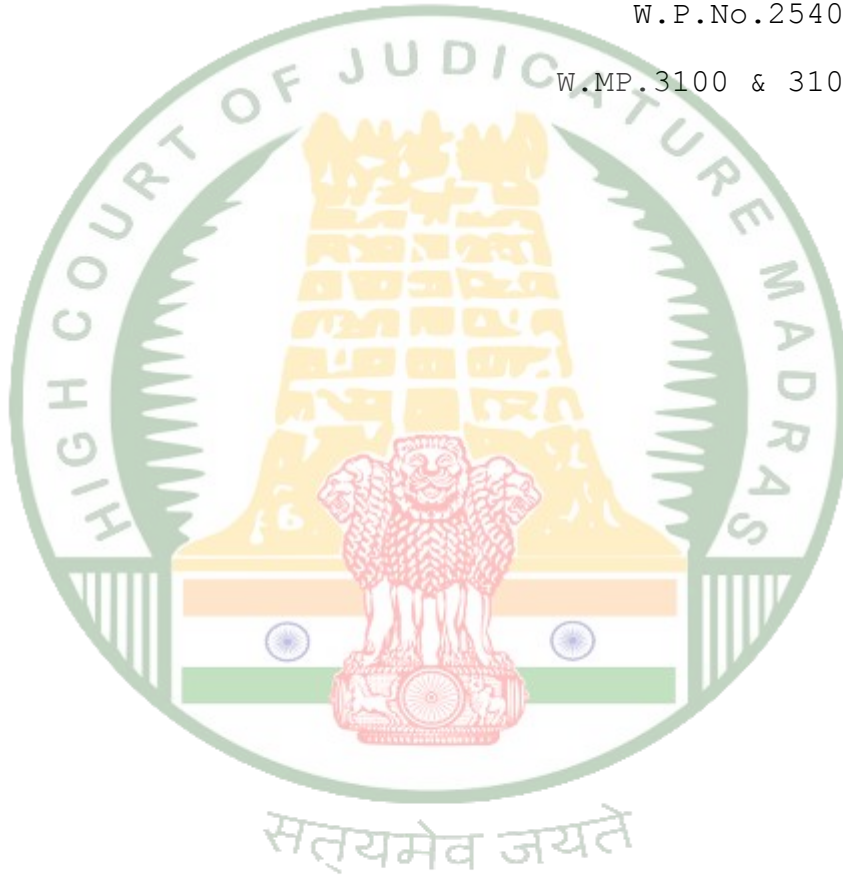
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+1cc to Mr.P.Balasubramanian, Advocate Sr.No.10019
+1cc to Government Pleader sr.No.9715

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