

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 18.09.2018
CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

W.P. NO. 12195 OF 2010
AND
M.P. NOS. 1 & 2 OF 2010

All India Progressive
Women's Association
Tamil Nadu Unit

rep. By its General Secretary
1/10, 11th Street, Karunanidhi Nagar
Ayanavaram, Chennai 600 023.

.. Petitioner

- Vs -

1. The Tamil Nadu State Women's Commission
rep. By its Chairperson
Chepauk, Chennai 600 005.

2. Ms. V.Vanitha, IPS
The Superintendent of Police
Tiruvallur District
Member, Tamil Nadu
Women's Commission.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus calling for the records and papers from the files of the 1st respondent relating to its impugned proceedings bearing No.O.MU. No.2858/MA-AA/09 dated 11.12.2009 enclosing the enquiry findings of the 2nd respondent dated 4.12.2009 and to quash the impugned proceedings of the 1st respondent and consequently direct the 1st respondent to order a fresh enquiry on the basis of the petitioner's representation dated 29.09.2009.

For Petitioner : Mr. K.M.Ramesh

For Respondents: Mr. N.Srinivasan, AGP, for RR-1 & 2

ORDER

The petitioner has filed this writ petition seeking a direction to quash the impugned proceedings passed by the 1st respondent and, consequently, direct the 1st respondent to order a fresh enquiry on the basis of the petitioner's representation dated 29.9.09.

2. Learned counsel appearing for the petitioner submits that having regard to the lapse of time, the petitioner is not insisting upon its prayer for fresh enquiry, but limits his prayer to the extent of seeking to expunge the remarks made by the 2nd respondent in the report dated 4.12.09.

3. The remarks form part of the report submitted by the 2nd respondent on the instructions and directions of the 1st respondent in connection with the allegations levelled against the petitioner, which for better clarity, is extracted hereunder:-

"i) Sequel to the murder occurred at Pricol Industries, Coimbatore, the police is harassing the women workers of the above industry;

ii) 30% of the women workers do not have uterus and the same was removed due to the working environment;

iii) The management is not allowing the working women to attend to their natures call properly and is knocking the doors of toilets, scolding them using filthy language;

iv) Using the murder that had occurred at Pricol Industries, the Management of Pricol is utilizing the opportunity to suppress the trade unions of Pricol;

v) Foisting of cases against women workers namely, Valarmathy, Santhini, arresting 14 years old boy of a worker and trying to foist case against the Trade Union President, Tr. S.Kumarasamy, threatens the women workers of the trade union to bring Kumarasamy."

4. With regard to each of the allegations noted above, finding has been recorded that no such occurrence has taken place in Pricol Industries and that the above allegations are not supported by documents. However, there is a remark with regard to one Kumarasmy.

5. According to the learned counsel for the petitioner, though he was President of the Union that was being formed, there is no scope for enquiry with regard to his conduct and, therefore, the findings/remarks with regard to him or relating to him are unwarranted. Further, it is stated that there is a final observation that the activities of Kumarasamy needs to be monitored. Learned counsel for the petitioner submits that the right to privacy is a fundamental right of any citizen and, therefore, the observation that the activities of Kumarasamy needs to be monitored cannot stand either on facts or on the basis of law and is against his right to privacy and, therefore, the said observations needs to be deleted.

6. This Court heard the learned Addl. Government Pleader appearing for the respondents.

7. In the nature of relief sought for, considering the vagueness of the recommendation made and also the sweep of the recommendation, the remarks that the activities of Kumarasamy needs to be monitored may be expunged.

8. Accordingly, the remarks given by the 2nd respondent insofar as it relates to the activities of Kumarasamy needs to be monitored shall stand expunged. The writ petition is disposed of in the above terms. Consequently, connected miscellaneous petitions are closed. However, in the circumstances of the case, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

GLN

To

The Chairperson
Tamil Nadu State Women's Commission
Chepauk, Chennai 600 005.

+lcc to Mr. K.M.Ramesh, Advocate, S.R.No.64431
+lcc to the Government Pleader, S.R.No. 65507

W.P.NO.12195 OF 2010

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