

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.15851 of 2018

Date of Decision:-12.07.2018

Neelam Bhardwaj.

.....Petitioner .

Versus

State of Punjab & Ors.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Vikas Chatrath, Advocate for the Petitioner.

Mrs. Anu Chatrath Kapoor, Senior Advocate
Additional Advocate General, Punjab assisted by
Mr. Aditya Sharda, AAG Punjab for respondent no.1.

Mr. Rupinder Khosla, Senior Advocate assisted by
Mr. Bhupinder Singh, Advocate for respondent nos.2 to 4.

JASWANT SINGH, J.(ORAL)

Petitioner is working as Law Officer on contract basis with the Greater Mohali Area Development Authority (GMADA). She has filed a complaint dated 23.5.2018 (P-1) of sexual harassment against four employees including two female employees.

By filing the present writ petition, primary challenge is to the Internal Complaints Committee being not constituted as per Section 4 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as the Act 2013).

It is contended that no member from outside the organization has been appointed.

Upon notice Mr. Mr. Rupinder Khosla, Senior Advocate assisted by Mr. Bhupinder Singh, Advocate has put in appearance on behalf of respondent nos.2 to 4. and states that vide order dated 11.07.2018 the Internal Complaints Committee stands reconstituted by including Mrs. Ritu

Punj, Advocate. He thus submits that the primary grievance stands redressed.

Learned Counsel for the petitioner has also sought to argue that no doubt petitioner-complainant has been transferred out from the branch where the alleged perpetrators are working, however, the provisions of Section 12 of the Act 2013 have not been followed.

The argument of the counsel for the petitioner is totally misconceived and misplaced. The procedure under Section 12 is to ensure that neither the complainant suffers nor the atmosphere of the office is vitiated. In view of the conceded position that the petitioner has been transferred out of the branch, the requirements of the Section 12 stands substantially complied with. In fact the Authorities have taken preemptive action and have tried to enforce the provisions of the Act in true letter and spirit. Further this Court at this stage is not going into the *malafides* of respondent no.5-Sh. Vipin Jethi being at a premature stage as all the pleas are to be taken before the Complaints committee.

In view of the aforesaid provisions, no further proceedings are warranted in the present writ petition.

Dismissed.

(JASWANT SINGH)
JUDGE

July 12, 2018
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>