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

+ **W.P.(C) 496/2018**

MANISHA

..... Petitioner

Through: Ms Indrani Ghosh, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr Manish Mohan, CGSC with Ms
Manisha Saroha, Advocate for R-1.
Ms Shobhana Takiar, Advocate for R-
2 & R-3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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19.01.2018

CM No.2133/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 496/2018 & CM No.2132/2018

2. Issue notice. Learned counsel for the respondents accepts notice.

3. The petitioner has filed the present petition, *inter alia*, praying as under:-

- a) Issue a writ of Mandamus to the respondent no. 1 to proceed to make inquiry into the complaint of the Petitioner in accordance with the provisions of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 keeping in view the Office Order dt 22.04.2015 issued by the Respondent no.3 and letter of the Respondent no. 2 undated to DCW for keeping the matter in abeyance till the final report by the police authorities;

- b) Restrain the Respondents from transferring the Petitioner from her workplace;
- c) Pass an order for transfer of the wrongdoer from the entire campus of workplace to some other institution for conducting fair enquiry without any intimidation and hindrance;
- d) To direct the Respondent no. 2 and 3 to produce records of ICC which was closed abruptly without following due procedure of law;
- e) To direct the enquiry committee of the Respondent no.1 to prepare the final report of enquiry in sexual harassment complaint of petitioner in a time bound manner in consonance with the statute;
- f) To direct the Respondents 1 to initiate departmental proceedings against the Perpetrator/wrongdoer for violating the code of conduct at workplace.”

4. The principal grievance of the petitioner is with regard to the decision of the Internal Complaint Committee (hereafter ‘the ICC’) keeping the proceedings relating to her complaint of sexual harassment at work place in abeyance.

5. The petitioner was appointed as a Data Entry Operator with respondent no.3 (Sports Injury Centre), which is a unit of respondent no.2 hospital (Safdarjung Hospital).

6. The petitioner alleges that she has been a victim of sexual harassment at her work place. The petitioner made a complaint on 20.04.2015 to the Director of respondent no.3, with respect to the alleged behaviour of a particular doctor working at the Sports Injury Centre (respondent no.3).

7. It is stated that on 21.04.2015, an ICC was constituted to examine into

the complaint made by the petitioner. Although, certain proceedings were held by the ICC initially, however, by an order dated 22.04.2015, further proceedings have been kept in abeyance awaiting the final report of the police authorities in respect of a criminal complaint filed by the petitioner, as the said complaint also pertains to the allegations being considered by the ICC.

8. After some arguments, the learned counsel appearing for respondent no.1 states that an ICC has been constituted by respondent no.1 and the petitioner's complaint for sexual harassment will be examined by the said notified ICC. The learned counsel appearing for the petitioner states, on instructions, that she has no objection to the same and her grievance in the present petition will stand addressed if her complaint is taken up by the ICC notified by respondent no.1.

9. In view of the above, the present petition is disposed of by directing that the ICC constituted by respondent no.2/3 shall not proceed further. The respondents will refer the petitioner's complaint to the ICC notified by respondent no.1. and the said ICC shall examine the complaint of the petitioner and proceed in accordance with law uninfluenced by the orders or the proceedings before the ICC constituted by respondent no. 2/3.

10. The petition is disposed of.

VIBHU BAKHRU, J

JANUARY 19, 2018
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