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

+ W.P.(C) 7358/2018

**DELHI FIRE SERVICE EMPLOYEE WELFARE
ASSOCIATION**

..... Petitioner

Through: Mr Kamlesh Kumar Mishra, Mr
Anurag Ojha and Mr Sanjay Baniwal,
Advocates.

versus

GOVT OF NCT OF DELHI AND ORS.

..... Respondents

Through: Mr Anjum Javed, ASC, GNCTD with
Mr Devendra Kumar, Mr Faran
Ahmed, Advocates for R-1, 3 & 4
with Mr Vipin Kental, CFO, SI Alka
Sharma, PS Barakhambha.
Mr Rajender Chhabra, Advocate for
R-2 alongwith respondent no.2 in
person.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% 18.07.2018

1. The learned counsel appearing for the petitioner states that the petitioner is in association of employees of the Delhi Fire Service Department. The said contention is countered by the learned counsel appearing for respondent no.2 who states that there is no recognized association and the petitioner are busy bodies trying to extract contribution from other employees.
2. Plainly, this Court is not concerned with the above controversy in the present petition.

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

a. Issue a writ, order or direction in the nature of mandamus directing Internal Complaint committee-Respondent No.3 to examine the veracity of allegation of Respondents No.2 by affording opportunity of hearing to all the concerned parties after providing the copies of complaint filed by the Respondent No.2 against the members of petitioner - Association.

b. Issue a writ, order or direction in the nature of mandamus directing Internal Complaint committee to constitute a committee for examining all the complaints filed by the Respondent No.2 and its motive and suggesting measures in the interest of employees enabling them to discharge their duties freely and fairly without subjecting them to unjust coercion.

c. Direct the Respondent No.3 to not to register any complaint relatable to sexual harassment at work place -if the same is levelled by the Respondent No.2, unless it is examined by ICC and recommendation to register a complaint under section 11 is forwarded to the jurisdictional police station.”

4. The petitioner claims that respondent no.2 has been making frivolous and fictitious complaints and, therefore, certain directions as to manner in which such complaints are required to be proceeded with are required to be given. The above contention is unmerited as the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereafter ‘the Act’) contains specific provision in case an inquiry reveals that the complaint of sexual harassment at workplace made by any complainant is vexatious. Rule 7 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (hereafter

‘Rules’) also provides for the procedure for conducting the inquiry pursuant to a complaint. This Court expects that the Internal Complaints Committee (ICC) that may be constituted shall adhere the provisions of the Act as well as the Rules hereunder.

5. The petition is disposed of with the aforesaid observations.

VIBHU BAKHRU, J

JULY 18, 2018
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