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

+ W.P.(C) 9047/2018

DR. SUSHREE SWARUPA TRIPATHY SENIOR
SCIENTIST

..... Petitioner

Through: Mr Ashok Gurnani, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mrs Bharathi Raju, CGSC for R-1 &
R-2.

Mr Jayesh K. Unnikrishnan,
Advocate for R-2 & R-3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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04.09.2018

CM No.34757/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 9047/2018 & CM No.34758/2018

2. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to respondent nos.1 and 2 to finalise and adjudicate upon the complaint dated 25.05.2016 filed by the petitioner under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 in accordance with law.

3. The petitioner also prays that respondent no.2 (CSIR) be directed to further direct respondent nos.3 and 6 to not disburse any amount to respondent no.4 during the pendency of the enquiry against him. In

addition, the petitioner also pray that direction be issued to respondent no.2 to direct respondent nos.3 and 6 not to shift the petitioner in any manner from lab no.207 of Apex Metrology Laboratory Building where the petitioner is presently working.

4. The learned counsel appearing for the CSIR states that respondent no.4 has already retired from service and enquiry proceedings against him are pending. It is further stated that an ICC has been constituted to examine the allegation against respondent no.5. A chargesheet in this regard was also served on him. Respondent no.5 has since approached the Central Administrative Tribunal (CAT) and an order directing *status quo* has been passed. He further states that subject to an order being passed by the CAT, the respondents would endeavour to complete the enquiry as expeditiously as possible.

5. In view of the above, no further orders are required to be passed with regard to the conduct of enquiry against respondent nos.4 and 5 as this Court is informed that respondents are taking necessary steps to complete the same.

6. Insofar as the petitioner's request that no amount be disbursed to respondent no.4 is concerned, this Court does not consider it apposite to pass any direction in this regard. As noticed above, respondent no.4 had already demitted office. It is expected that the respondents shall take further steps after completion of the enquiry and in accordance with law.

7. Insofar as the petitioner's request that she not be displaced from lab no.207 is concerned, the question of which laboratory or work space is assigning to the petitioner is essentially internal matter to be decided by her superior; therefore, no interference in this regard is called for. However, the

petitioner is free to make a representation if it is found that the work place allotted to her is otherwise, oppressive. Needless to state that the respondent shall consider the petitioner's grievance in this regard. It is clarified that as long as the petitioner is afforded protection from interference by respondent no.5, no further orders are required and the matter where the petitioner is posted would be squarely within the discretion of the concerned authority.

8. This Court is also informed that the Fact Finding enquiry with regard to issuance of certificates is also pending. The said issue was also the subject matter of an earlier Writ Petition (W.P.(C) 12078/2016). The said petition was disposed of by an order dated 25.04.2017 wherein it was stated that the issue regarding the impugned certificates has been referred to a Fact Finding Committee and on the report being submitted action if warranted would be taken. The learned counsel appearing for the respondent reiterates the said statement.

9. In view of the above, it is directed that proceedings before the Fact Finding Committee be also concluded as expeditiously as possible.

10. The petition is disposed of with the above observations. The pending application is also disposed of.

VIBHU BAKHRU, J

SEPTEMBER 04, 2018
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