

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.04.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.11577 of 2019 and
WMP.Nos.11822 & 11823 of 2019

Srirupa Mukherjee

..Petitioner

Vs.

1.Dr.Sharana Gouda,
Assistant Controller of Patents and Designs,
Patents Office, Chennai,
Boudhik Sampada Bhawan,
GST road, Guindy,
Chennai - 600 032.

2.Dr.S.P.Subramaniam,
Deputy Controller of Patents and Designs,
Patents Office, Chennai,
Boudhik Sampada Bhawan,
GST road, Guindy,
Chennai - 600 032.

3.The Controller General of Patents,
Designs and Trademarks,
Boudhik Sampada Bhawan,
SM road, Antop Hill,
Mumbai - 400 037.

4.The Internal Complaints Committee,
Represented by,
The Chairperson Kasthuri Mohan,
Assistant Controller of Patents and Designs,
Patents Office, Chennai,
Boudhik Sampada Bhawan,
GST road, Guindy.

5.The Deputy Chief Commissioner of Labour,
Shastri Bhavan,
Haddows road,
Nungambakkam,
Chennai - 600 006.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the 5th respondent in Appeal 1/2019 and quash the notice dated 05.04.2019 to the extent that the ex-parte hearing and interim relief has been denied to the petitioner herein and consequently pass an order that the 3rd respondent shall not hold any proceedings or taking any adverse action against the petitioner pursuant to the report dated 25.01.2019 given by the 4th Respondent Committee.

For Petitioner : M/s.R.Vaigai, Senior counsel
for M/s.B.Poongkhulali

For Respondents : Mr.V.Chandrasekaran,
Senior Panel Counsel

O R D E R

The grievances of the writ petitioner is, based on the recommendations of the Internal Complaints Committee, the respondents are likely to initiate actions under the provisions of the Sexual Harassment Act.

2. The learned senior counsel appearing on behalf of the writ petitioner made a submission that the writ petitioner preferred an appeal against the recommendations of the Internal Complaints Committee and the said appeal is yet to be taken up for hearing.

3. Under these circumstances, there is likelihood of transferring the writ petitioner from Chennai and further based on the recommendations, actions also can be taken. Under these circumstances, on notice, Mr.V.Chandrasekaran, learned senior panel counsel representing the respondents is present along with the official Mr.S.Thangapandian, Deputy Controller of Patents and Designs, Patents Office, IP Building, GST road, Guindy, Chennai - 32.

4. The learned counsel for the respondents as well as the Deputy Controller of Patents and Designs are present before this Court and made submissions that the respondents will not initiate any action based on the recommendations of the Internal Complaints Committee till the appeal is disposed of by the competent authority.

5. In view of the undertaking given by the respondent official, appeared in person, before this Court, no further adjudication is required in the present writ petition and the respondents herein are bound to abide by the undertaking given

before this Court in the present writ petition.

6. It is made clear that till the appeal is disposed of, the writ petitioner shall not be transferred to any other station, enabling her to establish her case before the appellate authority by producing documents and by adducing evidences, if required. All the parties concerned are at liberty to raise their factual as well as legal grounds in the manner known to law.

7. Accordingly, the present writ petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

s/d-
Assistant Registrar (CO)

True Copy

Sub-Assistant Registrar

kmm/mbi

To

1. Dr. Sharana Gouda,
Assistant Controller of Patents and Designs,
Patents Office, Chennai,
Boudhik Sampada Bhawan,
GST road, Guindy,
Chennai - 600 032.

2. Dr. S. P. Subramaniam,
Deputy Controller of Patents and Designs,
Patents Office, Chennai,
Boudhik Sampada Bhawan,
GST road, Guindy,
Chennai - 600 032.

3. The Controller General of Patents,
Designs and Trademarks,
Boudhik Sampada Bhawan,
SM road, Antop Hill,
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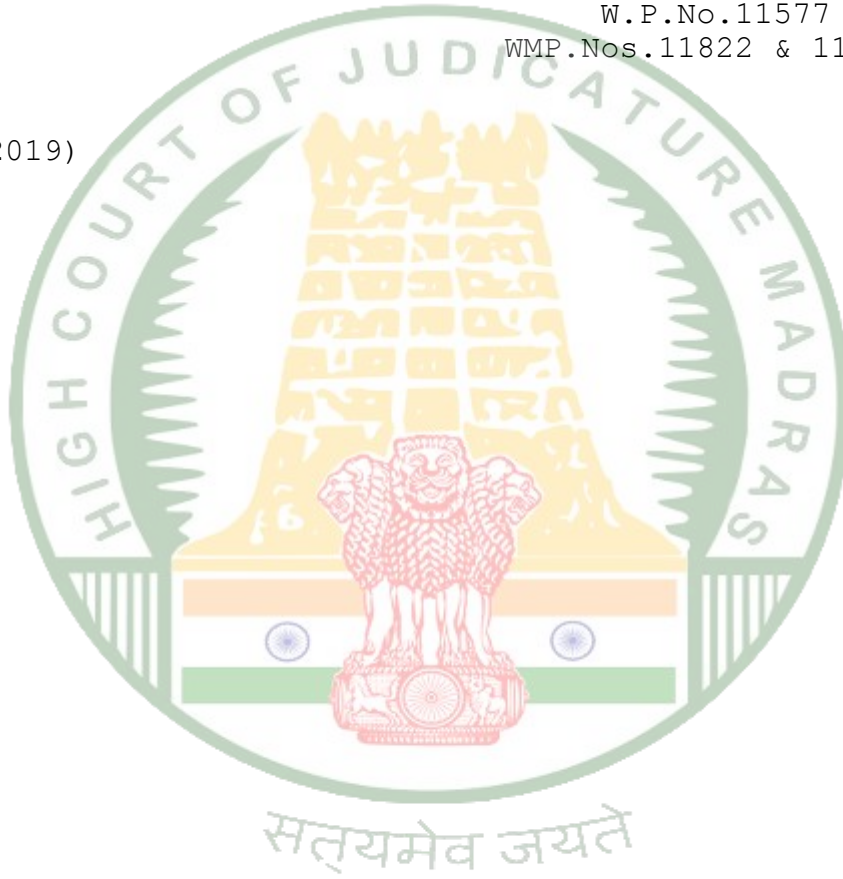
4. The Chairperson Kasthuri Mohan,
The Internal Complaints Committee,
Assistant Controller of Patents and Designs,
Patents Office, Chennai,
Boudhik Sampada Bhawan,
GST road, Guindy.

5.The Deputy Chief Commissioner of Labour,
Shastri Bhavan,
Haddows road,
Nungambakkam,
Chennai - 600 006.

+1 CC to M/s.Poongkhulali, Advocate sr 37326.
+1 CC to Mr.V.Chandrasekaran, Advocate sr 37474.

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CP(CO)
SP(31/05/2019)



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