

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 30-04-2019
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.28173 of 2018
And
W.M.P.No.32832 of 2018

A.Sagaya Jacintha

.. Petitioner

..Vs..

1.Principal Chief Conservator of Forests,
Government of Tamil Nadu,
Department of Forest,
Panagal Malligai,
Saidapet,
Chennai-600 015.

2.Chief Conservator of Forests,
Coimbatore Circle,
Coimbatore.

3.District Forest Officer,
Coimbatore.

4.The Forest Ranger,
Madukarai Forest Range,
Madukarai,
Coimbatore District.

5.Tmt.Kalamani

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to direct the Enquiry Committee originally constituted by the third respondent vide his proceedings in Na.Ka.No.Pa1/5244/2017 dated 23.7.2018 headed by the fifth respondent/Mrs.R.Kalamani to complete its enquiry about the allegations of sexual harassment meted to the petitioner at her workplace in the office of the fourth respondent/Office of the Forest Ranger, Madukarai Range in Coimbatore District and submit its report to the third respondent within a time stipulated by this Hon'ble Court.

For Petitioner : Mr.M.Purushothaman

For Respondents: Mr.Thangavadhana Balakrishnan,
Additional Government Pleader
(Forests).

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents 1 to 3 to direct the Enquiry Committee originally constituted by the third respondent vide his proceedings in Na.Ka.No.Pal/5244/2017 dated 23.7.2018 headed by the fifth respondent/Mrs.R.Kalamani to complete its enquiry about the allegations of sexual harassment meted to the writ petitioner at her workplace in the Office of the fourth respondent/Office of the Forest Ranger, Madurkarai Range in Coimbatore District and submit its report to the third respondent.

2. The writ petitioner was employed in the Office of the fourth respondent and she made a complaint against the Forester one Mr.S.Kannan regarding the sexual harassment. The writ petitioner submitted her complaint on 23.7.2018. The Department has initially constituted the Special Committee consists of three persons and the enquiry was in progress and in the meanwhile, an official, against whom a complaint made, was transferred to Vellore Region, also filed a writ petition in WP No.29226 of 2018, challenging the order of transfer and the said writ petition is now dismissed by this Court by an order dated 30.4.2019.

3. The original Internal Complaints Committee constituted conducted an enquiry but on account of the interference by the Employees Association, the Internal Complaints Committee could not be in a position to conclude the same and submit its report.

4. The learned counsel for the writ petitioner states that the Forester, against whom such a complaint made, is influencing the Employees Association and causing inconvenience for the Internal Complaints Committee to proceed with the enquiry and submit the report.

5. The learned Additional Government Pleader, appearing on behalf of the respondents, made a submission that a Revised Internal Complaints Committee was constituted by the third respondent under the Chairmanship of Smt.S.Prabha, Assistant Conservator of Forests, Forest Protection Squad, Salem which consists of the following members:-

- (1). Thiru B.Rajesh, Assistant Conservator of Forests,
Forest Protection Squad, Coimbatore-43.
- (2). Tmt.K.Ushadevi, Personal Assistant, O/o.Chief
Conservator of Forests, Coimbatore Circle,
Coimbatore-43.
- (3). Tmt.K.Rajeswari, Draughting Officer, O/o.Chief
Conservator of Forests, Coimbatore Circle,
Coimbatore-43.
- (4). Tmt.Ezhil, Member, OSAI NGO, Coimbatore.

6. It is further stated that the newly formed Committee has already commenced the enquiry proceedings and the enquiries were conducted. This Court is of the considered opinion that the first Internal Complaints Committee constituted was not in accordance with Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998 and the current Committee constituted is in accordance with the provisions of the Act.

7. This being the factum, the present Committee is bound to proceed with the enquiry, conclude the same and pass orders on merits and based on the evidences available

8. This Court is of the considered opinion that whenever the complaint of sexual harassment is received by the competent authorities, they are bound to deal with the matter with sensitiveness and conclude the same as early as possible and without causing any undue delay. Such complaints are to be dealt with in accordance with the provisions of the Tamil Nadu Prohibition of Harassment of Women Act, 1998 and there cannot be any leniency in this regard.

9. In the present case on hand, the writ petitioner filed a complaint against one Mr.S.Kannan, Forester regarding the sexual harassment in the workplace and the first Committee constituted was cancelled and the new Committee was already constituted for the purpose of conducting the enquiry.

10. This being the factum, the respondents 1 to 4 as well as the Internal Complaints Committee constituted under Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998 under the Chairmanship of Smt.S.Prabha, Assistant Conservator of Forests, Forest Protection Squad, Salem, are directed to proceed with the enquiry by affording opportunity to

all the parties concerned and submit a report on merits and in accordance with law, within a period of 30 days from the date of receipt of a copy of this order. The writ petitioner as well as all the persons concerned are directed to cooperate for the early disposal of the enquiry proceedings in the interest of administration.

11. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Svn

To

1.Principal Chief Conservator of Forests,
Government of Tamil Nadu,
Department of Forest,
Panagal Malligai,
Saidapet,
Chennai-600 015.

2.Chief Conservator of Forests,
Coimbatore Circle,
Coimbatore.

3.District Forest Officer,
Coimbatore.

4.The Forest Ranger,
Madukarai Forest Range,
Madukarai,
Coimbatore District.

5.The Chairman,
The Internal Complaints Committee,
Assistant Conservator of Forests,
Forest Protection Squad,
Salem.

+2cc to Mr.M.Purushothaman, Advocate sr.42947
+1cc to Special Government Pleader(Forest) sr.43029

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