

High Court for the State of Telangana

The Hon'ble The Chief Justice Raghvendra Singh Chauhan

and

The Hon'ble Dr Justice Shameem Akther

W.P. No. 16268 of 2019

Date: 02-08-2019

Between:

V. Suresh Babu

...Petitioner

and

The Union of India
Rep. by its Secretary
Ministry of Rural Development
Central Secretariat, New Delhi and 3 others

...Respondents

Counsel for the Petitioner:

Mr. VVN. Narayan Rao
for Mr. Palla Babu Anil Kumar

Counsel for the respondent Nos.2 & 3:

Ms. S. Nanda

The Court made the following:

Order: (per Hon'ble The Chief Justice Raghvendra Singh Chauhan)

The petitioner, Mr. V. Suresh Babu, has challenged the legality of the order dated 07-06-2019, passed by the Central Administrative Tribunal, Hyderabad Bench, Hyderabad, in O.A. No. 21/242/2016, whereby the learned Tribunal has merely directed the respondent Nos. 1 to 3, *“to pass fresh orders, duly taking into account, the prevailing circumstances.”*

Briefly the facts of the case are that according to the petitioner, he and one Dr. G. Valentina had applied for the post of Assistant Professor in the National Institute of Rural Development & Panchayati Raj, the respondent No. 2. Although he was selected for the said post, Dr. G. Valentina was not selected. Therefore, according to the petitioner, she developed grudge against him. She made certain complaints of sexual harassment against the petitioner. On the basis of the alleged complaints and due to the enquiry report of the Internal Complaints Committee (ICC), the petitioner's probation period was extended by one year. He was transferred from the National Institute of Rural Development and Panchayati Raj, Hyderabad, to the National Institute of Rural Development and Panchayati Raj, Guwahati. Since the petitioner was aggrieved by both these actions, he challenged the same before the learned Tribunal. As stated above, by the impugned order, the

learned Tribunal has merely directed the respondent Nos. 1 to 3, to pass a fresh order duly taking into account the prevailing circumstances. Challenging the said order, as well as the confirmation order dated 02-11-2015, passed by the respondent No. 2, the present writ petition is filed.

The learned counsel for the petitioner has vehemently contended that although the impugned order sounds innocuous, the observations made by the learned Tribunal in Para 6 thereof go against the interest of the petitioner. Therefore, the impugned order deserves to be set aside by this Court.

Heard the learned counsel for the petitioner, and perused the impugned order.

Para 6 of the impugned order is as under:

“When the charge is of sexual harassment of woman employees in the work place, the transfer of the employee facing allegations, cannot be treated as an illegal or arbitrary step. In fact such steps are warranted to ensure that congenial atmosphere exists in the work places.”

A bare perusal of the above reproduced para clearly reveals that the first statement that there was a charge of sexual harassment of women employees in the work place against the petitioner is a correct statement of fact as narrated by the petitioner himself.

Therefore, the observation made by the learned Tribunal that since a charge of sexual harassment is leveled against the petitioner, the order of transfer is a valid one, cannot be faulted with.

Even otherwise, even after making such an observation, which is neither here nor there, the learned Tribunal has left it open to the respondent Nos. 1 to 3 “*to pass a fresh order duly taking into account the prevailing circumstances*”. Therefore, obviously, the respondent Nos. 1 to 3 are required to take the present circumstances into account while passing any fresh order. Therefore, the apprehension of the petitioner that the observations made by the learned Tribunal in Para 6 of the impugned order may be against his interest is highly misplaced.

For the reasons stated above, this Court does not find any merit in the present writ petition. It is, hereby, dismissed.

As a sequel to dismissal of the writ petition, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(Raghvendra Singh Chauhan, CJ)

(Dr. Shameem Akther, J)

Dt: 2nd August, 2019
lur