

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-11299-2017 (O&M)
Date of Decision:-07.01.2019.

Bharti Vashishtha

.....Petitioner

Versus

Canara Bank and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Sandeep Bansal, Advocate for the petitioner.

Mr. Rakesh Gupta, Advocate for the respondents.

ARUN MONGA, J. (Oral)

CM-19608-CWP-2018

For the reasons stated in the application, the same is allowed subject to all just exceptions.

Rejoinder to the written statement filed on behalf of the respondents is taken on record.

CWP-11299-2017

1.) The present writ petition has been filed *inter alia* seeking issuance of a writ in the nature of *mandamus* directing the respondent No.1/Canara Bank to conduct an inquiry on the complaint submitted by the petitioner under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (for short 'the 2013 Act').

2.) Learned counsel for the petitioner contends that the petitioner had submitted complaint dated 30.08.2016 (Annexure P-5) followed by another complaint dated 20.09.2016 (Annexure P-6) complaining of Harassment and

sought redressal of her grievance in terms of guidelines issued by the Hon'ble Supreme Court in Vishaka's case as also as per the Act, 2013. Contends that even though an inquiry was conducted but the same is not as per circular dated 01.08.2013 of the Bank which envisages applicability of the Act, 2013 *ibid*. He further contends that despite the said circular of the Bank, no appropriate inquiry has been conducted in accordance with the said Act.

3.) *Per contra* learned counsel for the respondents-Bank contends that the petitioner had not filed her complaint specifically under the Act, 2013 as there was no specific allegation of sexual harassment and, accordingly, though an inquiry was conducted but it was not strictly under the mechanism as envisaged in the Act, 2013. Be that as it may, both the learned counsel for the parties are *ad idem* that a fresh inquiry under the Act, 2013 can be conducted by treating the complaints dated 30.08.2016 and 20.09.2016 vide Annexures P-5 and P-6, respectively as complaints under the Act, 2013.

4.) In view thereof, the present writ petition is disposed of with a direction to respondent No.1/Canara Bank to refer the complaints Annexures P-5 and P-6 to the Complaints Committee constituted as per the circular dated 01.08.2013 (Annexure R-1) under the Act, 2013 and proceed in accordance with law. It is made clear that all the rival contentions raised by both the parties are kept open to be adjudicated in accordance with law.

(ARUN MONGA)
JUDGE

January 07, 2019.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.