

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP-18458-2019 (O&M)
Date of Decision:16.07.2019**

Anju Bala

... Petitioner

Versus

State of Haryana & others

... Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Ramesh Goyat, Advocate for the petitioner.

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TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioner who is stated to be serving on the post of Senior Scientific Officer (Serology) in the Regional Forensic Science Laboratory, Bhondsi, Gurugram has filed the instant petition seeking quashing of communication dated 16.05.2019 (Annexure P-11) issued by the Superintendent of Police, Crime against Women in the capacity of being a Chairman of an Internal Complaints Committee.

Further challenge is to a letter dated 24.05.2019 (Annexure P-15) also issued by the same very official in the capacity of a Chairperson.

Briefly, it may be noticed that the petitioner had filed a complaint against respondent No.4/Assistant Director, Serology in the office of Director, Forensic Science Laboratory, Madhuban, District Karnal alleging sexual harassment at her work place. Apparently, to look into such allegations, the matter was referred to the Internal Complaints Committee set up under the provisions of the Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter to be referred to as 'the 2013 Act').

Perusal of the impugned communication dated 16.05.2019 (Annexure P-11) would reveal that the petitioner herein had not appeared on two dates for which proceedings had been fixed and notice had been duly served.

Apparently, the petitioner after issuance of the communication dated 16.05.2019 at Annexure P-11 had approached the Committee raising a grievance that the witnesses, that she wishes to examine are under threat from respondent No.4 and accordingly, necessary and adequate measures be taken to provide protection to such witnesses. Even such request which has been dealt with in the letter dated 24.05.2019 at Annexure P-15 is subject matter of challenge in the instant petition.

Counsel would vehemently argue that the procedure adopted by the Internal Complaints Committee is grossly unfair. Serious prejudice is being caused to the petitioner inasmuch as the witnesses that she wishes to examine are being threatened by the so called accused/respondent No.4 and as such, the petitioner is being prevented from proving the allegations contained in the complaint of sexual harassment that had been made.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that no intervention in the matter is called for at this stage.

The impugned communication dated 16.05.2019 (Annexure P-11) cannot be construed as a final report/view that may have been taken by the Internal Complaints Committee. A perusal of the report itself would reveal that proceedings of the Committee were to be held on 03.05.2019 but a written request was made by the counsel for the petitioner one day prior

thereto, seeking deferment of proceedings by 10 days on the ground of bad health. Such request was acceded to and proceedings were then adjourned to 15.05.2019 and notice for such date was duly served upon the petitioner. On such date also the petitioner chose not to appear but rather addressed a communication to postpone the proceedings yet again till such time information is supplied to her in pursuance to an application that had been submitted under the provisions of the Right to Information Act. Accordingly, a view was taken that proceedings of the inquiry stand closed and the Committee would now deliberate as regards findings to be returned in its subsequent meeting. It may be apposite to take note that in the proceedings held on 15.05.2019, the accused/respondent No.4 had duly appeared along with two witnesses, namely, Dr. Surjit Kumar, SSO-Serology and Ms. Priyanka, S.A. (Serology), FSL, Madhuban.

In the considered view of this Court the impugned communication dated 16.05.2019 (Annexure P-11) does not tantamount to any findings having been recorded by the Internal Complaints Committee. The writ petition, as such, is pre-mature.

As regards the challenge to letter dated 24.05.2019 (Annexure P-15) is concerned, this Court does not find any patent infirmity or illegality in relation thereto. The letter dated 24.05.2019 has been issued in pursuance to a request having been made by the petitioner for the witnesses that she wishes to examine in support of her version to be granted protection as they are under intimidation and threat from respondent No.4. As per impugned letter dated 24.05.2019 (Annexure P-15), the Internal Complaints Committee has responded by advising the petitioner that specific names of

the witnesses to be examined may be furnished and the Committee would examine such witnesses as per the laid down norms and if any witness raises an issue of harassment by the administrative authorities or cites any security concern, the same would be forwarded to the appropriate authorities for necessary action.

This Court does not find any fault in the view taken by the Internal Complaints Committee and conveyed to the petitioner vide letter dated 24.05.2019 (Annexure P-15).

That apart, it may be noticed that for examination of the complaint a Internal Complaints Committee has been set up which is chaired by a lady IPS Officer and currently posted as Superintendent of Police, Crime Against Women, Haryana. Other members of the Committee are Dr. Upneet Lalli, Deputy Director, Institute of Correctional of Administration, Chandigarh (lady member), Sh. N.K. Sharma, DDA/Police Headquarter, Smt. Mamta Sodha, HPS, DSP/HHRC, Smt. Asha Devi, Superintendent Accounts Branch, CID (lady member) etc. Counsel concedes that the constitution of the Committee is otherwise as per provisions of the 2013 Act.

In an overview of the matter, no interference in the matter is called for at this stage.

Writ petition is dismissed.

16.07.2019

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |