

**Sr. No.259
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.29577 of 2018 (O&M)

Date of Decision: 15.01.2019

Amita Chaudhary

... Petitioner

Versus

State Bank of India and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Sukhbir Singh, Advocate for
Mr. A.P.S.Shergill, Advocate,
for the petitioner.

Ms. Madhu Dayal, Advocate,
for the respondents.

ARUN MONGA, J.(ORAL)

Present petition has been filed, *inter alia*, for issuance of a writ in the nature of certiorari seeking to quash the impugned order dated 02.08.2018 (Annexure P-5) whereby the State Bank of India had directed the petitioner to join her duties failing which disciplinary action was to be initiated against her.

2. One of the lead contentions stated therein is that petitioner is a victim of sexual harassment at workplace at the hands of a Senior Officer and the impugned order has been passed to victimize her.

3. Vide order dated 21.11.2018, this Court had stayed the operation of the impugned order dated 02.08.2018 (Annexure P-5) while issuing notice of motion. Pursuant thereto, detailed reply has been filed by the respondent-Bank.

4. Learned counsel appearing for the Bank, however, points

out that during pendency of the writ petition, petitioner has submitted her resignation from the Bank service as per the prescribed proforma of the Bank. The reasons for resignation therein have been stated as family issues i.e. moving to China to be with her husband.

5. Learned counsel for the respondent-Bank states that said resignation letter is in the process of being accepted and appropriate orders thereafter shall be passed qua the same.

6. Learned counsel for the respondent Bank further states that Bank had constituted an Internal Complaints Committee (ICC) as per the provisions of Section 4 of the Sexual Harassment of Women at Workplace (Prevention Prohibition and Redressal) Act, 2013 and pursuant thereto, petitioner was requested to appear before the said Committee. She points out that despite various opportunities, petitioner has not been cooperating and not appearing before the ICC to seek mitigation of her grievance as made out in her complaint.

7. Be that as it may, in view of the resignation letter having been submitted by the petitioner, the merits of the case are not required to be gone into at this stage.

8. Present petition is, accordingly, dismissed with liberty to the petitioner to approach the Court, at a later stage, if the situation so warrants.

9. Dismissed with liberty as noted above.

(ARUN MONGA)
JUDGE

15.01.2019

vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No