

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

214 - CWP No.8706 of 2019 (O&M)

Date of Decision: 14.10.2020

Madam 'X'

... Petitioner

VS.

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Inderjit Kaushal, Advocate for the petitioner

Mr. Nikhil Chopra, Addl. AG Punjab

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of lockdown due to outbreak of COVID-19 pandemic.

Petitioner – Madam 'X' stated to be aged 34 years, has filed the present writ petitioner *inter alia* praying for:-

- (i) *issuance of writ in the nature of mandamus directing the respondent 1 and 2 to enquire into the complaint date 05-01-2018 (Annexure P-8) submitted by the petitioner relating to sexual harassment at the workplace at the hands of respondent No.3 by sexual harassment committee and accordingly be punished as per law;*
- (ii) *further a direction be issued to respondent No.1 & 2 to provide the safe environment at the workplace;*
- (iii) *further issuance a writ in the nature of mandamus directing the respondent No.1 and 2 to transfer respondent No.3 from CHC Tarskikka (Amritsar) to any other place or in the alternative the petitioner be transferred to a nearby Community Health Centre i.e. Mianwind or Khadoor Sahib (Amritsar) before the initiation of inquiry into the complaint of the petitioner*

Records show that the present case was listed on 01.04.2019 and was adjourned to 22.04.2019. Thereafter on 23.09.2019, notice of motion was issued. In response thereto, additional affidavit has been filed on 20.11.2019

during the pendency of the present petition, in pursuance to the third prayer of the petitioner, the workplace of the petitioner and respondent No.3 has been changed. Now the petitioner stands transferred to Mianwin.

At this stage, learned counsel for the petitioner submits that earlier the petitioner had not given any statement because while working under respondent No.3 at the same place of posting, it was not feasible for her to give any statement. He submits that now the petitioner has now been transferred and she would be in a position to associate herself in the enquiry.

Learned State counsel, however, submits that the petitioner was earlier given an opportunity to join the enquiry proceedings but she did not join.

In this view of the matter, the official respondents are directed to proceed in accordance with law on the complaint made by the petitioner against respondent No.3 and complete the proceedings/enquiry as expeditiously as possible preferably within 4 months from today.

The writ petition stands disposed of accordingly.

14.10.2020

vishal shonkar

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

(Girish Agnihotri)
Judge

Yes/No
Yes/No