

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

CWP-9805-2020 (O&M)
Date of Decision : 14.07.2020

Gurshan Kaur

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN

Present : Mr. P.P.S.Duggall, Advocate for the petitioner.

Mr. Satyapal Jain, Senior Advocate with
Ms. Saigeeta Srivastava, Advocate
for respondent Nos.1 and 2.

RAMENDRA JAIN, J. (Oral)

Case has been taken up for hearing through video conferencing.

Through this petition under Articles 226/227 of the Constitution of India, prayer has been made for setting aside the report of Internal Complaints Committee dated 03.06.2020 (Annexure P-12), given on the complaint of petitioner, under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

Learned counsel *inter alia* contends that out of five members of Internal Complaints Committee, who held a detailed inquiry on the complaint of sexual harassment of petitioner, Dr. Mini Malhotra, (Presiding Officer), Dr. Manisha Bhagat (Member) and Mrs. Shashi Bala, (DNS) (Member), appeared as defence witnesses and supported Dr. Manish Goyal. Thus, inquiry report (Annexure P-12), submitted by them is biased and illegal. The Committee of Internal Inquiry, in connivance with Dr. Sangeeta Mathur and delinquent

doctor, destroyed the CCTV footage of the incident. The inquiry is not fair, because of non-joining the petitioner in the inquiry proceedings.

Learned counsel appearing on behalf of respondent Nos.1 and 2 of his own, submits that the said respondents are not necessary party and they have illegally been impleaded.

Having given thoughtful consideration to the submissions made by learned counsel for petitioner, this court finds the instant petition completely frivolous to blackmail the system and superiors under whom the petitioner works. Out of the five members of Internal Complaints Committee, two are doctors, third is of Deputy Nursing Staff, fourth is a MSW, and fifth is an advocate having the degree of doctorate. Levelling allegations of biasness and favouratism against Dr. Mini Malhotra, (Presiding Officer), Dr. Manisha Bhagat (Member) and Mrs. Shashi Bala, (DNS) (Member) as they appeared as witnesses in favour of delinquent Dr. Munish Goyal, also amounts to levelling allegations indirectly against remaining two members Mrs. Simmi B.Sumbria (MSW) (Member) and Dr. Priya Anand (External member and Advocate), who had no interest either in alleged delinquent doctor or the petitioner. Thus, grouse of the petitioner that impugned report is bias on account of appearing of three of its members in defence is completely baseless, inasmuch as, their statements recorded during inquiry, shows that they only brought true facts of the alleged incident on record which had happened in their presence. Their conduct does not by in itself amount to their favouring the alleged delinquent doctor. It is pertinent to mention

here that Dr. Priya Anand, who is an external member and advocate, was not even attached to the office of petitioner or Dr. Munish Goyal.

Learned counsel for petitioner has not been able to show as to how, why and in what manner, these two persons namely Mrs. Simmi B.Sumbria (MSW) (Member) and Dr. Priya Anand (External member and Advocate), conspired with the remaining three members namely Dr. Mini Malhotra, Dr. Manisha Bhagat and Mrs. Shashi Bala (DNS) (Member) of the Committee and gave detailed impugned report (Annexure P-12) dated 03.06.2020 running into 21 pages against the petitioner.

Each and every aspect of the allegations levelled by the petitioner has been dealt with in detail by the Committee without any bias.

The petitioner, being an arrogant worker, through this petition, wants to create fear-psychosis in the mind of their superiors which cannot be permitted in view of the fact that the report is given by a Committee consisting three doctors i.e. two belonging to medical profession and one is legal expert.

In view of aforesaid discussion, instant petition stands dismissed with exemplary costs of Rs.1,00,000/- which shall be recovered by drawing and disbursing officer of the petitioner from her salary in three installments.

14.07.2020
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No