

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105

CWP-13739-2020

Date of Decision:07.09.2020

Sunil Kumari

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Sajjan Singh, Advocate,
for the petitioner.

HARI PAL VERMA, J.(Oral)

Petitioner has filed the present writ petition under Articles 226/227 of the Constitution of India, impugning the show cause notice dated 18.08.2020(Annexure P-3).

Learned counsel for the petitioner has argued that the show cause notice is in violation of the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 as well as the Haryana Civil Services (Punishment and Appeal) Rules, 2016. He submits that the complaint dated 24.01.2020(Annexure P-2) submitted by the petitioner has not been enquired into and therefore, direction be issued to the respondents to enquire into the said complaint, as per Sexual Harassment Act. He further submits that the petitioner has not been supplied copy of the inquiry report before issuing show cause notice and in the absence of such inquiry report, it is difficult for the petitioner to submit reply to the show cause notice.

Heard learned counsel for the petitioner.

The present writ petition has been filed against the show cause notice dated 18.08.2020(Annexure P-3), whereby the petitioner has been afforded an opportunity and she has been directed to submit her explanation before the District Elementary Education Officer. Accordingly, this Court finds that the petitioner has an opportunity to submit her explanation by way of reply to the show cause notice. Therefore, the present writ petition is premature in nature as the same has been filed against the show cause notice, no interference is called for at this stage.

However, in case, copy of enquiry report has not been supplied to the petitioner, the respondents shall supply such report, before considering her reply to the show cause notice.

Dismissed.

September 07, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No