

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 4418 of 2021

1. Sagun Singh Thakur S/o Late Madhu Singh Thakur Aged About 61 Years Office Assistant Grade - 3, O/o The Executive Engineer (S/S Division), Chhattisgarh State Power Transmission Co. Ltd., Bhilai - 3, District Durg Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Department of Energy, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.
2. Chairman Chhattisgarh State Power Transmission Company Limited Daganiya, Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Central Internal Complaint Redressal Committee Through Its Chairman, O/o Executive Director (Load And Dispatch), Chhattisgarh State Power Transmission Company Limited, Daganiya, Raipur Chhattisgarh.
4. Managing Director Chhattisgarh State Power Transmission Company Limited, Daganiya, Raipur Chhattisgarh., District : Raipur, Chhattisgarh
5. Executive Director Substation Division Operation And Maintenance, Chhattisgarh State Power Transmission Company Limited, Daganiya Raipur Chhattisgarh., District : Raipur, Chhattisgarh
6. Additional Chief Engineer (H.R.) Chhattisgarh State Power Transmission Company Limited, Raipur Chhattisgarh., District : Raipur, Chhattisgarh
7. Superintending Engineer Substation Division Operation And Maintenance, Chhattisgarh State Power Transmission Company Limited, Bhilai - 3, District Durg Chhattisgarh., District : Durg, Chhattisgarh
8. Executive Engineer Substation Division, Chhattisgarh State Power Transmission, Company Limited, Bhilai - 3, District Durg Chhattisgarh.

---Respondents

For Petitioner	:	Shri Anupam Dubey, Advocate.
For State	:	Ms. Akanksha Jain, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

26.08.2021

1. The petitioner through the present writ petition has questioned the order dated 23.06.2021 whereby the disciplinary authority has directed the enquiry officer to conclude the enquiry proceedings within a period of three months.
2. The matter relates to a complaint lodged against the petitioner under the provisions of Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act, 2013. The complaint was referred to an Internal Committee constituted in terms of the judgment of the Supreme

Court in Vishakha's case. The committee has already concluded its proceedings, and have given a report holding the petitioner guilty of the allegations levelled against him.

3. According to the petitioner, against the report of the Internal Committee, the petitioner has approached the respondent No.4 by way of an appeal. The appeal was filed as early as on 30.06.2021 but till date there is no progress on the said appeal and the petitioner infact has also already moved an application for interim relief before the appellate authority i.e. respondent No.4.
4. The grievance of the petitioner now is that if the disciplinary proceedings is permitted to be concluded in terms of Annexure P/1 dated 23.06.2021, there is all likelihood that the petitioner would be punished even before the appeal which the petitioner has preferred against the Internal Committee's report and in case if the appeal subsequently has allowed and interfered with by the appellate authority, the entire disciplinary proceedings itself and the decision carried out would become futile.
5. At this juncture the counsel for the petitioner submits that let the writ petition be disposed of directing the respondent No.4 to take appropriate decision on the appeal that he has preferred on 30.06.2021 which is already pending before the respondent No.4 for almost three months.
6. Without expressing any opinion on the merits of the case both on the allegations levelled against the petitioner as also on the appeal that the petitioner has preferred, the writ petition at this juncture stands disposed of directing the respondent No.4 to take an appropriate decision on the appeal of the petitioner pending before him since 30.06.2021 at the earliest preferably within a period of 30 days from the date of receipt of copy of this order. Short period for deciding the appeal has been provided considering the progress that has been made in the disciplinary

proceedings initiated against the petitioner. The respondent No.4 shall make all endeavors to decide the appeal within the stipulated period.

7. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder