



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Monday, the Twenty Second day of March Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice M.S.RAMESH

WMP(MD) No.4976 of 2021

IN

WP(MD) No.6376 of 2021

G.THIRUPATHI PRABHAKAR

... PETITIONER/PETITIONER

Vs

- 1 THE DIRECTOR GENERAL OF POLICE,
HEAD POLICE FORCE, MYLAPORE, CHENNAI-4.
 - 2 THE DEPUTY INSPECTOR GENERAL OF POLICE,
MADURAI RANGE, MADURAI.
 - 3 THE SUPERINTENDENT OF POLICE,
MADURAI DISTRICT, MADURAI.
 - 4 THE CHAIR PERSON/ADSP/CAWC
INTERNL COMPLAINTS COMMITTEE, MADURAI DISTRICT.
 - 5 THE SENIOR ADMINISTRATIVE OFFICER/ORAL ENQUIRY OFFICER,
O/O THE DEPUTY INSPECTOR GENERAL OF POLICE, MADURAI RANGE,
MADURAI.
- ... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to stay all further proceedings of Charge Memo issued by the 2nd respondent vide Na.Ka.No.A2/05676/340/2020, dated 17.09.2020 under Rule 17(b) of Tamilnadu Government Servant (Discipline and Appeal) Rules and its consequential appointment of 5th respondent as enquiry officer vide communication dated 10.02.2021 pending disposal of the Writ Petition.

Prayer in WP(MD) . 6376/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to the impugned order of 4th respondent in C.No.03/ADSP/CAWC/MDU/2020 dated 10.01.2020 and its consequential Charge Memo issued by the 2nd respondent vide Na.Ka.No.A2/05676/340/2020, dated 17.09.2020 under Rule 17(b) of Tamilnadu Government Servant (Discipline and Appeal) Rules and the



appointment of 5th respondent as enquiry officer vide proceedings C.No.A2/05676/340/2020 dated 03.12.2020 and quash the same as illegal, improper and unconstitutional.

ORDER: This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.S.BALAMURUGAN, Advocate for the petitioner and of MR.A.MUTHUKARUPPAN, Additional Government Pleader on behalf of the Respondents, while admitting the Writ Petition, the court made the following order:-

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

2.The nature of the charges against the petitioner relates to sexual harassment, for the incidents that occurred in the years 2006 and 2018. The complaint seems to have been given in the year 2019 and the enquiry on the complaint was commenced on 07.08.2019, as evidenced in the enquiry report of the fourth respondent.

3.The learned counsel for the petitioner relies upon Section 9 of the Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Rules 2013 and submitted that such a complaint of sexual harassment before the Internal committee cannot be made after a period of three months.

4.On prima facie view, the complaint seems to have been made in violation of the time prescribed under Section 9 of the Act, which may not be permissible. These aspects require further deliberations. However, since the petitioner has made out a *prima facie* case, there shall be an order of interim stay.

5.Post the matter on 26.04.2021.

sd/-
22/03/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1 THE DIRECTOR GENERAL OF POLICE,
HEAD POLICE FORCE, MYLAPORE, CHENNAI-4.

2 THE DEPUTY INSPECTOR GENERAL OF POLICE,
MADURAI RANGE, MADURAI.

3 THE SUPERINTENDENT OF POLICE,
MADURAI DISTRICT, MADURAI.

4 THE CHAIR PERSON/ADSP/CAWC
INTERNAL COMPLAINTS COMMITTEE, MADURAI DISTRICT.

5 THE SENIOR ADMINISTRATIVE OFFICER/ORAL ENQUIRY OFFICER,
O/O THE DEPUTY INSPECTOR GENERAL OF POLICE, MADURAI RANGE,
MADURAI.

+1. C.C. to MR.S.BALAMURUGAN, Advocate SR.No.2400

ORDER
IN
WMP (MD) No.4976 of 2021
IN
WP (MD) No.6376 of 2021
Date :22/03/2021

NR/VR(31.03.2021) 3P:7C