

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.103 of 2022

In
Civil Writ Jurisdiction Case No.18899 of 2021

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Surinder Prasad Son of Late Rajindra Prasad Resident of V-3S, Nyay Khand, Indrapuram, P.S.-Indrapuram, Distt.-Gaziabad (UP) Presently residing at Officers Mess, Central Reserve Police Force (CRPF) Head Quarter, Digha Complex, P.O.-Ashiyana Nagar, P.S.-Rajiv Nagar, Town and District-Patna.

... .. Appellant/s

Versus

1. The Union of India through the Secreary, Ministry of Home Affairs, New Delhi-110001.
2. The Director General of Police, Force, Block No.1,CGO Complex, Lodhi Road, New Delhi-110001.
3. The Inspector General of Police (Works), Directorate General, Central Reserve Police Force, Ministry of Home Affairs/GOI (Works Branch), East Block-07, Level-3, Sectore-1, R.K. Puram, New Delhi-110066.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Shekhar Singh
For the Respondent/s : Mr.Additional Solicitor General

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 07-12-2022

Heard Mr. Shekhar Singh, learned Advocate
for the appellant.

The appellant is undergoing a departmental proceeding for sexual harassment at the workplace. He came up before this Court vide CWJC No. 18899 of 2021, seeking quashing of the charge memo as also the



entire departmental proceedings on the ground that the Internal Committee report was not afforded to him which, in fact, was the basis for initiating departmental proceedings.

The learned Single Judge, on finding that the departmental proceeding is underway where the appellant would have ample opportunity to agitate his cause, rejected the writ petition in view of the judgment of the Apex Court in *Union of India and Another Vs. Kunisetty Satyanarayana reported in (2006) 12 SCC 28*.

There is no dispute about the appellant undergoing departmental proceeding and has been asked to furnish his reply to the second show-cause notice, which he has.

The aforementioned ground has also been taken by him in his show-cause reply.

Any decision, at this juncture, by a court of law would leave the departmental proceeding in a lurch which is almost about to be completed.



For this reason alone, we do not wish to interfere with the order passed by the learned Single Judge.

It is expected, however, that the disciplinary authority shall take into account and advert to all the grounds taken by the appellant in his reply before passing any final order.

With the aforementioned observation, the writ petition stands disposed of.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

SONALI/HR/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.12.2022
Transmission Date	NA

