

29.08.2022
Court No. 19
Item 549 (ML)
CP

WPA No. 140 of 2022

Pompi Mukherjee Sain
Vs.
The State of West Bengal & ors.

Mr. Subrata Mukhopadhyay
Ms. Basabi Raichoudhury
...for the petitioner.

Mr. Sarajit Sen
Mr. Tapas Singha Roy

....for the respondent nos. 4, 5 & 6.

The petitioner alleges that the Commissioner, ADPC, Asansol had failed and neglected to register an FIR against the principal of the Delhi Public School, Asansol.

It is the contention of the petitioner that allegations of harassment at work place, threats, humiliation, forcing the petitioner to do menial jobs, creation of hostile work atmosphere, had been made before the Chairperson, Local Complaints Committee, Paschim Bardhaman. According to the petitioner, the committee was constituted under the provisions of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. A copy of the said complaint was forwarded to the Commissioner, ADPC, Asansol for necessary action. It is the contention of the petitioner that the Commissioner had advised the petitioner to approach

the local police station. Accordingly, the petitioner approached the Officer-in-Charge, Asansol (North). The petitioner submits that the police authorities ought to have registered an FIR.

Learned advocate for the respondent nos. 4 to 6 deny the said allegations. The report submitted by the Local Complaints Committee in connection with the complaint lodged by the petitioner, is submitted before the court. The allegations against Mr. R.D. Sharma, principal, was not proved. The petitioner now disputes the authority of the Committee, although the petitioner herself approached the committee.

Heard the learned advocates for the respective parties. The basis of the complaint of the petitioner is ill-treatment and humiliation at workplace. The petitioner approached the Local Complaints Committee, Paschim Bardhaman. The petitioner has not filed any complaint before the concerned police station. The committee has passed an order, inter alia holding that the allegations of sexual harassment have not been proved. The petitioner has not challenged the said order. The questions of forceful resignation and refusal to allow the petitioner to withdraw the resignation, are sub judice before another coordinate bench.

The petitioner prays that the respondent no. 5 must be restrained from causing any sexual harassment to the petitioner. The petitioner has resigned. She is no longer an employee. The application for withdrawal of the resignation letter was not entertained by the employer. Challenging the same, the petitioner has approached this court. The writ petition is pending.

The court does not find any reason as to how the petitioner can apprehend sexual harassment at the workplace. However, in case the petitioner approaches the police authorities sometime in future, with specific allegations that she was either threatened or caused any harm by the respondents Nos. 4 to 6, the police authorities shall act and proceed in accordance with law.

Under such circumstances, the writ petition is disposed of without any orders.

This order shall not have any impact on any other proceedings.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)