

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2022

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.434 OF 2015

S.Lakshmi

....Petitioner

Vs.

The Director of Treasuries and Accounts,
Panagal Building,
Saidapet,
Chennai 600 015

..Respondent

Prayer:-

Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of declaration Declaring the Constitution of a Committee based on the Complaint dated 24.1.2011 of the petitioner in proceedings No.RC 53781/07/OP2 to enquire under Sexual Harassment of Women at workplace and the report of the enquiry Committee dated 31.1.2011 as furnished in the covering Letter RC No.39847/ 2014/Q3 dated 9.10.2014 of the respondent as null and void.

For Petitioner : J.Josephine Saranya

For Respondents : Mr.U.Bharanidharan
Additional Government Pleader

O R D E R

This writ petition was filed challenging the constitution of the committee based on the complaint given by the petitioner on 24.01.2011 and the report submitted by the enquiry committee on 31.01.2011.

2. The case of the petitioner is that while she was working as the office superintendent, she was facing difficulties due to non-co-operation on the part of the staff and as a result, she was not able to deal with the bills where payment was required to be made on an urgent basis. The petitioner brought this problem to the notice of her immediate

superior on 21.01.2011. On 21.01.2011, the petitioner was called by the pay and accounts officer and he started abusing the petitioner and shouted that the petitioner was misbehaving by pointing his finger at the petitioner.

3. The petitioner was hurt and traumatized due to this incident and hence, she gave a complaint on 24.01.2011 to the Commissioner of treasuries and accounts department for taking action against the concerned officer.

4. The grievance of the petitioner is that a committee was appointed as if the complaint given by the petitioner is in the nature of a sexual harassment complaint for women at the work place. The petitioner made her objections on the constitution of the committee and inspite of the same, the committee proceeded further and filed a report on 31.01.2011 and came to a conclusion that there was no sexual harassment of the petitioner in the work place. That apart, disciplinary proceedings were also initiated against the petitioner as if she gave a false complaint. Aggrieved by the same, the present writ petition was filed before this Court.

5. The respondent has filed a counter affidavit and has contested the claim made by the petitioner.

6. When the matter came up for hearing on 23.06.2022, this Court enquired as to whether the petitioner is in service.

7. When the matter was taken up for hearing today, the learned Additional Government Pleader produced the written instructions received from the Commissioner of Treasuries and Accounts. It is seen from this written instructions that the petitioner is in service and she is presently working as a Assistant Treasury Officer at Sub-Treasury, Mambalam - Guindy, Chennai. It is further stated that disciplinary proceedings were initiated against the petitioner on the ground that she gave a false complaint and ultimately, the petitioner was awarded a punishment of stoppage of increment for a period of six months without cumulative effect. The period during which the petitioner was suspended was treated as a leave to which the petitioner was eligible. The petitioner underwent this punishment and thereafter, she was also promoted as Assistant Treasury officer.

8. The learned Additional Government Pleader on oral instructions submitted that the Pay and Accounts officer against whom the complaint was given by the petitioner has already retired from service on 30.06.2016.

9. In the considered view of this Court, the relief sought for by the petitioner cannot be granted at this length of time due to the subsequent events that has taken place during the pendency of this writ petition. The report of the committee was acted upon and disciplinary proceedings was initiated against the petitioner on the ground that she gave a false complaint and punishment was also imposed against the petitioner and the petitioner has already undergone the punishment. Thereafter, the petitioner has also been promoted and she is now working as Assistant Treasury officer. In view of the same, even if the relief sought for by the petitioner is granted, it becomes unworkable due to the subsequent events. That apart, the person against whom the complaint was given has also retired from service. This Court appreciates the genuine grievance that was expressed by the petitioner wherein she underwent mental agony in the work place. However, due to lapse of time, the relief sought for by the petitioner has become infructuous and hence, dealing with the merits of the case will merely result in an academic exercise.

10. In view of the above, this writ petition is closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

The Director of Treasuries and Accounts,
Panagal Building,
Saidapet,
Chennai 600 015

+1cc to Mr.S.Arunachalam Associates, Advocate, S.R.No.41696
+1cc to the Government Pleader, S.R.No.42293

W.P.No.434 of 2015

RK(CO)
PM/21/07/2022