

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.1624 of 2022 (O&M)

Date of Decision:03.03.2022

Meenakshi

.....Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Chanderhas Yadav, Advocate
for the petitioner.

Mr. Kuldeep Tewari, Addl.AG., Haryana.

Ms. Sunint Kaur, AAG., Punjab.

Mr. Maninder Singh Saini, Advocate
for respondent no.7.

LISA GILL, J(Oral).

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Prayer in this writ petition is for a direction to respondents no.4, 5 and 6 to take appropriate action against respondent no.7 in accordance with law as well as to protect the life and liberty of the petitioner. There is a further prayer for a direction to respondents no.2 and 3 to take appropriate action against respondent no.7, who is alleged to have sexually harassed the petitioner.

It is submitted that the petitioner, who is working as a Peon in the office of respondent no.3 since 2019, is a Post Graduate in Computer Applications. Her husband is serving the Indian Army. Allegations of sexual harassment and outraging of her modesty have been raised against respondent no.7. It is stated that FIR No. 1 dated 01.01.2022 was registered

at Women Police Station, Panchkula under Section 354-A IPC in this regard which stands transferred to Police Station Zirakpur. Petitioner, it is submitted was subjected to extreme harassment and was transferred three times at the instance of respondent no.7. Legal notice was issued by the petitioner to respondent no.7. Thereafter, the petitioner also submitted a complaint before the Directorate of School Education, Panchkula, on 06.01.2022 alleging sexual harassment. It is however submitted that no action whatsoever was taken thereon and the petitioner was subjected to victimization inasmuch as she was placed under the direct supervision of respondent no.7. Hence aggrieved, present writ petition was filed on 26.01.2022.

Learned counsel for the respondent-State to whom an advance copy of this writ petition had been supplied, was asked to seek instructions in this regard on 02.02.2022. Learned counsel for the respondent-State, on instructions from Ms. Priyanka, Legal Assistant of District Education Officer, Panchkula, informs that the requisite Committee under the Protection of Women from Sexual Harassment) Act, 2013 (for short POSH Act) is in place and the enquiry inconsonance with the provisions of the said act is being conducted. Furthermore, respondent no.7, has been placed under suspension on 25.02.2022 with his headquarters at Kaithal.

Learned counsel for the State of Punjab however does not have any information regarding the status of FIR No.1 dated 01.01.2022, which has since been transferred to Police Station Zirakpur.

At this stage, Mr. Maninder Singh Saini, Advocate, appears on behalf of respondent no.7 and submits that the said respondent is being unnecessarily victimized merely because he had recommended change of duty of the petitioner vide order dated 03.01.2022, Annexure P-11.

Be that as it may, no expression of opinion on the merits of the case is being expressed. However, needless to say the matter should be enquired into in accordance with the applicable provisions of law and especially in terms of the provisions of the POSH Act and after giving proper opportunity to both the parties. Senior Superintendent of Police, SAS Nagar, Mohali, shall also look into the matter and take necessary action as may be required.

Writ petition is accordingly disposed of. It is clarified that there is no expression of opinion on the merits of the allegations etc.

03.03.2022
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.