



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.01.2023

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 13156 of 2021

B.Purushothaman

... Petitioner

..Vs..

1. East Wind Footwear Company Ltd.,
Rep. by its Authorised Signatory
Plot No.3D & 3E, SIPCOT Indl. Park
Mangal Village,
Vembakkam Taluk,
Tiruvannamalai District – 631 701.
2. The Internal Complaints Committee (IC)
East Wind Footwear Company Ltd – Unit 2
Plot No.3D & 3E, SIPCOT Indl. Park
Mangal Village,
Vembakkam Taluk,
Tiruvannamalai District – 631 701.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the records pertaining to the termination order dated 18.12.2019 passed by the first respondent and the enquiry report dated 15.10.2019 by the second respondent committee and quash the same and consequently direct the first



respondent to reinstate the petitioner with back wages, continuity of service with all attendant benefits.

For Petitioner :: Mr.A.Suresh Sakthi Murugan

For 1st Respondent :: Mr. M. KandaSamy

ORDER

This Writ Petition has been filed in the nature of Mandamus seeking records relating to the termination order dated 18.12.2019 passed by the first respondent / East Wind Footwear Company Ltd., rep. by its Authorised Signatory, having office at Plot No.3D & 3E, SIPCOT Indl. Park, Mangal Village, Vembakkam Taluk, Tiruvannamalai District – 631 701 and the enquiry report dated 15.10.2019 by the second respondent/ Internal Complaints Committee (IC), East Wind Footwear Company Ltd – Unit 2, having office as stated above at Vembakkam Taluk, Tiruvannamalai District – 631 701 and direct the first respondent to reinstate the petitioner with back wages, continuity of service with all attendant benefits.



2. The petitioner herein had been originally appointed as a Worker in the year 2012 by the first respondent. He was then promoted as a Supervisor in the year 2013 and after completion of five years, he was promoted as Manager. He had lodged a complaint against a Human Resource Officer and claimed that she asked him to resign the job. An enquiry was conducted on his complaint by a five member committee. He then made a complaint to the Manager of the first respondent. He was however suspended from service on 31.08.2019. The first respondent had taken a decision to conduct an Internal Complaints Committee Enquiry on alleged sexual harassment charges levelled against the petitioner herein. He had appeared for enquiry conducted by the second respondent. He participated in the enquiry and finally, he had also given written objections relating to the procedure in which the enquiry was conducted. A Show cause notice was issued on 22.10.2019 on the basis of the enquiry report. He sought copies of the complaint and the deposition of the witnesses, and the exhibits marked to reply to the show cause notice. But it is stated that they were refused to be given. He was asked to give an explanation which he sent by registered post on 26.11.2019 to the first respondent. Thereafter on 18.12.2019, the petitioner was terminated.



3. A Writ Petition against a Private Limited Company is not maintainable before this Court. If the petitioner seeks to prefer an appropriate alternate statutory remedy, he is always at liberty to do.

4. The first respondent had entered appearance and had filed counter.

5. I am not interfering into the allegations raised or the averments made but dismissing the Writ Petition solely on the ground that the respondents are private parties and a Writ will not lie against them. The Writ Petition stands dismissed. No order as to costs.

6. The petitioner can seek redressal of all his grievances in manner known to law under Section 18 of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 and Rule 11, if so permitted under the provisions therein.

30.01.2023

vsg

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order



WEB COPY To

The Authorised Signatory
East Wind Footwear Company Ltd.,
Plot No.3D & 3E, SIPCOT Indl. Park
Mangal Village,
Vembakkam Taluk,
Tiruvannamalai District – 631 701.



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C.V.KARTHIKEYAN, J.,

vsg

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