

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.18272 of 2015 (O&M)

Date of Order:16.05.2023

Rajwant Kaur

.Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Ritu Punj, Advocate, for the petitioner.
Mr. R.K.Kapoor, Addl.A.G., Punjab

ANIL KSHETARPAL, J

1. On 02.05.2023, the following order was passed:-

“The petitioner filed the present writ petition to assail the correctness of the order dated 05.08.2015 whereby she was suspended, order dated 07.08.2015 whereby she was transferred and show cause notice dated 08.08.2015. At the relevant time, the petitioner was posted as Matron at Central Jail, Gurdaspur. She alleges sexual harassment at her working place.

Learned counsel representing the petitioner admits that in view of the subsequent developments, the prayer with regard to the challenge to the suspension as well as the transfer order, the writ petition is partially rendered infructuous. However, the writ petition survives qua the challenge to the show cause notice.

Learned State counsel on instructions from Sh.Avtar Krishan Saini, Assistant Superintendent, Central Jail, Gurdaspur, admits that though there was no interim order, however, no further steps have been taken after the writ petition was filed in this Court. He prays for some time to get complete instructions in this regard.

List on 16.05.2023, in the urgent list.”

2. The learned counsel representing the State of Punjab admits that for the last 8 years no proceedings have taken place after serving the petitioner with the following charges:-

“You, Smt. Rajwant Kaur, Matron No.4470 (under suspension), Central Jail, Gurdaspur is found to be guilty for the following charges:-

- 1. You were suspended on 05.08.2015 and in order to serve the suspension order, Sh. Raj Kumar Peon was deputed then you had refused to accept the suspension order.*
- 2. You came to appear before the office of the undersigned on 06.08.2015 (A.N.) then the undersigned told you to first receive the suspension order but you immediately left the place of work.*
- 3. You sent the false complaints directly to the senior officers through official e-mail against the Jail Officers/authorities.*
- 4. You have also violated the rule 3(1)(iii) of Government Employees (Conduct) Rules 1966 along with Para 198 of the Punjab Jail Manual by making false complaints against Jail authorities by using the official e-mail for personal motive.”*

3. This Bench has heard the learned counsels representing the parties at length and with their able assistance perused the paper book

4. On the one hand, the petitioner alleges sexual harassment at her workplace. When she filed the writ petition she was suspended and transferred to the Central Jail, Hoshiarpur. Though, there was no interim order, however, the disciplinary proceedings made no progress at all. On careful study of the nature of the allegations made against the petitioner in the charge-sheet which are still to be substantiated, it is evident that neither

there is any imputation of financial irregularity nor any misbehaviour with the jail inmates. The petitioner is working as a Matron in the Central Jail. Her primary duty is to ensure discipline in the jail inmates while giving motherly touch. Moreover, the first charge against the petitioner is refusal to accept a copy of the suspension order, whereas the second charge is again concerning the same. The third charge is with regard to the petitioner having made complaints to redress her grievance, whereas the fourth charge is also with regard to the complaints.

5. This Court is of the considered view that the charges against the petitioner are not of such a nature which require the disciplinary authority to take 8 years to make any progress in the disciplinary proceedings.

6. Keeping in view the aforesaid facts and discussion, the orders dated 05.08.2015 (Annexure P-2), 07.08.2015 (Annexure P-3) and 08.08.2015(Annexure P-4) are quashed and the matter is required to be closed in order to enable the petitioner to perform her duties and discharge her responsibilities peacefully.

7. Hence, the writ petition is allowed.

8. All the pending miscellaneous applications, if any, are also disposed of.

May 16, 2023
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO