



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.3866/2024

Shri Sunil Janorkar

...Versus...

State of Maharashtra, Through Secretary, Women and Child Development
Department, Mumbai and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. R.M. Tiwari, Advocate for petitioner
Ms P.C. Bawankule, AGP for respondent no.1

CORAM : N.R. BORKAR, J.

DATE : 01/07/2024

1. This petition takes exception to the judgment and order dated 15/02/2024 passed by the Industrial Court, Akola in Appeal I.E.S.O. No.01/2022.

2. The petitioner and respondent no.3 are the employees of Zilla Parishad, Akola. The respondent no.3 herein had filed complaint against the petitioner under the provisions of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2023. The said complaint was referred to respondent no.2 – Internal Complaints Committee, which vide enquiry report dated 18/08/2022 exonerated the petitioner.

3. The respondent no.3 being aggrieved by the report of respondent no.2 has filed appeal. By the order impugned, the Industrial Court has allowed the appeal filed by the

respondent no.3 and issued certain directions to employer - Zilla Parishad, Akola.

4. I have heard the learned counsel for the petitioner and perused the impugned order so also the enquiry report of respondent no.2.

5. The respondent no.2 has exonerated the petitioner by applying the principles of criminal trial. Respondent no.2 has held that though the WhatsApp message was obscene, the respondent no.3 has not proved that it was sent by the petitioner. It appears that the petitioner in his reply has not outrightly denied the sending of said WhatsApp message. As regards the call recording also, the respondent no.2 has recorded very strange finding. The call recording was relied upon to prove the allegations of sexual harassment. However, instead of examining from that perspective, the respondent no.2 has held that in the said call recording, the respondent no.3 can be heard saying to the petitioner to stop calling her and sending messages to her and petitioner thereafter stopped calling her. The Industrial Court has, therefore, rightly allowed the appeal. No interference is thus called for in the impugned order. The writ petition is dismissed. No order as to costs.

(N.R. BORKAR, J.)