



WEB COPY

W.P.No.12388 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.12388 of 2023

R.Magdaline Rani

... Petitioner

Vs.

- 1.Geological Survey of India,
Rep. by its Director General,
27, J.L.N. Road,
Kolkata – 700 016.
- 2.Additional Director General,
Geological Survey of India,
Southern Regional Office,
GSI Complex, Bandlaguda,
Hyderabad – 500 068.
- 3.The Deputy Director General,
Geological Survey of India,
Su-TNP,
Inner Ring Road,
Industrial Estate near Kathipara,
Guindy, Chennai – 600 032.
- 4.Dr.S.Raju,



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5. The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai 600 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 17.03.2023 passed by 5th respondent in O.A.No.281 of 2019 and quash the same and consequently direct the 1st respondent to constitute fresh Internal Complaints Committee to inquire into the complaint submitted by the petitioner dated 09.11.2017.

For Petitioner	: Mr.R.Rajesh Kumar
For R1 to R4	: Mrs.M.E.Sarashwathy Senior Panel Counsel
For R5	: Tribunal

ORDER

[Order of the Court is made by **S.M.SUBRAMANIAM, J.**]

The writ on hand has been instituted challenging the order dated 17th March, 2023 passed in O.A.No.281 of 2019.

2. The petitioner is working as Store Keeper at the Zoological Survey



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of India, Chennai, since 30.10.2000. She made a complaint to the 1st respondent on 09.11.2017 against the 4th respondent viz., Dr.S.Raju, who is the then Deputy Director General (presently retired from service). The complaint is alleged sexual harassment at work place under the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013. The original application was filed challenging the preliminary inquiry report submitted by the Internal Complaints Committee on 14.12.2018. Since the Tribunal dismissed the original application, the present writ petition came to be instituted.

3. The learned counsel for the petitioner submits that the inquiry was conducted at Kolkata, where the 4th respondent served as Director General during the relevant point of time. Therefore, there is no possibility of conducting a fair inquiry. Thus, the petitioner has chosen to challenge the preliminary inquiry report dated 14.12.2018.

4. This Court is of the view that all the witnesses reside in Chennai and the complaint was filed by the petitioner in Chennai. Thus, there is no reason to conduct inquiry in Kolkata, where the 4th respondent was holding the post of Director General during the relevant point of time.



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5. Although the 4th respondent has since retired from service upon reaching the age of superannuation, the Tribunal considered the petitioner's grounds and dismissed the original application. The dismissal was based on the ground that an appeal against the preliminary inquiry report lies under Section 18(1) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013.

6. The Central Administrative Tribunal, in the impugned order made a finding that the complaint submitted by the petitioner on 09.11.2017, was investigated by the Internal Complaints Committee constituted in accordance with the provisions of Sexual Harassment Act. The Committee's formation adhered to the Act's, Rules and a Circular issued by the Head of the Department. The report of the Internal Complaints Committee dated 26.11.2018 was served to the petitioner. The Tribunal found that the Committee was constituted in accordance with Section 4 of the Act and there is no infirmity.

7. The petitioner admittedly failed to exhaust the appellate remedy contemplated under the Act. No further action has been recommended based



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on the report of the Internal Complaints Committee under the Act.

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8. In this context, the Tribunal held that the representation of petitioner shall be deemed to be an appeal under Section 18(1) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act.

9. Section 18(1) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, contemplates an appeal with reference to the report submitted under Section 13 of the Act. No final decision has been taken by the competent authorities based on the report submitted by the Internal Complaints Committee. The petitioner admittedly submitted a representation and therefore, the competent authority has to consider the said representation along with the report for taking a final decision. After passing an order, the petitioner if aggrieved may prefer an appeal before the Appellate Authority.

10. In this context, if examination of additional witnesses or scrutinisation of documents is required, all such further inquiry is to be conducted at Chennai. In such circumstances, the petitioner may be provided



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with an opportunity to furnish additional documents or evidences, if any.

Since final decision has not been taken by the competent authority, the representation submitted by the petitioner is directed to be considered and all further proceedings under the Act is to be taken at Chennai. After completing the procedures as contemplated under the Act, the respondents have to pass final orders, which is to be communicated to the petitioner. If the petitioner is aggrieved, thereafter she may prefer an appeal under Section 18(1) of the Act.

11. With the above observations, the Writ Petition stands disposed of.

No costs.

[S.M.S., J.] [M.J.R., J.]
03.12.2024
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Index : Yes
Speaking order
Neutral Citation : Yes

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