



W.P.No.16195 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.16195 of 2024

M.Thamizhazhagi

..

Petitioner

Vs.

1. Agricultural Production Commissioner and
Secretary to Government of Tamil Nadu
Department of Agriculture
Fort St. George, Secretariat, Chennai – 600 009.
2. The District Collector
Tiruvallur Collector Office Complex
Tiruthani Highway, Tiruvallur – 602 001.
3. The Director of Agriculture
Directorate of Agriculture
No.1, Wallahjah Road, Chepauk
Chennai – 600 005.
4. The District Social Welfare Officer / Enquiry Officer
O/o District Social Welfare
Tiruvallur Collector Office Complex
Tirutani Highway, Tiruvallur – 602 001.
5. Joint Director, Agriculture
Department of Agriculture
Thiruvallur – 602 001.
6. L.Suresh
Additional Director of Agriculture (Research)
Directorate of Agriculture
Chepauk, Chennai – 600 005.



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7. Director / Enquiry Officer
STAMIN, Kudimiyanmalai
Pudukottai District – 622 104.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus, directing the first and second respondents to conduct the Internal Complaints Committee (ICC) / Local Complaints Committee (LCC) Proceedings, as the case may, to be conducted strictly in accordance with the provisions under Sections 4, 6 and 11 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 further read with Rule 7(4) under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 i.e., "in accordance with the principles of natural justice" read with Rule 20-B of the Tamil Nadu Government Servants Conduct Rules, 1973 further read with the 2nd Proviso Rule 17 b under the Tamil Nadu Civil Services (Discipline and Appeal) rules (Corrected up to February, 2013) as regards the procedures in conducting the inquiry proceedings in accordance with the Service Rules as applicable to the petitioner and the sixth respondent by providing copies of the inquiry report of Internal Complaints Committee (ICC) / Local Complaints Committee (LCC) proceedings, as the case may, to the first respondent and also to the parties involved, in accordance with Section 13 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 so as to ensure equality before law, natural justice, fairness and Rule of Law.

For the Petitioner : Mr.A.Irudayam

For the Respondents : Mr.Stalin Abimanyu
Additional Government Pleader
for R1 to R5

Mr.Rajakumar
for R6



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ORDER

The prayer of the writ petitioner is to direct the respondents 1 and 2 to conduct a Internal Complaints Committee (ICC) / Local Complaints Committee (LCC) proceedings, strictly in accordance with Sections 4, 6 and 11 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 [for brevity, hereinafter referred to as "the Act of 2013"] and in accordance with Rule 7(4) under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 [for brevity, hereinafter referred to as "the Rules of 2013"] and in compliance with the principles of natural justice.

2. On a perusal of the records, it can be seen that the petitioner has given a complaint, raising allegation of sexual harassment at workplace as against the sixth respondent herein. Originally, it seems that she had a grievance regarding the manner in which the complaint was dealt with and the enquiry was conducted and therefore, she approached this Court by way of



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W.P.No.11492 of 2022 and this Court, by the order dated 30.08.2023, directed the District Collector to constitute a Local Complaints Committee, considering the fact that the sixth respondent is a head of a particular office, and to conduct the enquiry afresh.

3. Accordingly, the District Collector, once again constituted a Local Complaints Committee, which is going into the complaint. So far, witnesses have been examined and according to the petitioner, none of the statement of the witnesses were furnished to her and either she was permitted to cross examine the delinquent officer.

4. Even though there is a direction to complete the enquiry within a period of one month, till date, the matter is kept pending. Even the witnesses, who have deposed and became hostile, were not treated as hostile and cross examined on behalf of the Department nor on behalf of the victim side. Therefore, the petitioner has approached this Court.



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5. When the matter came up for hearing, *Mr.Stalin Abimanyu*, learned Additional Government Pleader accepts notice for respondents 1 to 5 and *Mr.Rajakumar*, learned counsel accepts notice for respondent 6.

6. Both side learned counsel would submit that now, the stage of the proceedings is at the stage where the oral enquiry has been completed and the Local Complaints Committee has not finalized the report.

7. It is submitted by the learned Additional Government Pleader that the enquiry report will be submitted to the Disciplinary Authority within a short period and it is only thereafter, further opportunity would be given both to the delinquent officer as well as the victim in accordance with the Rules and procedure.

8. I have considered the submissions made on behalf of the petitioner, who is the victim in the instant case and that of the learned counsel appearing for the respective respondents.



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9. When the Local Complaints Committee is constituted as per the directions of this Court and when it is now brought to the notice of this Court that the oral enquiry has been completed and the Local Complaints Committee is only preparing its report, at this stage, this Court will not interject, upon the grievance raised by the petitioner. When the Local Complaints Committee submits its report to the Disciplinary Authority, the Disciplinary Authority will take further action as per the Proviso to Rule 17 (b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 2013, as well as the Rules framed under the Act 14 of 2013.

10. If at all the petitioner is aggrieved by the enquiry report, the petitioner can also make such objections with reference to the conduct of the enquiry, if that necessity arises, before the Disciplinary Authority and the Disciplinary Authority will consider the same. Only the enquiry report, if it violates any provisions of law or the final order that would be passed by the Disciplinary Authority can be challenged and the Court cannot interject inbetween the Disciplinary Proceedings when the proceedings are going on.



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11. The contention of the petitioner that in spite of the directions of this Court, there is a delay is a reasonable apprehension which have to be considered. But, when it is brought to the notice of this Court now that the oral enquiry has been concluded and the Local Complaints Committee is in the process of formulating the report, the same could be expedited.

12. In view thereof, the present writ petition stands disposed of on the following terms:

(i) the Local Complaints Committee shall finalize its report and submit the same to the Disciplinary Authority within a period of ten days from the date of receipt of a copy of this order and the Disciplinary Authority shall thereupon follow the procedure as laid down under the Rules framed under the Rules of 2013, as well as Rule 17 (b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 2013, and conduct further proceedings and pass final orders in accordance with law; and



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(ii) All the contentions raised by the petitioner herein are left open to be raised before the appropriate authority at the appropriate stage.

There shall be no order as to costs. Consequently, W.M.P.No.17780 of 2024 is closed.

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Neutral Citation : Yes/No

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D.BHARATHA CHAKRAVARTHY,J.

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