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W.P.No.22451 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22451 of 2023

Ms.Lakshmi Anand

... Petitioner

Vs.

1. The Secretary,
Ministry of Commerce and Industry,
Department of Commerce,
Government of India, Udyog Bhavan,
Rafi Marg, New Delhi – 110 011.

2. The General Manager,
Higam Resources Development (A Government of India Enterprises),
ECGC Bhawan, CTS No.393, 373/1-45,
Opp Vishal Hall, Andhri (East), Mumbai – 400 069.

3. G.Madeshwari @Revathi

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 2nd respondent in letter No. HO/HRD/852/2022-23 dated 30.12.2022 and quash the same and direct the 2nd respondent to reopen the inquiry by granting an opportunity to the petitioner to contest the case of her deceased husband Mr. B.V.Anand forthwith within the stipulated period as fixed by this Honourable Court.

For Petitioner : Mr.R.Sathyamurthy



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For R1 : Mr.V.Udayakumar,
Central Government Standing Counsel
For R2 : Mr.Adarsh Ramanujam
For R3 : Mr.K.Suresh

ORDER

The writ petitioner/ smt. Lakshmi Anand, W/o Late.D.V.Anand, who was an employee under the 2nd respondent filed the present Writ Petition.

2. The 3rd respondent, who is a casual labour serving in the 2nd respondent enterprises had given a complaint against the deceased husband of the petitioner under the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition, Redressal) Act, 2013. Internal Complaints Committee was in the process of scrutinising the complaint. However, the husband of the petitioner Mr.D.V.Anand died and therefore, no further action was initiated by the Internal Complaints Committee. When the delinquent officer died even before the commencement of the enquiry, no further action would be initiated against the deceased employee in respect of the allegations of sexual harassment at workplace.

3. As far as the petitioner is concerned, the said impugned letter dated



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30.12.2022 lost its relevance on account of death of her husband. The second respondent cannot continue the enquiry under the Act, 2013 since the employee died even before the commencement of enquiry proceedings by the Internal Complaints Committee. Thus, all further actions against the delinquent officer stands abated and the 2nd respondent is bound to settle all the service benefits due to the deceased employee in favour of his wife by following the procedures as contemplated.

4. With this observation, the Writ Petition stands disposed of.

No costs.

10.04.2024

skr

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1. The Secretary,
Ministry of Commerce and Industry,
Department of Commerce,
Government of India,
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2. The General Manager,



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S.M.SUBRAMANIAM, J.

skr

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