



WEB COPY



WA No.2734 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2024

CORAM:

THE HON'BLE MR.D. KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE P.B. BALAJI

WA No.2734 of 2024

Lakshmi Anand

... Appellant

versus

- 1.The Secretary,
Ministry of Commerce & Industry,
Department of Commerce,
Government of India, Udyog Bhavan,
Rafi Marg, New Delhi 110 011
- 2.The General manager,
Human Resources Development
(A Government of India Enterprises)
ECGC Bhawan, CTS No.393
373/1-45, Oppo Vishal Hall, Andhri (East)
Mumbai 400 069

3.G.Madeshwari @ Revathi

...Respondents

PRAYER: Writ Appeal filed against the order of the learned Single Judge



WA No.2734 of 2024

in WP No.22451 of 2023 dated 10.04.2024.

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For the Appellant

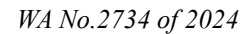
:Mr.S.Sathyamoorthy

JUDGMENT

(Delivered by the Hon'ble Acting Chief Justice)

The Writ Appeal is filed against the order of the learned Single Judge in WP No.22451 of 2023 dated 10.04.2024.

2. A complaint was made by the third respondent, G.Madeshwari, a casual worker serving in the respondent department against the deceased husband of the appellant, B.V.Anand under the provisions of the Sexual Harassment of Workmen at Workplace (Prevention, Prohibition, Redressal) Act, 2013. Pending the complaint, the husband of the appellant died. Therefore, the second respondent vide communication dated 30.12.2022 stated that the inquiry into the said complaint has become infructuous. Challenging the same, the appellant filed the writ petition. The writ court by order dated 10.04.2024 has disposed of the writ petition with the following



observations:

'As far the petitioner is concerned, the said impugned letter dated 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 procedure as contemplated.'

3. Challenging the said order, the appellant has filed the present intra court appeal.

4. Learned counsel for the appellant submits that the deceased Anand is an innocent person and said complaint made against him is a well planned and well executed sabotage of evil criminal mind, which resultant in the death of the appellant's husband. Therefore, the Internal Complaints Committee has to proceed further to conduct the enquiry.



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5. Heard the learned counsel for the appellant and perused the materials available on record.

6. The aforesaid enquiry was only in the complaint stage and the respondent department was not in a position to continue with the enquiry for the reason that the appellant's husband died. Further, the said complaint cannot be proved unless the enquiry is conducted by the Internal Complaints Committee and unless such complaint is proved, it cannot be said that all allegations are proved. Therefore, we are not inclined to interfere with order of the writ court. Consequently, the writ appeal stands dismissed. In case of any other grievance, it is for the appellant to seek her remedy before the appropriate forum.

(D.K.K., ACJ.) (P.B.B., J.)
23.09.2024

Index : Yes/No
Neutral Citation : Yes/No
mrn

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