



WEB COPY



W.A.No.3565 of 2024 etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2024

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.Nos.3565, 3566, 3567, 3570 and 3574 of 2024
and C.M.P.Nos.27694, 27699, 27705, 27751 and 27766 of 2024

P.Murugesan	.. Appellant in W.A.No.3565 of 2024
T.Sakthivel	.. Appellant in W.A.No.3566 of 2024
D.Rudhrakumar	.. Appellant in W.A.No.3567 of 2024
A.Shanmuga Vadivel	.. Appellant in W.A.No.3570 of 2024
P.Murugesan	.. Appellant in W.A.No.3574 of 2024

vs.

1.Tamilnadu State Transport Corporation
(Coimbatore) Ltd.,
rep. by its Managing Director,
37, Mettupalayam Road,
Coimbatore-641 043.



W.A.No.3565 of 2024 etc.

- 2.The General Manager,
Tamilnadu State Transport Corporation
(Coimbatore) Ltd., Tirupur Region,
Kangeyam Salai,
Tirupur-641 604.
- 3.K.Swarnalatha,
General Manager of Erode Region and
Chairman of the Internal Complaint Committee,
Regional Office, Tirupur,
Tamilnadu State Transport Corporation
(Coimbatore) Ltd.,
Tirupur Depot-1,
Kangeyam Salai,
Tirupur-641 604.
- 4.The Principal Labour Court/Appellate Authority,
Under Section 18 of the PoSH Act, 2013,
Coimbatore.

.. Respondents

Prayer : Appeals under Clause 15 of the Letters Patent against the common order dated 7.11.2024 passed in W.P.Nos.27940, 27932, 27942, 27938 and 27934 of 2024.

For Appellants	: Mr.Balan Haridass for Mr.V.Ajay Khose
For Respondents	: Mr.T.Chandrasekar for respondent Nos.1 and 2



WEB COPY



W.A.No.3565 of 2024 etc.

COMMON JUDGMENT
(Made by the Hon'ble Chief Justice)

For ease of reference, we took W.A.No.3565 of 2024 as a lead case since the issue is common in all the appeals.

2. Appellants grievance is that under Section 13(1) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, appellants should have been made available a copy of the report and where there is a recommendation under clause (i) of sub-section 3 of Section 13 to take action for sexual harassment as a misconduct, appellants have right of appeal under Section 18(1) of the Act. Counsel submitted that the said Section provides for a period of 90 days of the recommendations.

3. Counsel for respondent Nos.1 and 2 states that after the impugned order dated 7.11.2024 was passed, appellants were provided on 29.11.2024, a copy of the report of the Internal Complaints Committee. Counsel, in fairness, agreed appellants have right of appeal as provided



W.A.No.3565 of 2024 etc.

under Section 18(1) of the Act and the show cause notice has to wait till the disposal of the appeal.

4. In view thereof, the impugned order is quashed and set aside. The second show cause notices dated 5th September, 2024 are also quashed and set aside.

5. At this stage, appellants' counsel states that full set of enquiry proceedings has not been made available to appellants. Respondents shall make available legible full set, duly certified as true copy, within two weeks from today. Time to file the appeal will begin from the date the copy of the proceedings is made available.

6. Counsel for appellants states that within two weeks from the date of receiving copy of the full set of proceedings, appeal will be filed and copy served. Statement accepted as an undertaking to this Court.



W.A.No.3565 of 2024 etc.

WEB COPY

7. Appeals are, accordingly, disposed of. There shall be no order as to costs. Consequently, interim applications stand closed.

(K.R.SHRIRAM, C.J.)

(SENTHILKUMAR RAMAMOORTHY, J.)

10.12.2024

Index : Yes/No
NC : Yes/No
bbr



W.A.No.3565 of 2024 etc.

To:

1. The Managing Director,
Tamilnadu State Transport Corporation
(Coimbatore) Ltd.,
37, Mettupalayam Road,
Coimbatore-641 043.
2. The General Manager,
Tamilnadu State Transport Corporation
(Coimbatore) Ltd., Tirupur Region,
Kangeyam Salai,
Tirupur-641 604.
3. The Principal Labour Court/Appellate Authority,
Under Section 18 of the PoSH Act, 2013,
Coimbatore.



WEB COPY



W.A.No.3565 of 2024 etc.

THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY,J.

bbr

W.A.Nos.3565, 3566, 3567, 3570 and 3574 of 2024

10.12.2024