



W.P.(MD)No.13836 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 22.07.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.13836 of 2020
and
W.M.P.(MD)No.11481 of 2020

T.Suseela

... Petitioner

Vs.

- 1.The Commissioner for Milk Production and Diary Development,
Aavin Illam,
Nanadanam, Chennai.
 - 2.The Presiding Officer,
Permanent Internal Complaints Committee,
Aavin Illam,
Nandhanam,
Chennai.
 - 3.G.Chrisdudas,
The Additional Commissioner for Milk Production and Diary Development,
Chennai.
- ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to conduct enquiry in accordance with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (Hereinafter referred to as 'Act') by considering the petitioner's representation dated



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04.09.2020.

For Petitioner : Mr.M.Jerin Mathew
For Respondents 1 & 2 : Mr.D.Gandhiraj
Special Government Pleader
For 3rd Respondent : Mr.C.Mayil Vahana Rajendran

ORDER

The Writ Petition has been filed, directing the respondents 1 and 2 to conduct enquiry in accordance with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (Hereinafter referred to as 'Act') by considering the petitioner's representation dated 04.09.2020.

2.When the matter was taken up for hearing, the learned counsel appearing for the 3rd respondent submitted that based on the representation made by the petitioner, an enquiry was conducted by the District Social Welfare Officer, Nagercoil and the said enquiry was concluded with certain observations recommending transfer of either both or one of the persons among the petitioner and the third respondent.

3.Per contra the learned counsel appearing for the petitioner submitted that the petitioner was not given an opportunity of hearing by the enquiry conducted by the District Social Welfare Officer and hence, it will not bind



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upon the petitioner.

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4. Heard the learned counsel for the petitioner, the learned Special Government Pleader for the respondents 1 and 2, the learned counsel for the 3rd respondent and carefully perused the materials available on record.

5. In view of the proceedings of the Revenue Divisional Officer in Na.Ka.No.Aa5/6029/2015, dated 12.07.2016, directing the petitioner to make a complaint of the Sexual Harassment of Women at Workplace, if necessary, before Vishaka Committee of concerned Department, this Court is of the considered view that the District Social Welfare Officer has no *locus standi* to initiate an enquiry under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. The respondents are hereby directed to consider the representation of the petitioner dated 04.09.2020 and place the same before the Internal Complaints Committee under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal), Act, 2013, constituted vide proceedings in Ref.No.9637/Pers.IR.1/2017, dated 19.08.2020 and pass appropriate order in accordance with law within a period of six months from the date of receipt of copy of this order. If the aforesaid committee is dysfunctional as on date, the first respondent is directed to constitute a committee afresh and proceed in the manner known to law.



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6. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

22.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

1. The Commissioner for Milk Production and Diary Development,
Aavin Illam,
Nanadanam, Chennai.
2. The Presiding Officer,
Permanent Internal Complaints Committee,
Aavin Illam,
Nandhanam,
Chennai.



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L.VICTORIA GOWRI, J.

Mrn

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