



W.P.(MD)No.18813 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 03.07.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.18813 of 2021

A.V.Arulsingh

... Petitioner

Vs.

1.The Managing Director,
Arasu Rubber Corporation Ltd.,
Registered Office, Vadasery,
Nagercoil,
Kanyakumari District - 629 001.

2.The Divisional Manager,
Arasu Rubber Corporation Ltd.,
Registered Officer, Chithar Division,
Chithar Colony, Kulasekaran Via.,
Kanyakumari District - 629 161.

3.The Industrial Relationship Officer,
Arasu Rubber Corporation Ltd.,
Registered Office, Vadasery,
Nagercoil,
Kanyakumari District - 629 001.

4. Dhanya

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents Nos.1 to 3 to initiate disciplinary proceedings against respondent No.4, for raising false sexual harassment complaint under Section 14 of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 by considering the representation made by the petitioner dated 08.09.2021, within the time period stipulated by this Court.

For Petitioner	: Mr.K.Karthick for M/s.Lajapathi Roy
For R1 to R3	: Mr.A.K.Manikkam Standing Counsel
For R4	: Mr.V.H.S.Prathap

ORDER

The petitioner was appointed in the post of Field Assistant in the respondent Corporation on 08.08.1988 and on attaining the age of superannuation during May, 2023, he retired from service. While in service during 2016, the fourth respondent who is working as a Typist, on 28.11.2016 raised a sexual harassment allegation against the petitioner. Taking note of the same, an internal complaints committee was constituted as per the



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procedure, following which the petitioner was called for explanation. The petitioner submitted his detailed explanation denying the allegations of sexual harassment against him levelled by the fourth respondent. On 23.01.2018, after thorough enquiry, the internal complaints committee declined to initiate disciplinary proceedings against the petitioner and negated the claim of the fourth respondent as one without merits. Following which, the fourth respondent had made several representations to the District Social Welfare Officer and the District Collector on various dates. Thereafter, the explanation of the internal complaints committee of the respondent Corporation was called for by the District Social Welfare Officer. An enquiry was also conducted on 06.06.2019 and 27.01.2020. The complaint of sexual harassment against the petitioner before the District Social Welfare Office came to be closed as baseless on 10.04.2019. Similarly, the enquiry conducted by the District Collector was also closed, negating the allegations of sexual harassment raised by the fourth respondent as against the petitioner. Subsequently, the petitioner relying upon the said closures by the Internal Complaints Committee, District Social Welfare Office and the District Collectorate made a representation on 08.09.2021 seeking to initiate disciplinary proceedings against the fourth respondent for raising false sexual harassment complaint under Section 14 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and



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Redressal) Act, 2013. Since the same was not considered, this writ petition came to be filed.

2. The fourth respondent has filed a counter affidavit and the learned counsel for the fourth respondent Mr.B.H.S.Prathab, submitted that the fourth respondent was not given with proper audience and opportunity of hearing before the internal complaints committee, District Social Welfare Office as well as the Collectorate and hence the petitioner's request for action under Section 14 of the the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, is unwarranted and pressed for dismissal of the writ petition.

3. Mr.A.K.Manikam, learned Standing Counsel for the Corporation, filed a status report on behalf of the first respondent which reveals that a show cause notice has already been issued to the fourth respondent on 25.11.2021 in this regard and a reply has also been duly received from the fourth respondent in which she had stated that unless and until the matter pending before this Court is disposed of, neither enquiry nor disciplinary proceedings can be proceeded against her.



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4. In view of the submissions made by the rival parties, on the basis of the status report filed by the learned standing counsel for the first respondent, I am of the considered view that the respondent corporation ought to have proceeded as against the fourth respondent on receiving the representation from the petitioner, in the light of the closure reports of the Social Welfare Officer and the District Collector as discussed supra.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6. Accordingly, the respondents 1 to 3 are directed to consider the petitioner's representation dated 08.09.2021 and the second respondent is directed to pass appropriate orders in accordance with law in the light of the enquiry report of the internal complaints committee of the first respondent



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corporation dated 18.09.2018 and the District Social Welfare Officer, dated 10.04.2019, within a period of twelve weeks from the date of receipt of a copy of this order. Accordingly, this writ petition is allowed. No costs.

03.07.2024

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

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To

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Kanyakumari District - 629 001.
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L.VICTORIA GOWRI, J.

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