

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

124

CWP-6234-2024
Date of decision: 15.03.2024

SURINDER SINGH
Vs.
....PETITIONER

THE NEW INDIA ASSURANCE COMPANY LIMITED AND OTHERS
...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Shiv Kumar, Advocate
for the petitioner.

Mr. Ashwani Talwar, Advocate
for the respondent-Insurance Company.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of report dated 31.08.2022 (Annexure P-7), report dated 07.10.2022 (Annexure P-7A), report dated 12.05.2023 (Annexure P-12), prepared by Internal Complaints Committee for sexual harassment of women at workplace, order dated 03.08.2023 (Annexure P-15) of respondent No. 2 and memorandum dated 10.10.2023 (Annexure P-17) initiating departmental proceedings against the petitioner.
2. The grievance of the petitioner is that Disciplinary Authority and members of Internal Complaints Committee for sexual harassment of women at workplace, in connivance with each other, though the witnesses are not supporting case of the complainant, are preparing one after another report against him. He has not been permitted to cross-examine witnesses. He has not

been furnished evidence which are foundation of report of Internal Complaints Committee.

3. The Disciplinary Authority on the basis of report of Internal Complaints Committee awarded punishment vide order dated 31.01.2023. The petitioner preferred an appeal before Appellate Authority which vide order dated 13.04.2023 (P-11) set aside order of punishment and remanded the matter back to Disciplinary Authority. The respondent has appointed another person as Disciplinary Authority who is contemplating disciplinary proceedings against the petitioner. The petitioner is alleging that Internal Complaints Committee is not following prescribed procedure and there is connivance between members of the Committee and Disciplinary Authority. The Appellate Authority set aside order of Disciplinary Authority. The respondent after passing of order by Appellate Authority and appointment of Disciplinary Authority other than an officer who passed order on the earlier occasion, cannot allege that there is malafide on the part of organization. The matter is pending before Disciplinary Authority which has further appointed Inquiry Officer. The Disciplinary Authority would decide fate of the petitioner on the basis of report of Inquiry Officer. The petitioner would get opportunity to put forth his stand at every stage i.e. before Enquiry Officer as well as Disciplinary Authority. If any adverse order is passed by Disciplinary Authority, he will get opportunity to file appeal before Appellate Authority. In case of dismissal of appeal, he would get opportunity to file revision/memorial before the management. The remedy would not rest here. The petitioner would get opportunity to seek judicial review of order passed by all the aforesaid authorities. The petitioner is raising disputed questions of facts and in the absence of any extraordinary reason, this Court at this stage, does not find it appropriate to invoke its writ jurisdiction.

4. As agreed by Mr. Talwar, counsel for the respondent, the Disciplinary Authority shall complete its proceedings within two months from today.

5. Disposed of.

15.03.2024
anju

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No