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W.P.No.20316 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.03.2025

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

**W.P.No.20316 of 2024 &
W.M.P.No.22251 of 2024**

L.Suresh

.... Petitioner

Versus

- 1.Agricultural Production Commissioner and
Principal Secretary to Govt.,
Agriculture-Farmers Welfare Department,
Fort St. George, Secretariat,
Chennai-600 009.
2. The Director Of Agriculture,
Directorate Of Agriculture,
No.1, Wallajah Road, Chepauk,
Chennai-600 005.
3. The District Collector,
Tiruvallur Collector Office Complex,
Tiruttani Highway, Tiruvallur 602 001.
4. District Social Welfare Officer /
Enquiry Officer, O/o.District Social Welfare,
Tiruvallur Collector Officer Complex,
Tiruttani Highway, Tiruvallur 602 001.
5. The Local Complaints Committee,
Rep. By Its Chairperson,
Thiruvallur District.
6. M.Amilazhagi,
Agricultural Officer, W/O.K.Subramanian,
F1, No 1152 Sai Kiran Castle, Anna Nagar
Chennai West End Colony, Mogappair,
Chennai-600 050.

.... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records pertaining to the impugned enquiry report in Na.Ka. No.585/A1/ 2020 by the 3rd respondent and quash the same as arbitrary and illegal.

For Petitioner	:	Mrs.Dakhshayani Reddy Senior Advocate for Mr.K.Thiyagarajan
For R1 to R5	:	Mr.Stalin Abhimanyu Additional Government Pleader
For R6	:	Mr.Irudayam

ORDER

The Writ Petition has been filed for an issuance of a Writ of Certiorari, calling for the records pertaining to the impugned enquiry report in Na.Ka. No.585/A1/ 2020 by the 3rd respondent and quash the same as arbitrary and illegal

2. The present Writ Petition has got a checkered history. The brief facts of the case are as follows:-

(i) The petitioner, who joined in a service as a Agricultural Officer, commenced his service on 07.05.1986 had unblemished records, hence promoted and held various positions and finally promoted to the post of Assistant Director of Agriculture. While the petitioner was serving as an



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Assistant Director of Agriculture, the 6th respondent seems to have joined the service as Agricultural officer on 23.01.2017.

(ii) It is the further case of the petitioner that the 6th respondent ever since joined the duty as agricultural officer her performance was below average, especially with the execution of provisions of Insecticides Act, wherein which the 6th respondent seems to have provided false statement claiming herself as if she inspected the Insecticide Shops collected samples and prepared reports, which was not true. When the petitioner being an officer superior to the 6th respondent had reprimanded her for the inability to perform the duties of an agricultural officer, the 6th respondent produced false inspection report without collecting proper samples from the inspected shops and created false entries without collecting the samples and the report was filed by the 6th respondent, as if she has conducted inspection, which made the petitioner being superior officer, to send a detailed report to the superior, ie., the Joint Director of Agriculture about the performance of the 6th respondent, which according to the petitioner has made the 6th respondent to hold grudge against the petitioner and to wreck vengeance against the petitioner. Therefore, the 6th respondent filed a false allegation against the petitioner and made a complaint on 28.11.2017 to the 2nd respondent.



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(iii) In turn, the 2nd respondent had forwarded the complaint to the 3rd respondent and the same was taken for investigation under the prevention of Sexual harassment of Women at work place [Prevention, Prohibition and Redressal] Act, 2013, [for brevity, referred as 'Act, 2013'], which was investigated by the 4th respondent. The 4th respondent upon conducting the enquiry, submitted a report to the 3rd respondent and the 3rd respondent dismissed the complaint on the basis of local committee's report dated 03.05.2019. In the said report it was categorically observed that there are no indication of sexual harassment and the complaint itself is to wreck malafide as against petitioner.

(iii) The 6th respondent had challenged the said report in W.P.No.11492 of 2022 on the allegation that the provision of Act, 2013 were not followed by the 3rd respondent. This Court by an order dated 30.08.2023 had allowed the writ petition, thereby setting aside the proceedings of the 3rd respondent and directed the 3rd respondent to constitute a local committee to enquire into the allegation made by the 6th respondent within a month and directed the local committee to complete the enquiry following the procedures contemplated under Act. This Court made it clear that the enquiry shall be confined only in respect of the allegations made in the complaint dated 28.11.2017 and not beyond that.



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(iv) Thereafter the 6th respondent approached this Court, once again in W.P.No.16195 of 2024 seeking for a direction to direct the 2nd respondent to constitute the internal complaints committee / local complaints committee proceedings strictly in accordance with Section 4, 6 and 11 of the Act, 2013. This Court had disposed of the Writ petition on 20.06.2024 with a direction to the local complaints committee who shall finalise its report and forward to the Disciplinary authority within a period of 10 days from the date of receipt of copy of this order and the Disciplinary Authority shall thereupon follow the procedure as laid down under the Rules framed under the Rules of 2013 as well as Rule 17(b) of Tamilnadu Civil Services (Disciplinary and Appeal) Rules, 2013 and conduct further proceedings and pass final orders in accordance with law.

(v) In the meanwhile, the petitioner had attained superannuation on 30.06.2024 and the 1st respondent issued an order of suspension by way of G.O.(3D) No.81 dated 28.06.2024 and not permitted to retire by way of G.O.(3D) No. 84 dated 29.06.2024. In compliance to the orders passed by this Court in W.P.No.16195 of 2024, the enquiry report was finalised on 20.06.2024, local Complaints Committee held that the petitioner has involved in sexual harassment both physically and mentally and the report further held that the contention of the complaint held to be true and proved beyond doubt and forwarded the same to the



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3rd respondent, which enquiry report is under challenge in the present Writ Petition.

3. The 2nd respondent had filed a detailed counter wherein it is averred as follows:-

(i) During the period when the 6th respondent was working under the control of the petitioner, she made a complaint to the 1st respondent on 28.11.2017 against the petitioner alleging that the petitioner had harassed the 6th respondent herein by making sexual coloured remarks, physical advances, unwelcome physical advances, unwelcome physical and verbal conduct of sexual nature, which attracted the provision of Act, 2013. The 2nd respondent forwarded the said complaint to the District Officer, who had the jurisdiction of the place where the alleged harassment taken place. The District local complaint committee was constituted by the District Collector, Thiruvallur and the committee conducted an enquiry on 25.06.2018 and 26.06.2018 on the complaint made by the 6th respondent.

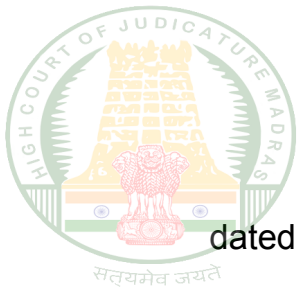
(ii) After a completion of the Enquiry, the committee opined that there is no sufficient grounds for proceeding further with regard to the complaint made by the 6th respondent. However, as admitted by the petitioner, the 6th respondent also states that the 6th respondent



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approached this Court by filing W.P.No.11492 of 2022 on the ground that the procedure contemplated under the Act, 2013 was not followed and hence this Court by order dated 30.08.2023 set aside the initial enquiry report and directed the District Collector to constitute a local complaint committee to conduct enquiry into the allegation and pursuant to the orders of this Court, the District Collector constituted the local complaint committee and assigned to re-enquire the Sexual harassment complaint even by the 6th respondent.

(iii) The local complaint committee, which is the 5th respondent constituted by the 3rd respondent as per the provisions of Central Act No.14 of 2013, constituted Dr.Radhika Vidyasagar, as Chair Person, Principal GRT College of Education, Eminent Women in Social Work, Smt.K.Malarvizhi, Member Protection Officer, Woman Staff in the District, Smt.V.Hemamalini, Member Advocate, Thiruvallur District Smt.S.N.Yesolakshmi, Trustee, Joint hands charitable Trust, NGO, Ex-Officio member, District Social Officer, Thiruvallur district. The said local committee had conducted an enquiry by following the procedures contemplated under the Act, 2013 and submitted a detailed report on 20.06.2024, that was received by the 2nd respondent on 25.06.2024 and in the said enquiry report, the local complaints committee has given its finding that the complaint against the petitioner was held to be true and thereafter, the 1st respondent, the Principal Secretary, in G.O.3D No.81



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dated 28.06.2024, not permitted the petitioner to retire and by G.O.3D No.84 dated 29.06.2024 invoking Section 17(B) under Tamilnadu Civil and Discipline & Appeal Rules placed the petitioner under suspension on 28.06.2024 and he could not be superannuated on 30.06.2024 and retained in service until the charges pending is concluded and final order is passed, hence there is no error in the impugned order.

4. The learned senior counsel for the petitioner would submit that the 2nd enquiry conducted pursuant to the orders passed by this Court in W.P.No.11942 of 2022 filed as against the report of the Committee dated 03.05.2019 ought not to have been ordered, as the Government mislead the learned Judge to pass such an order, as if there was no such local committee constituted. It was contended by the 6th respondent in the Writ Petition that the local committee was not constituted as per Act, 2013 and the report dated 03.05.2019 was not passed by the committee and instead it was the 3rd respondent, who passed the order, without there being any committee. In fact, the fact remains that the earlier enquiry report dated 03.05.2019 was passed by the competent committee constituted under the Act and the report submitted to the 3rd respondent.



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5.The learned senior counsel for the petitioner would further vehemently contend that in the earlier report dated 03.05.2019 the committee has considered all the evidences and had come to the conclusion that no complaint whatsoever has been proved by the 6th respondent and the committee had opined that it is because of the stern action taken by the petitioner as against the 6th respondent, the 6th respondent only to wreck vengeance had made the complaint, which is so frivolous in nature as against the petitioner. When the committee was formed pursuant to the orders of this Court in W.P.No.11942 of 2022, the same committee has given divergent report with the same set of evidence and witnesses, which cannot be accepted.

6. That apart, the learned senior counsel for the petitioner had pointed out about the alteration of the enquiry report, which is also filed as an annexure in the typed set which completely differs with the impugned order, wherein final portion of the impugned enquiry report indicates that the petitioner was involved in sexual harassment both physically and mentally as against the 6th respondent and the charges against the petitioner stands proved beyond doubt. However, the same report which was filed as annexure, the operative portion of the another report signed by all are the same set of committee members clearly states that based on the statements of witness and evidence, the



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committee assumes that the petitioner could have committed the sexual harassment.

7. The learned senior counsel for the petitioner strenuously argued that there is a serious difference in both the reports signed by the same committee members and there is a possibility that the report has been tampered for extraneous reasons and that there could be more hands in fixing the petitioner within the ambit of the Act, 2013, wherein behind the 6th respondent there could be some more officials to bring such complaint against the petitioner. She would further argue that when there is no change of stand taken by the 6th respondent and after witness before the enquiry committee and when the same set of statements made by the witnesses before the enquiry committee, the enquiry committee cannot take a divergent view from the view taken in the earlier committee report dated 03.05.2019, as there was no alteration of evidence given by the witnesses.

8. The learned senior counsel for the petitioner would further argue that the entire complaint is based on material evidence that is incriminating sexual messages sent by the petitioner to the 6th respondent, as whatsapp messages, which was not produced by the 6th respondent before the enquiry committee and in the absence of any



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evidence lead by the 6th respondent before the enquiry committee, the enquiry committee cannot come to a conclusion which is totally divergent from the complaint itself. Furthermore, the learned senior counsel would also contend that when there is no physical sexual harassment by the 6th respondent in her complaint, the committee cannot substitute its own words or add any other allegations by themselves to make out a complaint, which is totally illegal and has to be set aside.

9. On the other hand, contrary to the pleadings made by the learned senior counsel for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 to 5 argued that it is the clear case of misleading the court in order to secure the petitioner from the complaint made by the 6th respondent by stating alleged alteration report in the last paragraph, which is impugned in the Writ Petition. He would further state that when the report was initially finalised on 03.05.2019, the committee had opined that there is no sufficient grounds for proceeding further, however, pursuant to the order made by this Court, the committee constituted and taken further steps in summoning the witnesses and conducted a detailed enquiry on 30.06.2024 by adhering Sections 6,7 and 11 of the Act, 2013 and submitted a detailed report on 20.06.2024, in which, the committee has given a finding that the same has been proved.



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10. The learned Additional Government Pleader appearing for the respondents 1 to 5 would further argue that he is disagreeing with the statement made by the learned senior counsel for the petitioner that there was tampering of the enquiry report. The local complaints committee, in adherence to the orders passed by this Court in WP.No.11492 of 2022 and W.P.No.16195 of 2024 had followed the directions issued by the Court and the committee after following the provisions and on the allegations levelled against the petitioner had complied with the order, thereby concluded his argument to dismiss the Writ Petition.

11. The 6th respondent is represented by one counsel, namely, Irudiyan, who appeared virtually.

12. Heard the learned counsels on either side and perused the documents placed on record carefully.

13. It is to be noted that the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, came into effect on 19.01.2013. It is obvious that sexual harassment at the workplace is considered a violation of women's right to equality and their



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right to life. The commission of sexual harassment against women creates an insecure work environment, which discourages women's participation in the workforce, thereby affecting social and economic inclusivity. The Act was proposed and brought into force through legislation to protect every woman from every act of sexual harassment, irrespective of whether she is employed or not. The legislation provides for a secure and enabling environment for every woman, irrespective of age and employment status. The Act provides protection against sexual harassment.

14. Also, for the purpose of enquiring into complaints of sexual harassment, the system provides for the constitution of Internal Committees under Sections 4 and 6, which prescribe the constitution and jurisdiction of local committees. Section 7 prescribes the terms and conditions of the Local Complaints Committee (LCC) under Chapter 4 of the Act. Sections 9 to 14 provide the manner in which complaints of sexual harassment can be raised before the Internal Committee, the procedure for conducting enquiries, and the actions to be taken during and after the enquiry.

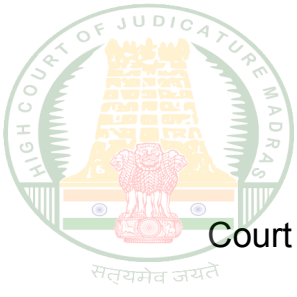
15. Further, Section 10 provides for the Internal Committee to attempt conciliation between the parties before initiating an enquiry.



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Section 11 prescribes the manner in which the complaint has to be enquired into by the Internal Committee or the Local Committee, as the case may be, under Chapter 5. Section 13 provides for actions during the pendency of the enquiry, which includes the Internal Committee or the Local Committee recommending to the employer to transfer the aggrieved woman or the aggressor, grant leave to the aggrieved woman, or grant such other relief as may be prescribed. As per Section 13, the procedure contemplates the manner in which the equipment is to be forwarded and the employer or district officer to act upon the recommendation of the local committee within a period of 60 days of receipt of report.

16. Section 14 emphasizes the consequences of false or malicious complaints or evidence. If the Local Committee or Internal Committee concludes that the allegations against the respondent are malicious or that the complaint is false, it may recommend that the employer or District Officer to take action against the woman or person who made the complaint, in accordance with the law and provisions of service rules applicable to them. This action is also applicable against persons who give false evidence. Section 15 provides for the determination of compensation if the Local Committee concludes that there was sexual harassment. Section 18 provides for appeals to the



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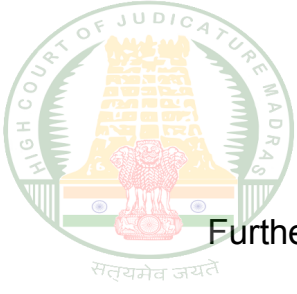
Court or tribunal which must be filed within 90 days of the recommendation.

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17. From the above provisions, it is clear that the Act lays down the manner in which complaints can be preferred, enquiries conducted, and actions taken after the enquiry by fixing compensation for the aggrieved person. The Act provides a comprehensive framework for addressing complaints of sexual harassment. The present case pertains to a complaint made by the 6th respondent against the petitioner as early as 28.11.2017.

18. It is the contention of the learned senior counsel representing the petitioner that the last paragraph of the enquiry report dated 20.06.2024 [enclosed in the typed set of papers from page nos.30 to 45] was altered only to penalize the petitioner. The petitioner has enclosed the impugned enquiry report dated 20.06.2024 and the last paragraph is extracted as follows:-

“மேலும் நேரடி விசாரணை மற்றும் சாட்சிகளின் வாக்குமூலங்களின் வாயிலாக, எதிர்மனுதாரர் திரு.எல்.சுரேஷ் என்பவர் பாலியல் வன்கொடுமை மற்றும் உடல் மனரீதியான துன்புறுத்தல்களை செய்துள்ளார் என்பது நிரூபணமாகிறது. இதனை திருவள்ளூர் மாவட்ட உள்ளூர் புகார் குழுவும் (LCC) எதிர்மனுதாரர் திரு.எல்.சுரேஷ் என்பவர் மீது கூறப்பட்ட புகார்கள் உண்மை என்பதை இக்குழு உறுதிப்படுத்தி, இவ்வறிக்கை அளிக்கப்படுகிறது.”



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Further, the petitioner has enclosed enquiry report dated 20.06.2024 [enclosed in the typed set of papers from page nos.30 to 45], in which the last paragraph is as follows:-

“மேலும் நேரடி விசாரணை மற்றும் சாட்சிகளின் வாக்குமூலங்களின் வாயிலாக, எதிர்மனுதாரர் திரு.எல்.கரேஉடி என்பவர் பாலியல் வன்கொடுமை செய்து இருப்பார் என்று திருவள்ளூர் மாவட்ட உள்ளூர் புகார் குழுவும் (LCC) கருதி, இவ்வறிக்கை அளிக்கப்படுகிறது.”

19. However, the 6th respondent herein challenged only the proceedings of the District Collector, the 3rd respondent herein, dated 03.05.2019, addressing the 1st respondent herein, which was challenged before this Court in W.P.No.11492 of 2022. There was intentional suppression before the Court regarding the constitution of the committee, which led the Court to pass an order in W.P.No.11492 of 2022, setting aside the proceedings dated 03.05.2019 on the ground that the Local Committee was not formed. Further, the learned senior counsel for the petitioner pointed out whether there can be two enquiry reports with two different observation signed by the District Collector, wherein in former report, there was a conclusion regarding not only harassment but physical and verbal harassment proved beyond doubt, but in later report, it was only a presumption and there is no conclusion



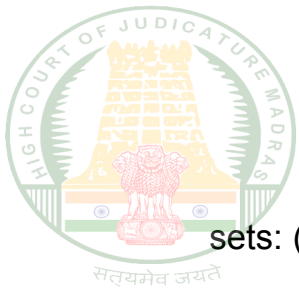
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of any sexual harassment. The Committee formed in the year 2019 had held there is no such harassment and it is as follows:-

“Therefore, the District Level Committee, under Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, interrogated both the petitioner and the respondent and reviewed their statements. The committee also examined the opinions provided by both parties. It was concluded by the District Level Committee that there was no sexual harassment.”

20. This Court, while setting aside the proceedings of the 3rd respondent, addressed to the 1st respondent dated 03.05.2019, directed the District Collector to constitute the Local Committee as per Section 4 or otherwise, to conduct an enquiry in accordance with the law and provisions contained in the Act. This Court, after hearing the learned senior counsel completely on the issue, directed the 3rd respondent to produce the file. The 3rd respondent initially produced the file in Na.Ka.No.585/A1/2020 but did not produce the files pertaining to the year 2018.

21. Thereafter, the matter was listed again, and the respondent was directed to produce the file pertaining to the year 2018, which was produced in Na.Ka.No.1329/A1/2018-71295. The file consists of three



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sets: (i) one set consisting of pages 1 to 19, (ii) another set consisting of pages 1 to 537, and an (iii) unnumbered set of 23 sheets containing orders passed by this Court in W.P.No.11492 of 2022 dated 30.08.2023. Additionally, the respondent produced a small file containing the order dated 20.06.2024 in original, along with the counter affidavit filed by the 3rd respondent.

22. This Court has perused all the files produced by the 3rd respondent. The main contention of the learned senior counsel appearing for the petitioner is that:

(a) The complaint dated 28.11.2017 was initially inquired into by the Local Committee constituted under the Act. The committee filed its report before the 3rd respondent, closing the complaint as no case was made out during the enquiry. However, this was deliberately suppressed before the Hon'ble Court in W.P.No.11492 of 2022, which was filed belatedly after 4 years from the date of the original recommendation in the year 2018.

(b) Since there was a deliberate suppression before this Court, it directed the 3rd respondent to conduct an enquiry in W.P.No.11492 of 2022.

(c) The second enquiry, dated 20.06.2024, a copy of which was furnished by the petitioner under the RTI Act on 05.07.2024, has been altered in the last paragraphs only to fix the petitioner in the complaint



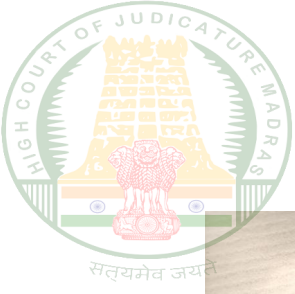
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by the authorities.

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(d) As there were two reports signed by the Local Committee on 20.06.2024, the manipulated report, which was prepared for the purpose of fixing the petitioner as per the complaint.

23. From perusing the file in Na.Ka.No.1329/A1/2018-71295, it is crystal clear that the enquiry report submitted by the 3rd respondent, signed by the committee members, was received by the 3rd respondent. The xerox copy of page nos.1 to 4 from the file of the year 2018 is scanned and attached herewith:-



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அலுவலக குறிப்பு பணிந்து சமர்ப்பிக்கப்படுகிறது.

தக.எண். 1329/அ/2018

நாள்: 12.11.2018

பொருள்: சமூக நலம் - மாவட்ட சமூக நல அலுவலகம் - திருவள்ளூர், திருமதி.மு.தமிழ் அழகி, வேளாண்மை அலுவலர், அம்பத்தூர் வட்டாரம், திருவள்ளூர் மாவட்டம் அவர்கள் அளித்த புகார் மனு மீது - பணிபுரியும் இடங்களில் பெண்களுக்கு எதிரான பாலியல் வன்கொடுமை (தடுப்பு தடை மற்றும் தீர்வு) சட்டம் 2013-ன் கீழ் விசாரணை அறிக்கை சமர்ப்பித்தல் - சம்பந்தமாக.

- பார்வை: 1. வேளாண்மை இயக்குநர், சென்னை -5, அவர்களின் கடித எண்.புமமு1/177301/2017, நாள்.23.04.2018
2. திருமதி.மு.தமிழ் அழகி, வேளாண்மை அலுவலர், அம்பத்தூர் அவர்களின் புகார் மனு நாள்.28.11.2017

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பார்வையில் காணும் கடிதத்தின்படி மாவட்ட ஆட்சித் தலைவர் அவர்களுக்கு கோப்பு பணிந்து சமர்ப்பிக்கப்படுகிறது.

29.05.2018 அன்று திருவள்ளூர் மாவட்ட ஆட்சியர் அவர்களது ஆணையின்படி, திருவள்ளூர் மாவட்ட அம்பத்தூர் வட்டார வேளாண்மை உதவி இயக்குநர் திரு. எல். சுரேஷ் அவர்களது மீது பாலியல் தொடர்பாக பெறப்பட்ட புகாரை திருவள்ளூர் மாவட்ட அளவிலான பணியிடங்களில் பெண்களுக்கு எதிரான பாலியல் துன்புறுத்தல் (தடுப்பு, தடை மற்றும் தீர்வு) சட்டம் 2013ன் படி அமைக்கப்பட்ட உள்ளூர் புகார் குழுவை கொண்டு விசாரணை மேற்கொள்ள மாவட்ட சமூக நல அலுவலருக்கு அறிவுறுத்தப்பட்டது. அதன் அடிப்படையில் பின் வரும் நடவடிக்கைகள் மேற்கொள்ளப்பட்டது.

மனுதாரர் திருமதி. மு. தமிழ் அழகி வேளாண்மை அலுவலர் அம்பத்தூர் வட்டாரம், திருவள்ளூர் மாவட்டம் அவர்கள் அளித்த புகாரை விசாரிக்க 27.07.2018 அன்று மாலை 5.30 மணியளவில் மாவட்ட சமூக நல அலுவலகத்தில் விசாரணை மேற்கொள்ள அழைப்பாணை அனுப்பப்பட்டது. ஆஜரான மனுதாரர் திருமதி. தமிழ் அழகி எதிர்மனுதாரர் திரு. L.சுரேஷ் ஆகிய இருவரிடமும் புகார் குழு முன்னிணையில் விசாரணை மேற்கொள்ளப்பட்டது.

விசாரணையில் மனுதாரர் மற்றும் எதிர்மனுதாரர் அளித்த வாக்குமூலத்தின் விவரங்கள் வருமாறு:-

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மனுதாரர் திருமதி. தமிழ் அழகி தனது வாக்கு மூலத்தில், தான் 23.01.2014 முதல் வேளாண்மை அலுவலராக பணிபுரிந்து வருவதாகவும் அம்பத்தூர் வட்டார வேளாண்மை உதவி இயக்குநர் கட்டுப்பாட்டின் கீழ் 14.06.2017 அன்று பணியில் சேர்ந்ததாகவும் அவர் அம்பத்தூரில் பணி சேர்ந்தது முதல் எல். சுரேஷ், வேளாண்மை உதவி இயக்குநர் தன்னிடம் SPECIAL TREAT தரவேண்டும் என்று அடிக்கூறியதாகவும் WHATSAPP ல் பாடல் அனுப்பியதாகவும் உடல் நிலை சரியில்லாமல் விடுப்பு எடுத்த போது MEDICAL REPORT கொண்டு வரக்கூறியதாகவும், தான் கொண்டு வராததால் தானும் ஒரு அக்குப்பங்சர் மருத்துவர் அதற்கான Treatment சொல்வேன் என்று கூறியதற்கு தான் பதில் ஏதும் கூறாமல் வெளியில் சென்று விட்டதாகவும், அதன் பிறகு தான் அணியும் ஆடைகளை குறித்து கமெண்ட் செய்வது, அவரின் கண் பார்வையில் தான் பணிபுரிய வேண்டும் என்பதற்காக தான் பயன்படுத்தும் கணினியை அவரின் அறைக்குள் மாற்றியமைக்கச் செய்தார் அவரின் எல்லை மீறிய செயலால் தான் மிகுந்த வேதனைக்குள்ளாகி அவருடன் கைபேசியில் பேசுவதை தவிர்த்து விட்டதாகவும் ஆனால் அதனால் எதிர்மனுதாரர் திரு.எல்.சுரேஷ் ஆத்திரமடைந்து தன்னை பழிவாங்கும் நோக்கோடு மற்ற பணியாளர்கள் முன்னிலையில் தன்னை திட்டியதாகவும் அடுத்த 2 நாட்களில் 15-11-2017 அன்று வேளாண்மை இணை இயக்குநர், திருவள்ளூர் அலுவலகத்தில் TANSEDA பணிகளை மேற்கொள்ள மாற்றுப் பணியும் வழங்கப்பட்டதாகவும் 16.11.2017 அன்று வழங்கப்பட்ட வேளாண்மை உதவி இயக்குநர் அம்பத்தூர் அவர்களின் செயல் முறை ஆணையில் திங்கட்கிழமை தோறும் அம்பத்தூர் வட்டார அலுவலகத்தில் பணிபுரிய வேண்டும் என்றும் வேளாண்மை உதவி இயக்குநர் விடுப்பில் உள்ள போது கூட்டங்களில் கலந்து கொள்ள வேண்டுமென பல்வேறு பணிகளை செய்ய வலியுறுத்தி தனக்கு ஆணை வழங்கி வேலை பளுவினை ஏற்படுத்தியதோடு தன்னை பற்றி எவரிடமாவது புகார் அளித்தால் இவரை காலி செய்து விடுவேன் என்று தொலைபேசி மூலம் மிரட்டியதாகவும் தெரிவிக்கிறார்.

எதிர்மனுதாரர் திரு.எல்.சுரேஷ் கூறியதாவது திருமதி.மு.தமிழ் அழகி, வேளாண்மை அலுவலர், வேளாண்மை உதவி இயக்குநர், அம்பத்தூர் கட்டுப்பாட்டில் 14.06.2017 முதல் பணியில் சேர்ந்து பணிபுரிந்து வந்த நிலையில் அன்னாரின் பணிகள் திருப்திகரமாக இல்லாத காரணத்தினால் தான் நேரடியாக அன்னாரின் பணி குறித்து ஆய்வு செய்து அறிவுரை வழங்கியும், அன்னார் தனது கடமையை செவ்வனே செய்யாமல் உயர் அலுவலரை மிரட்டியதாகவும் அது தொடர்பாக வேளாண்மை இணை இயக்குநர், திருவள்ளூர் அவர்களுக்கு எழுத்து மூலம் தெரிவிக்கப்பட்டதாகவும் அதன் பிறகு திருமதி.மு.தமிழ் அழகி, அவர்களை இவ்வலுவலகத்திலிருந்து வேளாண்மை இணை இயக்குநர், திருவள்ளூர் அலுவலகத்திற்கு மாற்றுப் பணியில் பணிப்பூரிய ஆணை வழங்கியதுடன் பிரதி வாரம் திங்கட்கிழமை இவ்வலுவலகத்திற்கு வந்து வேளாண்மை விரிவாக்க மைய பணிகள் மற்றும் பூச்சி மருந்து மாதிரிகள், உர மாதிரிகள் மற்றும் இதர பணிகளை கவனிக்க இவ்வலுவலக கடித

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2014 முதல் மேற்கண்ட ஆண்டில் ஆனால் மேற்படி அலுவலர் உயர் அலுவலரின் மதிக்காமல் இருந்ததாகவும் அவர் 23.01.2014 முதல் பணியில் சேர்ந்த நாள் முதல் எந்த ஒரு ஆண்டுக்கு மேல் பணிபுரியவில்லை என்றும் அதற்கான ஆதாரங்கள் சமர்ப்பித்துள்ளதாகவும் தெரிவிக்கிறார். எனவே திருமதி.மு.தமிழ் அழகி, வேளாண்மை அலுவலர் அவர்கள் தெரிவித்த புகார்களில் உண்மையில்லை என்றும் உயர் அலுவலர்களை பழி வாங்கும் நடவடிக்கையாக இப்புகாரினை அளித்திருப்பதாக தெரிவிக்கிறார்.

மேலும் மனுதாரர் தரப்பு சாட்சிகளை 25.06.2018 மற்றும் 26.06.2018 ஆகிய இரு தேதிகளில் குழு முன் விசாரணை செய்ததில் திருமதி.விஜய சாமுண்டீஸ்வரி, திருமதி.அனிதா, திரு.பிரதாப்ராவு , திரு.மனோகர்ன் திரு.கோபி, திருமதி.அனிதா, திரு.செந்தில், திருமதி.விஜயலட்சுமி, திரு.பிரவீன்குமார் மற்றும் திருமதி.சிகவித ஆகியோர் புகார்தாரரான திருமதி.தமிழ் அழகிக்கும் எதிர்மனுதாரரான திரு.எல்.சுரேஷ் இருவருக்கும் பொதுவான கருத்தினை தெரிவித்துள்ளார்கள். திரு.செந்தில்குமார் மற்றும் திரு.ஜீவகுமார் ஆகிய இருவரும் மட்டும்தான் எதிர்மனுதாரர் திரு.எல்.சுரேஷ்-க்கு எதிரான கருத்தினை தெரிவித்தாலும், தமிழ் அழகியிடம் திரு.எல்.சுரேஷ் தவறாக நடந்தது பற்றி தங்களுக்கு எதுவும் தெரியாது என்ற கருத்தையும் தெரிவித்துள்ளனர். மேலும், மனுதாரர் அளித்த புகாருக்கான எவ்வித ஆதாரமோ (அ) நேரிடையாக பார்த்த சாட்சியாகவோ எதனையும் சமர்ப்பிக்கவில்லை.

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மேற்படி மனுதாரர், எதிர்மனுதாரர் (ம) சாட்சிகளின் நேரடி விசாரணையின்படி பணிபுரியும் இடங்களில் பெண்களுக்கு எதிரான பாலியல் வன்கொடுமை (குட்பு மற்றும் தடை மற்றும் தீர்வு) சட்டம் - 2013-ன் கீழ் மாவட்ட அளவிலான குழுவால் கீழ்க்கண்டவாறு அறிக்கை அளிக்கப்படுகிறது.

மனுதாரர் மற்றும் எதிர்மனுதாரர் இருவரும் தனது தரப்பு வாதங்களுக்கான எவ்வித ஆதாரங்களையும் விசாரணையின் போது சமர்ப்பிக்கவில்லை. மேலும் மனுதாரர் சாட்சியாக அளித்த குறுந்தகடு ஆடியோவிலும் அவர் தம் கூறும் குற்றச்சாட்டிற்கான பதிவுகள் எதுவும் இல்லை. ஆடியோவில் இவர் தனக்கு சாதகமான கேள்விகள் கேட்க மற்றொருவர் பதில் சொல்வது போல் உள்ளது அதிலும் ஏற்புடைய பதிவுகள் எதுவும் இல்லை. எனவே, அதனை ஆதாரமாக ஏற்றுக் கொள்ள இயலாது. மேலும், மனுதாரர் கூறும் குற்றச்சாட்டுக்கான வாட்ஸ் அப் பதிவினை ஆதாரமாக கேட்டபோது எதுவும் தன்னிடம் இல்லை என்றும் அதனை அழித்து விட்டதாகவும் விசாரணையில் தெரிவிக்கிறார். எனவே, இந்த பதிலும் ஏற்புடையதாக இல்லை.

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எனவே, விசாரணையின் அடிப்படையில், மனுதாரர் திருமதி.தமிழ் அழகி மற்றும் எத் திரு.எல்கரேஷ் ஆகிய இருவருக்கும் இடையே அலுவலக ரீதியான பிரச்சினைகள் மட்டுமே இதற்கு காரணமாக இருப்பது விசாரணையில் தெரியவருகிறது. எனவே, இதில் பாலியல் வன்கொடுமைக் முகாந்திரமும் இல்லை எனவும் இதற்கான ஆதாரங்கள் அளிக்கப்படவில்லை என்பதற்கான அறிக்கை மாவட்ட ஆட்சித் தலைவர் அவர்களின் பார்வைக்கு கோப்பு பணிந்து சமர்ப்பிக்கப்படுகிறது.

குழு உறுப்பினர்கள்:

- 1.துணை காவல் கண்காணிப்பாளர் திருவள்ளூர்
- 2.மாவட்ட சமூக நல அலுவலர் திருவள்ளூர்
- 3.இணை இயக்குநர், (சுகாதார நல பணிகள்) திருவள்ளூர்
- 4.துணை இயக்குநர், (சுகாதார பணிகள்) திருவள்ளூர்
5. ஆனந்தம், (என்.ஜி.ஓ)
6. வழக்குரைஞர், திருவள்ளூர்
7. மாவட்ட குழந்தைகள் பாதுகாப்பு அலுவலர் திருவள்ளூர்

- *[Signature]* 12/11/18

- *[Signature]* 21/11/2018

- *[Signature]* 15/11/18

- *[Signature]* Blageere

- - a - G. B. En. No. 1879/2002

- *[Signature]* 19.11.18

மாவட்ட ஆட்சித் தலைவர்
திருவள்ளூர்



D.Drive/Dowry Report 2015

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மாவட்ட ஆட்சித் தலைவர்
திருவள்ளூர்



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24. The above enquiry report clearly states that, pursuant to the complaint dated 28.11.2017, the Local Committee was constituted under Section 6 of the Act. The committee conducted an enquiry on various dates, examined witnesses on 20.06.2018, 26.06.2018, and 12.11.2018, and submitted its report. The said committee observed that there was no basis and no scope for sexual harassment made out by the 6th respondent. In the same file, the committee forwarded the enquiry report to the 3rd respondent on 14.02.2019, which was signed by all committee members on 08.02.2019.

25. It is clear from the proceedings dated 03.05.2019 that the 3rd respondent forwarded the report to the 1st respondent. However, the aggrieved person did not file an appeal under Section 18 of the Act within the stipulated period of 90 days from the date of recommendation. Instead, the 6th respondent filed W.P.No.11492 of 2022, after a lapse of 3 years, challenging the proceedings of the 3rd respondent dated 03.05.2019, before this Court. Neither the 6th respondent nor the official respondents brought this to the knowledge of this Court about the constitution the Local Committee as per the Act, the procedure was followed, but this was suppressed before this Court. The learned Government pleader ought to have stated the true facts and proper instruction regarding the constitution of committee and the enquiry



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report, as per law and submitted it to the 3rd respondent. This Court had no other option, but to proceed based on the statement made by the 6th respondent and the learned Government Advocate. Consequently, this Court directed the 3rd respondent to constitute the Local Committee in accordance with Section 6 of the Act and conduct an enquiry. This Court had no option but to rely on the records available and pass an order directing a fresh enquiry, based on the complaint dated 28.11.2017 submitted by the 6th respondent.

26. This Court has to **cost** heavily on the official respondents, who deliberately suppressed the fact that proper proceedings were conducted, and an enquiry report was passed, which led to the order for a fresh enquiry. Thereafter, the 6th respondent filed another Writ Petition No.16195 of 2024, seeking a prayer of Mandamus directing the 1st and 2nd respondents to conduct an Internal Committee proceeding strictly in accordance with law, as per the provisions of Sections 4 and 6 of the Act.

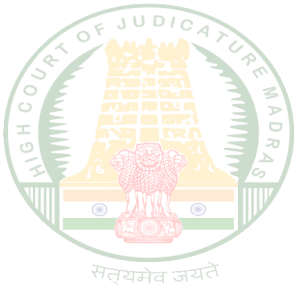
27. This Hon'ble Court, by order dated 20.06.2024, disposed of the writ petition, directing the Local Compliants Committee to submit its report within a period of 10 days from the date of receipt of the copy of the order, and thereafter to follow the procedure laid down under the



Rules framed under the Act, 2013, as well as Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 2013. It is seen from the record that on the very same date, 20.06.2024, the committee submitted its enquiry report and forwarded it to the 3rd respondent.

28. The enquiry report dated 03.05.2019 shows that the committee members who formed part of the committee were different from those in the enquiry report dated 20.06.2024. The latter committee was constituted pursuant to the order passed in W.P.No.11492 of 2022. On perusing the file in Na.Ka.No.585/A1/2020, it is seen that pages 1 to 537 contains two copies of the original impugned report in the writ petition at pages 489, 498, and 499, both of which appear to be originals signed by the local committee members. The conclusion part of the report states that based on the oral and physical evidence, the complaint made by the 6th respondent was proved beyond doubt.

“மேலும் நேரடி விசாரணை மற்றும் சாட்சிகளின் வாக்குமூலங்களின் வாயிலாக, எதிர்மனுதாரர் திரு.எல்.சுரேஷ் என்பவர் பாலியல் வன்கொடுமை மற்றும் உடல் மனரீதியான துன்புறுத்தல்களை செய்துள்ளார் என்பது நிரூபணமாகிறது. இதனை திருவள்ளூர் மாவட்ட உள்ளூர் புகார் குழுவும் (LCC) எதிர்மனுதாரர் திரு.எல்.சுரேஷ் என்பவர் மீது கூறப்பட்ட புகார்கள் உண்மை என்பதை இக்குழு உறுதிப்படுத்தி, இவ்வறிக்கை அளிக்கப்படுகிறது.”



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29. However, on perusing the third file in

Na.Ka.No.585/A1/2020, it is seen that there is an original report signed by the same committee members on 20.06.2024, which was enclosed along with the copy of the xerox and the counter filed by the 3rd respondent. In this report, the committee members opined that based on the enquiry and examination of the witnesses, the petitioner could have committed sexual harassment.

“மேலும் நேரடி விசாரணை மற்றும் சாட்சிகளின் வாக்குமூலங்களின் வாயிலாக, எதிர்மனுதாரர் திரு.எல்.கரேஉடி என்பவர் பாலியல் வன்கொடுமை செய்து இருப்பார் என்று திருவள்ளூர் மாவட்ட உள்ளூர் புகார் குழுவும் (LCC) கருதி, இவ்வறிக்கை அளிக்கப்படுகிறது.”

30. On perusing both files, it is clear that the committee members had signed two reports. One report, which is impugned in the writ petition, states that the commission of physical harassment and the complaint made against the petitioner were proved beyond doubt. However, the same committee members, in another report signed on the same day assumed that the petitioner could have committed sexual harassment, but there is no indication about the 6th respondent's complaint being proved.

31. From what is stated above and what is seen from the files, this Court is able to find that the petitioner is being targeted for ulterior



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purpose and with the connivance of the official respondents, the 6th respondent had given the complaint and the hands of the official respondents are found in every stage made by suppression of the local constituted committee before this Court or getting the committee members to sign in two different enquiry report. Except the last paragraph of the enquiry report, all the other contents are one and the same. It is not known how the same committee members, who being the statutory body, constituted under the Act can sign two different committee reports resulting in two different results on the very same day, that too suppressing the same before this Court and when the petitioner has made a specific averment that the last paragraph of the report has been altered. In fact, the 2nd respondent in his counter filed at paragraph no.12 has stated that nothing has been altered in the last paragraph of the enquiry report and the petitioner has intentionally mislead this Court with the false statement.

32. The 3rd respondent has not answered anything against the 2nd report or alteration of the last paragraph of the report. Both the reports are signed by the same committee members, this will show the malafide intention as against the petitioner. At the first instance, there is a deliberate attempt in suppressing the enquiry report being submitted by the properly constituted committee as early as in the year 2018, the



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report being finalised on 12.11.2018, which made this Court to think that there was no committee formed under the Act and directing the 3rd respondent to constitute a fresh committee and conduct the enquiry in accordance with the statute.

33. When the committee has been constituted as directed by this Court, it had come to the conclusion after conducting the enquiry that the petitioner could have committed in another report, which is also signed by the committee members, which asserts that the petitioner has committed both physical and mental harassment against the 6th respondent and the complaint has been proved beyond doubt. This act of committee members of the 3rd respondent is not proper and hence, cannot be accepted.

34. On going through the complaint made by the 6th respondent as early as on 28.06.2017 and the enquiry report dated 20.06.2024, which is furnished to the petitioner under the RTI Act dated 05.07.2024, it is seen that all the allegations contained in the complaint is purely a consequence of dereliction of duty. None of the female witnesses had deposed anything against the petitioner. It is clear from the report and on conjoint reading of the complaint dated 28.11.2017, the 6th respondent has not produced the alleged whatsapp messages in her



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compliant alleged to have been sent by the petitioner to the 6th respondent, no evidence of whatsapp or any whatsapp recording was produced by the 6th respondent to substantiate her allegation that too when the complaint is based on an inappropriate messages, it should have been shown by the petitioner through whatsapp. All other witnesses have deposed against the 6th respondent and there is no evidence substantiating against the petitioner or other 6 witnesses, who deposed before the local complaint committee. In the absence of any material evidence before the enquiry committee, the conclusion arrived at by the committee members is absolutely incorrect in both the reports, one is the impugned order in this Writ Petition and another, which is reported to be altered.

35. It is also clear from the files that there is alteration, both the reports are properly signed by the committee members in original. When the same complaint was before the earlier committee, based on the same set of evidences and depositions, the earlier committee has categorically held that there is no scope for sexual harassment in the complaint made, as there is no averment leading to sexual harassment in the complaint. Surprisingly, the present committee has come to the different conclusion with an intention to punish the petitioner for reasons best known to them.



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36. It is seen from available records that the 6th respondent, who was deputed to JDA Office was instructed to work on fertiliser control and pesticide Act, however it was not done, only to wreck vengeance against the petitioner, the 6th respondent has made false allegation against the petitioner. A superior officer instructing the subordinate officer during the work time, does not constitute any sexual harassment until and unless the complaint and harassment is very specific. Mere bald allegations cannot constitute sexual harassment and the 6th respondent cannot improvise anything during the course of giving evidence, beyond the complaint made. The complainant cannot exaggerate more during the examination than what is not stated in the complaint.

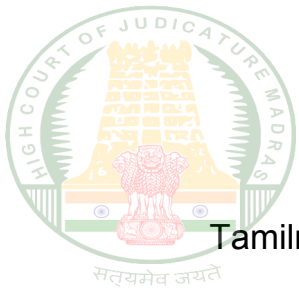
37. Moreover, the enquiry committee has not considered the relevant factors while concluding the enquiry report such as no evidence or witness as against the petitioner, merely because there is a complaint and when the very complaint does not constitute any commission of sexual harassment, it does not warrant for the committee members to hold that the petitioner has committed sexual harassment against the 6th respondent.



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38. It is further seen that the 6th respondent has not made any allegation against the petitioner for having committed any physical sexual harassment by the petitioner as against the 6th respondent. However, in the enquiry report impugned in the Writ Petition, the enquiry committee has come to a conclusion that as there is a physical harassment committed by the petitioner, which is mischievous on the part of the committee members. It is also clear that the enquiry report's is the targeted report to malign the petitioner for the reasons best known to the committee members.

39. Further, this Court is of the view that all is not well within the office of the 3rd respondent, the manner in which the enquiry has been conducted. Initially, there was a deliberate suppression and intentional suppression before this Court in the earlier proceedings and secondly it was unbelievable that how the same committee members can sign two committee reports, one against the petitioner and one partially against the petitioner. The enquiry report, which is placed against the petitioner is furnished to the petitioner, which is impugned herein and the same has been forwarded to the 1st respondent by virtue of the recommendation made by the 3rd respondent to the 1st respondent and the 1st respondent has passed the G.O.3DA No.81 dated 28.06.2024 and place the petitioner under suspension invoking sub rule 17(e) of



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Tamilnadu civil services and Disciplinary Rules, 2013. Thereafter on 29.06.2024, the 6th respondent issued the charge memo under Section 17B. It is also abundantly made clear that the 3rd respondent with full knowledge has forwarded one of the enquiry reports signed by the committee members to the 1st respondent, that stood against the petitioner and the 1st respondent issued the order of suspension and proceeded to issue proceedings against the under 17B of the Tamilnadu Civil Service and Appeal Rules, 2013.

40. This is a fit case where the extraordinary powers conferred under jurisdiction of Article 226 has to be invoked as Justice must not only be done, but it must also be seen to be done.

41. Accordingly, by invoking the powers under Article 226, this Court hereby sets aside the following orders:-

- (i) The enquiry report in Na.Ka.No.585/A1/2020 dated 20.06.2024
- (ii) Suspension order issued by the 1st respondent in G.O.(3D) No.81 Agriculture farmers welfare, [AA7] Department dated 28.06.2024.
- (iii) The consequential charge memo dated 28.06.2024 issued in Pa.Na.1/2/77307/2024 dated 29.06.2024.
- (iv) The order issued by the 1st respondent not to allow him to retire in G.O.3D No.84 Agriculture Farmers Welfare (AA7) Department dated 29.06.2024, as the very base of the Government Orders is based on the enquiry report passed by the local committee members, who with



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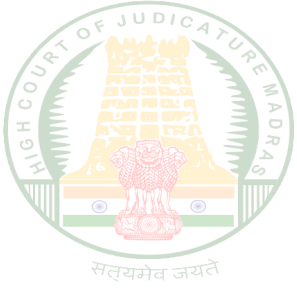
the connivance of the other officials had signed two different enquiry reports incoherent with the complaint filed by the 6th respondent.

42. Considering all the above facts, the 1st respondent is directed to initiate appropriate proceedings against the 3rd respondent who held the post at that point of time and call for an explanation from the 3rd respondent and the Local Committee Members regarding how they could sign two different reports on the same issue, thereby jeopardizing the petitioner. A report on this matter shall be filed within a specific time frame from the date of receipt of this order.

43. In the result, this Writ Petition is allowed with costs. The 3rd respondent is directed to pay costs of Rs.25,000/- [Rupees twenty five thousand only] by way of a demand draft, to the Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai. Consequently, connected miscellaneous petition is closed. The Registry is directed to scan the records and retain the same along with Court bundle before handing over the same to the learned Additional Government Pleader, appearing for the respondents 1 to 5.

18.03.2025

Index : Yes/No; Neutral citation : Yes/No
Speaking/Non Speaking order

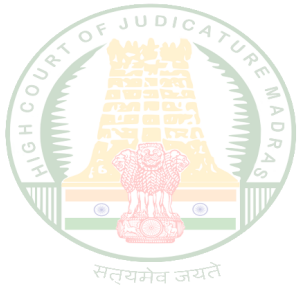


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To

- 1.Agricultural Production Commissioner and Principal Secretary to Govt., Agriculture-Farmers Welfare Department, Fort St. George, Secretariat, Chennai-600 009.
- 2.The Director Of Agriculture, Directorate Of Agriculture, No.1, Wallajah Road, Chepauk, Chennai-600 005.
- 3.District Collector,Tiruvallur Collector Office Complex, Tiruttani Highway, Tiruvallur 602 001.
- 4.District Social Welfare Officer / Enquiry Officer, O/o.District Social Welfare, Tiruvallur Collector Officer Complex, Tiruttani Highway, Tiruvallur 602 001.
- 5.The Local Complaints Committee, Rep. By Its Chairperson, Thiruvallur District.



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V.BHAVANI SUBBAROYAN,J

rpl/ssd

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