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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.03.2025

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.No.32204 of 2019

and

WMP.Nos.23866 & 8251 of 2020

M.Senthil Kumar,
M145 S/o. Selva Kumar,
2A, Second Cross Street,
Veda Nagar, Chinamaya Nagar
stage 2 extn, Chennai-92.

...

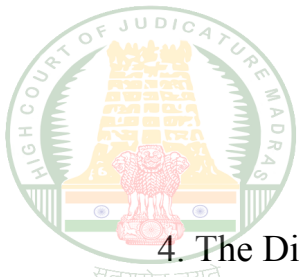
Petitioner

Vs.

1. The State of Tamil Nadu
Represented by its Secretary,
Social Welfare Department,
Fort St. George Chennai-600 009.

2. The Commissioner
Directorate of Social Defence,
Purasawalkam High Court,
Chennai-600084

3. The State of Tamil Nadu
Represented by its Secretary
Labour and Employment
Department Fort St. George
Chennai-600 009.



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4. The District Collector,
District Collector ate Office,
Chennai.

5. The Managing Director,
National Payment Corporation of India,
1001A, B-Wing, 10th Floor,
The Capital, Bandra -Kurla
Complex, Bandra(East),
Mumbai - 400 051.

6. The Regional Head,
National Payment Corporation of India,
8th Level, VBC Solitaire,
47 & 49 Bazullah Road,
T.Nagar, Chennai.

7. Internal Complaints Committee
National Payment Corporation of India,
1001A, B-Wing, 10th Floor,
The Capital, Bandra -Kurla
Complex,Bandra(East),
Mumbai - 400 051.

8. Sujitha Rajesh,
The Deputy Manager,
National Payment Corporation of India,
6th Floor, Reliance Building,
No.6, Haddows Road,
Nungambakkam,
Chennai -6. ...

Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to
issue a Writ of Certiorarified Mandamus to call for the records of the 7th
respondent recommendation and report under sexual harassmt of women at



workplace Act 2013 and termination notice dated 20.08.2019 issued by the 5th respondent and quash the same as illegal, arbitrary and non est in law and consequently direct the 5th respondent to reinstate the petitioner to the concerned post before his dismissal from service.

For Petitioner : Mr.G.Mohammed Aseef

For Respondents : Mr.A.M.Ayyadurai, GA for RR1 to 4
: Mr. Edward James for RR5 & 6
: R8 No appearance
: R7 Not ready

ORDER

This writ petition has been filed to call for the records of the 7th respondent recommendations and report under PoSH Act, 2013 and the termination notice has been issued to the petitioner on 20.08.2019 by the 5th respondent and quash the same and consequently to direct the 5th respondent to reinstate the petitioner to the concerned post before his dismissal from service.

2. Heard Mr.A.M.Ayyadurai, learned Government Advocate for the respondents 1 to 4, Mr.Edward James, learned counsel for the respondents 5 and 6 and perused the materials available on record.

3. The petitioner has been appointed as Vice President in the 5th respondent

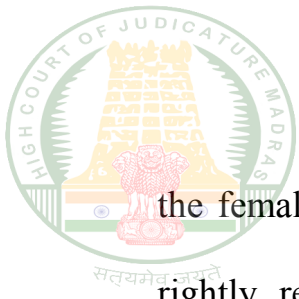


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Corporation. On a complaint given by the 8th respondent, an enquiry has been conducted by the 7th respondents Internal Complaints Committee constituted under Sec.4 of the PoSH Act. The 7th respondent has filed a report after the completion of the enquiry along with certain recommendations. Consequently, the petitioner was dismissed from service. Now the petitioner has filed this writ petition challenging the recommendations and report of the 7th respondent and the order of the 5th respondent dismissing the petitioner from service.

4. The learned counsel for the petitioner submitted that on the false complaint given by the 8th respondent, a reference was made by the 5th respondent to the 7th respondent Internal Complaints Committee. He further submitted that the complaints made by the 8th respondent will not amount to work place sexual harassment, but the 7th respondent has filed a report in violation of the principles of natural justice.

5. The learned counsel for the respondents 5 and 6 submitted that 5th respondent will not fall under the definition of 'State' within the meaning under Article 12 of the Constitution of India and hence the writ petition itself is not maintainable. On certain serious allegations made by the 8th respondent, who is



the female employee of the 5th respondent corporation, the complaint has been rightly referred to the 7th respondents Internal Complaints Committee. The petitioner was given with a copy of the complaint with an opportunity to submit his explanation. Only then the enquiry proceedings commenced and was completed on 14.6.2019. After adopting the due procedure and considering the evidence available on record, the 7th respondent Internal Complaints Committee has filed its report. All the contentions raised by the petitioner were also dealt by the ICC, the 7th respondent in their order.

8. Even if the petitioner is aggrieved due to the report submitted by the 7th respondent ICC, the rightful course open to the petitioner is by way of invoking Sec.18 of the PoSH Act. As per the above provision, the petitioner has got a right to appeal before the Court or Tribunal in accordance with the provision of service rules applicable to him and such an appeal has to be filed within 90 days from the date of filing of the recommendations. For the reason best known to the petitioner, he has not filed any appeal in accordance with Sec.18 of the PoSH Act, before the Lower Court / Tribunal. Instead the petitioner has invoked the jurisdiction of this Court directly without exhausting the statutory remedy available to him. Hence this writ petition itself is not maintainable.



In the result, the present Writ Petition is **Dismissed**. No costs.
consequently, the connected miscellaneous petitions are closed.

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Index : Yes
Internet : Yes/No
Speaking : Non-Speaking Order
Neutral : Yes /No
jrs



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7. Internal Complaints Committee
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