



W.P.(MD) No.23926 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Order	Date of Pronouncing the Order
29.10.2025	12.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.23926 of 2025

and

W.M.P.(MD) Nos.18784, 18786 & 18787 of 2025

Mr.C.Selvaraj

... Petitioner

-VS-

1.The Director General of Police,
Armed Reserve,
Kilpauk, Chennai - 10.

2.The Deputy Inspector General of Police,
Armed Reserve, Chennai.

3.The Commandant,
TSP VIII Battalion,
New Delhi.

4.The Deputy Commandant/Enquiry Officer,
TSP 6 Battalion,
Madurai - 14.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue



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a writ of certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.No.367/Thu.Thu/Tha/Si.Ka.6 Ani/2025, dated 29.08.2025 on the file of the fourth respondent and quash the same as illegal and consequently for a direction, directing the fourth respondent to defer the enquiry against the petitioner till the conclusion of the re-enquiry by the Internal Complaints Committee/Vishaka Committee in pursuance to the Order passed by the third respondent in C.No.E3/2965/2024, dated 24.10.2024 and the proceedings of the 3rd respondent in C.No.E3/643-1/2024, dated 20.11.2024 and pass such further other orders.

For Petitioner : Mr.A.Balaji

For Respondents : Mr.Veerakathiravan AAG
assisted by Mr.F.Deepak,
Special Government Pleader

ORDER

This Writ Petition had been filed to quash the impugned order dated 29.08.2025 on the file of the fourth respondent as illegal and consequently to direct the fourth respondent to defer the enquiry against the petitioner till the conclusion of the re-enquiry by the Internal Complaints Committee/Vishaka Committee in pursuance to the Order passed by the third respondent, dated 24.10.2024 and the proceedings of the 3rd respondent, dated 20.11.2024



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2. Heard Mr.A.Balaji, the learned counsel appearing for the petitioner and Mr.Veerakathiravan learned Additional Advocate General, assisted by Mr.F.Deepak, learned Special Government Pleader, learned Additional Government Pleader appearing for the respondents.

3. The learned counsel appearing for the petitioner would submit that a complaint had been filed against the petitioner, who had been working as an Inspector with the third respondent Battalion, alleging vexatious claim of sexual harassment. An Internal Complaints Committee was formed for conducting an enquiry and it had also submitted an enquiry report. The respondents noting that the Committee had not been constituted as per the Vishahaka guidelines and was in contravention with Section 4 of the Sexual Harassment of Woman at Workplace (Prevention, Prohibition and Redressal) Act, 2013, (hereinafter referred to as 'POSH Act'), had reconstituted a committee to be headed by a Woman Officer holding the rank of Assistant Commandant-II. The complainant had circulated a letter indicating that she had instituted a Writ Petition before the Delhi High Court against the order of re-enquiry and sought for an exemption to participate in the same. However,



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the third respondent forwarded the enquiry report of the earlier Committee upon which the petitioner had also been called upon to appear for enquiry by issuance to the impugned proceedings.

4. He would submit that the earlier Internal Complaints Committee had been headed by a male member and hence, the same is in contravention of Section 4 of the POSH Act and therefore, the disciplinary proceedings that had been initiated based upon the findings of the said void Committee, cannot be allowed to proceed with. He would submit that till a fresh enquiry report is submitted by the newly constituted Committee which has been made in accordance with POSH Act, no disciplinary proceedings can be initiated against the petitioner on the said allegation and therefore, he prays this Court indulgence to the order impugned herein.

5. Countering his arguments, the learned Additional Advocate General would submit that even though the petitioner participated in the proceedings, he did not sign the minutes of the meeting or the attendance register to evidence that he had attended the enquiry. The petitioner had been alleged to have committed an offence against the woman at work place and cannot be



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heard to take technical stand. He would further submit that by taking note of the fact that the earlier Internal Complaints Committee had not been constituted in line with the guidelines laid down in *Vishaka's* case and also Section 4 of the POSH Act, a new Internal Complaints Committee had been constituted under the Chairmanship of a Woman Officer.

6.He would further submit that the complainant had challenged the re-enquiry proceedings by the new Committee and in view of the same, it had been decided to proceed with the report that was submitted by the then Internal Complaints Committee by initiating a disciplinary proceedings on the basis of such report. He would submit that the petitioner having committed such a heinous delinquency cannot be allowed to wriggle out of his delinquency on technical grounds. Therefore, he prays this Court to dismiss the Writ Petition.

7. I have considered the rival submissions made by the learned counsels appearing on either side and perused the materials placed on record.

8. An allegation of sexual harassment had been made against the



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petitioner by a co-worker. Admittedly, an Internal Complaints Committee had been constituted which had also enquired and submitted its report. A glaring mistake had been committed in constituting the Internal Complaints Committee. Hence, any disciplinary proceedings based upon such fact finding of a void committee cannot be allowed to be proceeded with.

9. It is also admitted that a new Committee had been in consonance with the guidelines issued in *Vishaka's* case and the POSH Act 2013. When the employer had noted its own mistake and formed a new committee, then it is for the employer to await a report from the new Committee validly constituted and cannot proceed further based upon the report of a void committee. As has been held by the Hon'ble Apex Court in the ***Medha Kotwal Lele & Ors vs U.O.I. & Ors*** case reported in ***(2013) 1 SCC 297***, the report filed by the Internal Complaints Committee would assume the nature of a report of an enquiry officer appointed under the relevant rules of the disciplinary authority, if then open to the disciplinary authority to proceed from the stage of issuance of 2nd show cause notice. The disciplinary authority cannot appoint an enquiry officer to enquire into the delinquency of the sexual harassment beyond the provisions of POSH Act 2013 and the judgment of the



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Hon'ble Apex Court.

10. For the aforesaid reasons, the Writ Petition is allowed and the impugned order dated 29.08.2025, issued by the fourth respondent shall stand set aside. There shall be a direction to the fourth respondent to defer the enquiry till the conclusion of the enquiry by the newly constituted Internal Complaints Committee on 24.10.2024 and thereafter proceed further in accordance with law. However, there shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

12.12.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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K.KUMARESH BABU, J.

Pbn

PRE-DELIVERY ORDER
IN
W.P.(MD) No.23926 of 2025
and
W.M.P.(MD) Nos.18784, 18786 & 18787 of 2025

12.12.2025