



CWP-5932-2022 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-5932-2022 (O&M)

Reserved on: 26.09.2025

Pronounced on: 19.12.2025

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MRIDU CHAUHAN

-PETITIONER

V/S

STATE BANK OF INDIA AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Anil Rana, Advocate, for
Mr. Puneet Gupta, Advocate,
for the petitioner.

Ms./Mrs. Madhu Dayal, Advocate,
for the respondents.

KULDEEP TIWARI, J.

1. With a view to protect women against sexual harassment at the workplace, ensuring their right to work with dignity, and giving statutory effect to the guidelines laid down by the Hon'ble Supreme Court in "*Vishaka v. State of Rajasthan*"⁽¹⁾, Parliament enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as the "POSH Act"). The primary objective of the POSH Act is to prevent and prohibit all forms of sexual harassment of women at the workplace by fostering a safe, secure, and dignified working environment in both the public and private sectors. The enactment seeks to uphold and protect the fundamental rights of women

(1) 1997(6) SCC 241

guaranteed under Articles 14, 15, 19(1)(g) and 21 of the Constitution of India, namely, the right to equality, non-discrimination, the right to practise any profession, and the right to life with dignity. The POSH Act casts a statutory obligation upon employers to provide a safe working environment, formulate and implement an anti-sexual harassment policy, and establish an internal redressal mechanism by constituting an Internal Complaints Committee (hereinafter referred to as the “I.C.C.”). Section 19 of the POSH Act, the relevant portion whereof is extracted hereinafter, enumerates the duties of the employer, including, *inter alia*, the obligation to provide a safe working environment at the workplace.

“19. Duties of employer.— Every employer shall—

(a) provide a safe working environment at the workplace with shall include safety from the persons coming into contact at the workplace;

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2. In order to discharge the statutory obligation, the respondent-State Bank of India (hereinafter referred to as the “Bank”) has adopted a policy titled “GARIMA”. The policy defines an “aggrieved woman” as a woman of any age, whether employed or not, who alleges having been subjected to any act of sexual harassment at the workplace. As per the scope of the Policy, sexual harassment encompasses any unwelcome acts or behaviour (whether directly or by implication), as specified therein, including, *inter alia*, persistent watching, following, or contacting of a person, as well as any other unwelcome physical, verbal, or non-verbal conduct of a sexual nature. The relevant portion of the Scope of the policy is reproduced hereinbelow:-

**“SCOPE:**

Sexual Harassment includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely

- i. Physical contact and advances; or*
- ii. Demand or request for sexual favours; or*
- iii. Sexually coloured remarks or remarks of a sexual nature about a person's clothing or body; or*
- iv. Showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS etc.; or*
- v. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes; or*
- vi. Persistent watching, following, contacting of a person; or*
- vii. Any other unwelcome physical, verbal, or non-verbal conduct of sexual nature.*

OTHER PROVISIONS OF SEXUAL HARASSMENT:

No woman shall be subjected to sexual harassment at any Workplace. Apart from the above-mentioned acts of Sexual Harassment, the following circumstances, if occur or present in relation to or connected with the above act or behaviour of sexual harassment may tantamount to sexual harassment:

- i. Implied or explicit promise of preferential treatment in employment; or*
- ii. Implied or explicit threat of detrimental treatment in employment; or*
- iii. Implied or explicit threat about present or future employment status; or*
- iv. Interferes with work or creating an intimidating or offensive or hostile work environment; or*
- v. Humiliating treatment likely to affect her health or safety.”*

3. The policy further prescribes a comprehensive grievance redressal mechanism in consonance with the provisions of the POSH Act.

Under the said mechanism, a specific duty is cast upon the Branch Manager/Head of Department to promptly acknowledge receipt of any complaint and, without undue delay, forward the same to the Internal Committee concerned for further inquiry, with due intimation to the Controller. The relevant portion of the grievance redressal process is represented hereunder:-

“GRIEVANCE REDRESSAL PROCESS:

a. Procedure and time limit for filing the Complaint of Sexual Harassment:

- i. Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the IC concerned within a period of three months from the date of incident. She may, if she so chooses, submit the complaint to her Branch Manager/Head of Department. The BM/Head of Department should acknowledge the complaint promptly and forward the same to the IC concerned without loss of time for further investigation with information to the Controller.*
- ii. In case of a series of incidents, the complaint should be made within a period of three months from the date of last incident. The time limit may be extended by the Committee for a reasonable period after recording the reasons adduced by the complainant.*
- iii. Where such complaint cannot be made in writing, the Presiding Officer or any Member of the Committee will render assistance to the woman for making the complaint in writing.*
- iv. Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir, relative or friend, co-worker or any other person having the knowledge of the incident may make a complaint on her behalf.*

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4. Furthermore, the policy delineates the procedure for conducting inquiries into complaints of sexual harassment. While the

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respondent- Bank has formally discharged its statutory obligations by adopting the “GARIMA” policy, a core issue requiring consideration and adjudication in the present case is *“whether this policy effectively translates into practice in the field when the occasion arises to ensure the protection of female employees”*.

5. The petitioner, a tricenarian female employee of the respondent- Bank, has knocked on the doors of this Court with a prayer for quashing:- (i) the order dated 23.11.2021, whereby her intra departmental appeal has been rejected; (ii) notice dated 21.11.2020, whereby she has been deemed to have voluntarily resigned from the service of the respondent- Bank w.e.f. 23.09.2020; (iii) inquiry reports dated 18.03.2020 and 23.10.2020, wherein her complaint(s) of sexual harassment did not find favour with the respondent- Bank; and (iv) letter dated 07.12.2020, whereby her complaint(s) of sexual harassment have been closed by the respondent- Bank.

SUBMISSIONS OF LEARNED COUNSEL FOR THE
PETITIONER

6. Assailing the impugned order, notice, inquiry reports, and letter, learned counsel for the petitioner contends that the same have been issued in flagrant violation of the mandate enclosed in the POSH Act and the “GARIMA” policy. It is submitted that the principles of natural justice have been blatantly disregarded, inasmuch as the petitioner was never associated with, nor afforded an opportunity to participate in the initial inquiry conducted by the respondent- Bank. Moreover, in the second inquiry, only the petitioner was joined and not the Branch Head, against

whom sexual harassment allegations were levelled. Even the impugned inquiry reports were not supplied to her, and she obtained the same under the Right to Information Act, 2005.

7. Learned counsel for the petitioner submits that the present case cannot be treated as one of voluntary resignation. On the contrary, the petitioner is a victim of sexual harassment by the Branch Head, against whom she had submitted a detailed complaint at the outset. Instead of taking action on her complaint in accordance with the POSH Act and the “GARIMA” policy, the respondent- Bank, acting through the same Branch Head, served her with the first statutory show-cause notice in terms of Rule 40(3) of the Rules of 1992, thereby directing her to join duty and provide a satisfactory explanation for her absence, failing which she would be deemed to have voluntarily vacated service amounting to voluntary resignation.

8. It is further submitted that the inquiries under challenge were neither conducted by the I.C.C. nor was the petitioner associated with the same. This clearly demonstrates that the inquiry process was a mere facade. Rather than addressing the petitioner’s grievance, the respondent-Bank conveniently invoked Rule 40(3) of the State Bank of India Officers’ Service Rules, 1992 (hereinafter referred to as the “Rules of 1992”), and declared the petitioner to have voluntarily vacated her service amounting to voluntary resignation w.e.f. 23.09.2020.

SUBMISSIONS OF LEARNED COUNSEL FOR THE
RESPONDENTS

9. *Per contra*, learned counsel for the respondent- Bank

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vehemently opposes the submissions made on behalf of the petitioner. At the outset, she challenges the maintainability of the instant writ petition on the ground of territorial jurisdiction, contending that the petitioner was posted at Una, Himachal Pradesh, at the relevant time and voluntarily ceased to work there. It is argued that mere communication of the order of deemed voluntary resignation to the petitioner at Mohali or at the Local Head Office, Chandigarh, does not confer territorial jurisdiction upon this Court to entertain the instant writ petition. To lend vigour to this argument, she relied upon a judgment rendered by a Co-ordinate Bench of this Court in case titled *“Anil Sharma Vs. State Bank of India and Others”*⁽¹⁾.

10. Advancing arguments on merits of the case, learned counsel for the respondent- Bank made an attempt to hit at the root of the case and to refute the allegations of sexual harassment. She invites attention to Clause 9 of the petitioner’s appointment letter, wherein becomes stipulated that the petitioner can be transferred to any Branch Office of the respondent- Bank in India, and builds an argument that since the petitioner is resident of S.A.S. Nagar, Punjab, and was transferred to another State, i.e. Una, Himachal Pradesh, she concocted a false story to achieve posting of her place of convenience. It is submitted that two inquiries were conducted regarding the petitioner’s complaints, both of which found no substance and were accordingly closed. Despite repeated notices and directions to join duty, which the petitioner failed to do and remained unauthorizedly absent from duty for a period of more than 150

(1) CWP-21259-2014

consecutive days, the respondent- Bank had no alternative but to invoke Rule 40(3) of the Rules of 1992 and deem her to have voluntarily vacated service w.e.f. 23.09.2020. It is admitted that statutory notice/reminder dated 02.07.2020 and 17.08.2020 were issued by the same Branch Head, against whom the petitioner alleged sexual harassment, however, the order declaring her deemed voluntary resignation was passed by the appointing authority, i.e. the General Manager (Network III), and not by the Branch Head.

11. Continuing her arguments, learned counsel for the respondent- Bank submits that there has been no violation of the POSH Act or the “GARIMA” policy, as the complaint(s) were not required to be referred to the I.C.C. It is submitted that the complaint dated 09.03.2020 was mainly a resignation letter and did not contain any allegations of sexual harassment. The general allegations contained therein, such as humiliation, criticism or sarcastic remarks do not fall within the statutory definition of sexual harassment, nor can they be equated therewith. In support of this submission, she places reliance upon the definition of sexual harassment, as defined under Section 2(n) of the POSH Act.

12. It is also submitted that the complaint dated 09.03.2020 was never submitted to the I.C.C., whereas, as per Section 9 of the POSH Act, the aggrieved woman is required to submit her complaint to the I.C.C. within three months. Therefore, the petitioner cannot now contend that her complaint, which was essentially a resignation letter, should have been referred to the I.C.C. In support of her arguments, she relies upon a judgment rendered by the Telangana High Court in case titled “*The L.I.C.*

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of India Vs. Smt. T.J. Kiranmai⁽¹⁾, wherein it has been held that if complaint made against superior officer does not meet the statutory requirement, there is no occasion to act on such complaint and refer the same to the I.C.C. Further, the I.C.C. lacks jurisdiction to proceed, if allegations do not constitute sexual harassment.

13. Finally, it is submitted that the allegations raised by the petitioner in the e-mail dated 15.09.2020 surfaced six months after the initial complaint dated 09.03.2020 and were therefore rightly not forwarded to the ICC. It was only on 15.09.2020 that she added allegations of sexual harassment, along with a request for redressal of her grievance and for transfer to a non-customer branch. Moreover, her statement recorded on 20.10.2020 before the investigating officer, Smt. Vijay Dharia, Chief Manager, did not include allegations of sexual harassment. Consequently, the declaration of the petitioner as deemed to have voluntarily vacated service w.e.f. 23.09.2020, on account of unauthorized absence exceeding 150 consecutive days, by invoking Rule 40(3) of the Rules of 1992, is entirely justified.

14. Before embarking upon the process of gauging the validity of the impugned order, notice, inquiry reports, and letter, and penning down a verdict upon the instant writ petition, it is deemed apt to initially capture a concise and compendious factual backdrop of the case.

FACTUAL MATRIX

15. The petitioner was initially appointed as a Probationary Officer, vide order dated 11.12.2017, by the General Manager (Network

(1) Writ Appeal No.47 of 2025

III), Human Resources Department, State Bank of India, Local Head Office, Chandigarh, and was posted at Ambala. After her confirmation as Probationary Officer, she earned a promotion to Deputy Manager (Scale II Officer) and was posted at Shimla by the Assistant General Manager (H.R.), Local Head Office, Chandigarh. Thereafter, she was transferred to the Una Branch by the Local Head Office, Chandigarh, where she assumed charge on 17.01.2020. The petitioner did not report for duty on 06.03.2020, and on 09.03.2020, she submitted a detailed complaint via email to the Chairman, State Bank of India, Mumbai, and to the Chief General Manager (H.R.), State Bank of India, Mumbai, mentioning that she is leaving the organization with utter disappointment and dismay. In her complaint, she alleged that the Chief Manager/Una Branch Head had subjected her to bullying, mental harassment, and biased behaviour at workplace since the beginning of her posting. She further alleged that, despite hoping for improvement over time, the situation worsened, compelling her to lodge a formal grievance. The constant derogatory remarks and unwelcome taunts by the Una Branch Head had severely affected her mental health, leading to depression and suicidal tendencies.

16. Instead of taking action on the petitioner's complaint, the Manager (H.R.), State Bank of India, Shimla, sent an e-mail dated 18.04.2020, stating that her email of 09.03.2020 could not be treated as a resignation, as it was not in the prescribed format. Hence, she was requested to immediately join duty, and if she is still adamant to resign, the requisite format for resignation was enclosed with the email dated 18.04.2020 to be filled by her. Meanwhile, the Una Branch Head sent

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multiple emails directing the petitioner to join duty or face departmental proceedings. One such letter was issued on 15.06.2020 by the Una Branch Head, directing her to join duty within five days, failing which disciplinary proceedings would be initiated.

17. It is important to note that, even at this stage, no cognizance of the petitioner's complaint dated 09.03.2020 was taken in accordance with the POSH Act or the "GARIMA" policy.

18. On 16.06.2020 and 20.06.2020, the petitioner again wrote emails to the Assistant General Manager (H.R.), Local Head Office, Chandigarh, to redress her grievance raised in the complaint dated 09.03.2020 and to apprise her the status of her complaint. However, apart from assurances, no action was taken. In the meantime, the Una Branch Head issued the first statutory notice to the petitioner on 02.07.2020, in terms of Rule 40(3) of the Rules of 1992, thereby directing her to join duty and provide a satisfactory explanation for her absence, failing which she would be deemed to have voluntarily vacated service amounting to voluntary resignation. The petitioner replied to this notice via email dated 03.07.2020 and again requested to consider her complaint dated 09.03.2020. She also informed the respondent- Bank that she is suffering from mental and physical illness due to workplace bullying, and that it is not even possible for her to travel from Chandigarh to Una, Himachal Pradesh, on account of COVID-19 lock down. She requested two months' time to pursue and get redressed her grievance from the competent authority. However, her request was not acceded to, and on 08.07.2020, she was again issued the statutory notice, followed by a reminder on

17.08.2020. In reply to these notices, sent via email dated 14.09.2020, the petitioner made categorical allegations that she cannot join duty in the same Branch, that too under the same Branch Head, who subjected her to sexual harassment. Moreover, she also narrated the detailed sequence of sexual harassment in her reply. On 15.09.2020, the petitioner again wrote an email to the Assistant General Manager (H.R.), Chandigarh, wherein apart from reiterating the allegations contained in email dated 14.09.2020, she averred that she has written complaints to the authority(ies) with regard to sexual harassment, but no action has been taken till date. Moreover, she again made request to transfer her to a non customer branch to provide her a safe and congenial working environment.

19. On 16.09.2020, the respondent-Bank, for the first time, started looking into the petitioner's complaint dated 09.03.2020. On 17.09.2020, she was informed that an inquiry had been ordered by the previous Regional Manager, Una, regarding her allegations, which was conducted by Chief Manager and his report had been submitted to the Local Head Office, Chandigarh, through A.O. Shimla for further necessary action. She replied to the letter dated 17.09.2020 stating that she was unaware of inquiry conducted by Chief Manager and she again reiterated her allegations.

20. It is pertinent to record here that this inquiry was not conducted by associating, or providing any opportunity to the petitioner to participate. Only her explanation was sought. Moreover, the inquiry report was also not provided to her.

21. On 30.09.2020, the petitioner again sent an email to the

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Manager (H.R.), State Bank of India, Shimla, requesting to conduct an inquiry in accordance with the *Vishaka guidelines (supra)*, to transfer her to a non customer branch and to resolve her grievance. On her persistent requests, the respondent- Bank agreed to transfer the Una Branch Head, namely, Mr. Rakesh Kumar Kainth, Chief Manager, from Bus Stand Una Branch. Moreover, vide letter dated 08.10.2020, the petitioner was directed to join duty within two days. However, within a few hours, i.e. at 8:23 PM on 08.10.2020, the said directions were recalled. Thereupon, the petitioner's complaint was referred to one Smt. Vijay Dharia, Chief Manager, RACC, State Bank of India, Parwanoo for inquiry. The petitioner submitted her statement before the inquiry officer on 20.10.2020, categorically stating therein that details of allegations have already been given in her email dated 15.09.2020 submitted to the Chief General Manager (H.R.), State Bank of India, Mumbai, copy whereof was enclosed with the statement. The inquiry officer, only by recording the statement of the petitioner, and without joining the Una Branch Head in inquiry, ordered to file the complaint vide inquiry report dated 23.10.2020.

22. Finally, the appointing authority, i.e., General Manager (Network III), issued the impugned notice dated 21.11.2020, invoking Rule 40(3) of the Rules of 1992, and declared the petitioner deemed to have voluntarily vacated service w.e.f. 23.09.2020. The petitioner filed a detailed intra departmental appeal reiterating allegations of sexual harassment, which was dismissed by the appellate authority vide order dated 23.11.2021. It is relevant to note that to have her appeal decided, the

petitioner had to approach this Court through CWP-16972-2021, which was disposed of on 01.09.2021, with directions to the respondent No.2 therein to decide the appeal within three months.

23. Now, let's proceed to gauge the validity of the impugned order, notice, inquiry reports, and letter. The primary issue requiring adjudication appertains to the territorial jurisdiction of this Court to entertain the instant writ petition, as raised by learned counsel for the respondent- Bank.

ISSUE OF TERRITORIAL JURISDICTION

24. Learned counsel for the respondent- Bank contends that since the petitioner was posted at Una, Himachal Pradesh, wherefrom she voluntarily ceased to work, the mere communication of the order deeming her to have voluntarily vacated service to her local address in S.A.S. Nagar or to the Local Head Office at Chandigarh does not confer upon her the right to invoke the writ jurisdiction of this Court, and therefore, the instant writ petition is not maintainable for lack of territorial jurisdiction. In support of this claim, she lays much emphasis upon the verdict drawn in *Anil Sharma's case (supra)*.

25. In order to adjudicate this issue of territorial jurisdiction, it is deemed pertinent to allude to certain facts at this place. The petitioner was initially appointed as a Probationary Officer by the General Manager (Network III), Human Resources Department, State Bank of India, Local Head Office, Chandigarh, and was posted at Ambala. The impugned notice dated 21.11.2020, whereby she was deemed to have voluntarily vacated service of the respondent- Bank w.e.f. 23.09.2020, was issued by



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the appointing authority, i.e. General Manager (supra), and it was conveyed to her at her local address, i.e. S.A.S. Nagar, Punjab. She preferred appeal against the notice dated 21.11.2020 before the appellate authority seated at Chandigarh, i.e. The Chief General Manager, State Bank of India, Local Head Office, Sector 17, Chandigarh. These facts clearly demonstrate that a substantial part of the cause of action arose at Chandigarh, thereby vesting this Court with territorial jurisdiction to entertain and decide the instant writ petition.

26. The concept of “cause of action” has been dealt in extenso by the Hon’ble Supreme Court in *“Navinchandra N. Majithia Vs. State of Maharashtra”*⁽¹⁾. The object of insertion of Clause (2) in Article 226 by the Constitution Forty Second Amendment has also been considered therein. It has been held that the object of insertion of Clause (2) was to supersede the decision of the Supreme Court in *“Election Commission v. Saka Venkata Subba Rao”*⁽²⁾. Further held that the power conferred on the High Courts under Article 226 could as well be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises. The relevant paragraphs of the verdict are extracted hereunder:-

“7. The object of the amendment by inserting clauses (2) in the Article was to supersede the decision of the Supreme Court in Election Commission v. Saka Venkata Subba Rao (supra) and to restore the view held by the High Courts in the decision cited above. Thus the power conferred on the High Courts under Article 226 could as well be exercised by any High Court

(1) 2000 AIR Supreme Court 2966

(2) 1953 SCR 1144

exercising jurisdiction in relation to the territories within which "the cause of action, wholly or in part, arises" and it is no matter that the seat of the authority concerned is outside the territorial limits of the jurisdiction of that High Court. The amendment is thus aimed at widening the width of the area for reaching the writs issued by different High Courts.

"Cause of action" is a phenomenon well understood in legal parlance. Mohapatra, J. has well delineated the import of the said expression by referring to the celebrated lexicographies. The collocation of the words "cause of action wholly or in part arises" seems to have been lifted from Section 20 of the Code of Civil Procedure, which section also deals with the jurisdictional aspect of the courts. As per that section the suit could be instituted in a court within the legal limits of whose jurisdiction the "cause of action wholly or in part arises". Judicial pronouncements have accorded almost a uniform interpretation to the said compendious expression even prior to the Fifteenth Amendment of the Constitution as to mean "the bundle of facts which it would be necessary for the plaintiff to prove, if traversed, in order to support his right to the judgment of the court."

11. We make it clear that the mere fact that FIR was registered in a particular State is not the sole criterion to decide that no cause of action has arisen even partly within the territorial limits of jurisdiction of another State. Nor are we to be understood that any person can create a fake cause of action or even concoct one by simply jutting into the territorial limits of another State or by making a sojourn or even a permanent residence therein. The place of residence of the person moving a High Court is not the criterion to determine the contours of the cause of action in that particular writ petition. The High Court before which the writ petition is filed must ascertain whether any part of the cause of action has arisen within the territorial limits of its jurisdiction. It depends upon the facts in each case.



27. *In legal parlance the expression 'cause of action' is generally understood to mean a situation or state of facts that entitles a party to maintain an action in a court or a tribunal; a group of operative facts giving rise to one or more bases for suing; a factual situation that entitles one person to obtain a remedy in court from another person. (Black's Law Dictionary)*

28. *In Stroud's Judicial Dictionary a 'cause of action' is stated to be the entire set of facts that gives rise to an enforceable claim; the phrase comprises every fact, which, if traversed, the plaintiff must prove in order to obtain judgment.*

29. *In 'Words and Phrases' (fourth edition) the meaning attributed to the phrase 'cause of action' in common legal parlance is existence of those facts which give a party a right to judicial interference on his behalf."*

27. The ratio laid down in **Navinchandra's case (supra)** has been followed by a Co-ordinate Bench of this Court in **Anil Sharma's case (supra)**, by observing that in context of a writ petition, what would constitute such "cause of action" is the material facts which are imperative for the writ petitioners to plead and prove to obtain relief as claimed. The apposite observations are reproduced hereinafter:-

"22. It is clear from the bare reading of the provision that the High Court can exercise the jurisdiction in relation to the territory within which the cause of action, wholly or in part arises. The expression "cause of action" has not been defined in Constitution. However, the classic definition of "cause of action" given by Lord Brett in Cooke v. Gill , (1873) LR 8 CP 107 that "cause of action" means every fact which would be necessary for the plaintiff to prove, if traverse, in order to support his right to judgment of this Court", which has been accepted by the Hon'ble Supreme Court. It has been observed by the Hon'ble Supreme Court in State of Goa v. Summit Online Trade Solutions reported as (2023) 7 SCC 791 that it is axiomatic that without a cause, there cannot be any action. In context of a writ petition, what

would constitute such 'cause of action' is the material facts which are imperative for the writ petitioner's to plead and prove to obtain relief as claimed."

28. Therefore, the verdict rendered in *Anil Sharma's case (supra)*, as relied upon by learned counsel for the respondent- Bank, in fact, fortifies the petitioner's cause of action to maintain the instant writ petition before this Court. As noted hereinabove, not only one but multiple causes of action have arisen within the territorial jurisdiction of this Court. Merely because the petitioner was posted at Una, Himachal Pradesh, at the relevant time, does not belie the fact that the impugned decision was taken by the authority(ies) seated at Chandigarh. Consequently, in view of the ratio laid down in *Navinchandra's case (supra)*, coupled with the facts outlined hereinabove, this Court has no hesitation to declare that it has the territorial jurisdiction to entertain and decide the instant writ petition.

VALIDITY OF THE IMPUGNED ORDER AND CONNECTED PROCEEDINGS

29. Now, what warrants adjudication is the issue appertaining to the validity of the impugned order, notice, inquiry reports, and letter.

30. The respondent- Bank, vide the impugned notice dated 21.11.2020, invoking Rule 40(3) of the Rules of 1992, declared the petitioner to be deemed to have voluntarily vacated service amounting to voluntary resignation, on the premise that, she unauthorizedly remained absent from duty for over 150 consecutive days. The respondent- Bank has come up with a plea that the petitioner's complaint(s) were examined by two different inquiry officers and were found baseless, and hence the



impugned notice passes the test of legality. In order to ascertain the legality of the impugned notice, this Court is required to first examine the nature of the complaint(s) and the manner in which the respondent- Bank addressed them.

31. The petitioner absented herself from duty on 06.03.2020 and, on 09.03.2020, made a detailed complaint, via email, alleging sexual harassment at the workplace by the Una Branch Head. Since the respondent- Bank has, since the very inception, maintained a stand that the allegations did not carry the ingredients of sexual harassment and, therefore, did not require consideration by the I.C.C., it is considered significant to extract here the relevant part of the complaint dated 09.03.2020:-

“I am submitting a letter to invoke the grievance procedure due to a reasonable belief that my branch head has breached the statutory duties to health and safety within the working environment. I have been facing lot of bullying and mental harassment at my workplace. I joined the department as a P.O. 2 years back and I have worked with great sincerity and dedication for the last two years. I have recently joined bus stand branch at UNA (50234)) on 17th January 2020. Since the first day I have been facing biased behaviour and bullying by the branch manager. At first I had thought that things will improve with time, however the same has not happened, hence I have been forced to file a formal grievance letter against him. Constant derogatory comments and unwanted taunts from him have affected my mental health and confidence deeply leading me to depression so much so that I have been having suicidal thoughts very often. I also have to stay in the branch late which makes me feel insecure and unsafe. On 4th March 2020, I was given a fresh lot of file work with the instructions to not leave the branch without finishing the

job assigned resulting in me leaving the branch around 8:45 pm at night. The branch head did not even ask me about how I would manage to go home alone at such an odd hour or make arrangements for my safe drop at my house in Una, although he left earlier. I find it very unsafe to walk home alone late at night and at occasions I also have had bad experiences on my way back home which were uncalled for. Also, due to the delay in passing my tour request and my leave due to meagre matters best known to him I have been under great stress.....”

32. A bare perusal of the excerpts of the complaint makes vivid postulation that the petitioner raised allegations of bullying and mental harassment at workplace. She also alleged that constant derogatory remarks and unwanted taunts from the Una Branch Head affected her mental health and confidence, leading to depression. The medical certificates of the petitioner, which are annexed as Annexures P-3 to P-7 to the writ petition, also clearly display that she is under psychiatric treatment.

33. The respondent- Bank, instead of taking any action on the petitioner's complaint in accordance with the POSH Act or the “GARIMA” policy, directed the petitioner to resume duty under the same Branch Head. The petitioner was, since the onset of her complaint, pleading before the higher authorities to redress her grievance instead of compelling her to join duty under the same Branch Head. However, no action whatsoever was taken on such requests. Even she also requested to consider her case for transfer to any other branch, but this request was also not acceded to. Notably, the first statutory notice regarding the petitioner's absence was issued by the same Branch Head, against whom she had lodged the complaint, followed by reminders and culminating in



the impugned termination notice dated 21.11.2020.

34. On 14.09.2020, while furnishing reply to the show-cause notice/reminder dated 17.08.2020, the petitioner elaborated the allegations of sexual harassment stating that she was made to sit alone in the Branch for late hours and on many occasions, Branch Head made her work on his computer in his office room standing in a leaning position before him over his table for half an hour to one hour, which caused utter embarrassment and physical torture to her. These allegations were again articulated in her email dated 15.09.2020, wherein she sought redress for workplace harassment. The apposite allegations, as contained in the petitioner's email dated 14.09.2020, are reproduced hereunder:-

"1. I joined as Deputy Manager (Credit Retail) in the branch on 17.01.2020. From the date I joined the branch, I was mentally tortured, harassed, taunted and bullied at my work place by the Branch Head. Initially I had been bearing this unwanted behaviour towards the female employee but the mental harassment continued. As already intimated, I was made to sit alone in the branch for late hours till 8:30 to 9 PM frequently which also impacted my safety and physical health. On many occasions, my Branch Head made me work on his computer system in his office room standing in a leaning position before him over his table for half an hour to one hour duration which caused utter embarrassment and physical torture to me. Such constant harassment has further caused suicidal tendency in me. Under this state of mind I had to proceed on leave w.e.f. 06.03.2020 under intimation to my Branch Head on 06.03.2020. Thus, I had under the strained circumstances submitted my grievances on 09.03.2020, which have neither been heard nor redressed till date. So, I continue to suffer the trauma faced at my work place....."

35. At this stage, it is crucial to record that this Court is not

evaluating the veracity of the petitioner's allegations, but is concerned solely with examining as to whether the allegations constitute sexual harassment warranting consideration by the I.C.C. in accordance with the "GARIMA" policy.

36. In *Vishaka's case (supra)*, the Hon'ble Supreme Court has held that sexual harassment at workplace results in violation of the fundamental rights of 'Gender Equality' and the 'Right to Life and Liberty'. Further held that the fundamental right to carry on any occupation, trade or profession depends on the availability of a 'safe' working environment. The relevant observations are extracted hereunder:-

"3. Each such incident results in violation of the fundamental rights of 'Gender Equality' and the 'Right to Life and Liberty'. It is clear violation of the rights under Articles 14, 15 and 21 of the Constitution. One of the logical consequences of such an incident is also the violation of the victim's fundamental right under Article 19(1)(g) 'to practice any profession or to carry out any occupation, trade or business'. Such violations, therefore, attract the remedy under Article 32 for the enforcement of these fundamental rights of women. This class action under Article 32 of the Constitution is for this reason. A writ of mandamus in such a situation, if it is to be effective, needs to be accompanied by directions for prevention; as the violation of fundamental rights of this kind is a recurring phenomenon. The fundamental right to carry on any occupation, trade or profession depends on the availability of a "safe" working environment. Right to life means life with dignity. The primary responsibility for ensuring such safety and dignity through suitable legislation, and the creation of a mechanism for its enforcement, is of the legislature and the executive. When, however, instances of sexual harassment resulting in violation of fundamental rights of women workers under Articles 14, 19 and 21 are brought before us for redress



under Article 32, an effective redressal requires that some guidelines should be laid down for the protection of these rights to fill the legislative vacuum.

10. Gender equality includes protection from sexual harassment and right to work with dignity, which is a universally recognised basic human right. The common minimum requirement of this right has received global acceptance. The International Conventions and norms are, therefore, of great significance in the formulation of the guidelines to achieve this purpose.”

37. In “***Apparel Export Promotion Council Vs. A.K. Chopra***”⁽¹⁾, the Hon’ble Supreme Court, while dealing with the definition of ‘sexual harassment’, has held that sexual harassment is a form of sex discrimination projected through unwelcome sexual advances, request for sexual favours and other verbal or physical conduct with sexual overtones, whether directly or by implication, particularly when submission to or rejection of such a conduct by the female employee was capable of being used for effecting the employment of the female employee and unreasonably interfering with her work performance and had the effect of creating an intimidating or hostile working environment for her. It has been further held that the courts are required to examine the broader probabilities of a case and not get swayed by insignificant discrepancies or narrow technicalities or dictionary meaning of the expression ‘molestation’. The relevant paragraphs read as under:-

“24. An analysis of the above definition, shows that sexual harassment is a form of sex discrimination projected through unwelcome sexual advances, request for sexual favours and other verbal or physical conduct with sexual overtones, whether directly or by implication, particularly when submission to or rejection of such a conduct by the female employee was capable

of being used for effecting the employment of the female employee and unreasonably interfering with her work performance and had the effect of creating an intimidating or hostile working environment for her.

27. The observations made by the High Court to the effect that since the respondent did not actually molest Miss X but only tried to molest her and, therefore, his removal from service was not warranted rebel against realism and lose their sanctity and credibility. In the instant case, the behaviour of respondent did not cease to be outrageous for want of an actual assault or touch by the superior officer. In a case involving charge of sexual harassment or attempt to sexually molest, the courts are required to examine the broader probabilities of a case and not get swayed by insignificant discrepancies or narrow technicalities or dictionary meaning of the expression molestation. They must examine the entire material to determine the genuineness of the complaint. The statement of the victim must be appreciated in the background of the entire case. Where the evidence of the victim inspires confidence, as is the position in the instant case, the courts are obliged to rely on it. Such cases are required to be dealt with great sensitivity. Sympathy in such cases in favour of the superior officer is wholly misplaced and mercy has no relevance. The High Court overlooked the ground realities and ignored the fact that the conduct of the respondent against his junior female employee, Miss X, was wholly against moral sanctions, decency and was offensive to her modesty. Reduction of punishment in a case like this is bound to have demoralizing effect on the women employees and is a retrograde step. There was no justification for the High Court to interfere with the punishment imposed by the departmental authorities. The act of the respondent was unbecoming of good conduct and behaviour expected from a superior officer and undoubtedly amounted to sexual harassment of Miss X and the punishment imposed by the appellant, was, thus, commensurate with the gravity of his objectionable behaviour and did not warrant any interference by the High Court in exercise of its power of judicial review.”



38. The Kerala High Court, in *“Dr. Prasad Pannian and ors. Vs. The Central University of Kerala and ors.”*⁽¹⁾, has held that in order to constitute sexual harassment, definitely there should be an attempt on the part of the wrongdoer to do some act which was unwelcome or by way of behaviour, either directly or by implication, makes the victim to feel that it amounts to sexual harassment. Further held that sexual harassment defined in Section 2(n) is an inclusive definition and only a few unwelcoming acts or behaviour had been mentioned at sub-clauses (i) to (v) and there might be other instances as well. Section 3 creates an absolute prohibition to subject a woman to sexual harassment at workplace. A bare reading of sub-section (2) indicates that the circumstances mentioned in clauses (i) to (v) are not exhaustive. The words ‘among other circumstances’ clarifies the said position. Any such circumstances, if it occurs, or is present in relation to or connected with any act or behaviour of sexual harassment alone can be treated as sexual harassment. The relevant observations are reproduced hereunder:-

“6. Now let us consider the provisions of the 2013 Act. The Preamble to the Act reads as under:-

“An Act to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto”.

7. There is no dispute to the fact that sexual harassment of women at workplace results in violation of fundamental rights of equality, enshrined under Articles 14 and 15 of the Constitution of India and her right to live with dignity under Article 21 of the Constitution. It is to ensure a safe environment free from sexual harassment for women that the Act had been formulated. Section

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2(n) defines sexual harassment as under:-

“2. Definitions. xxxx

(n) “sexual harassment” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:-

(i) physical contact and advances; or

(ii) a demand or request for sexual favours; or

(iii) making sexually coloured remarks; or

(iv) showing pornography; or

(v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.”

Apparently it is an inclusive definition and only a few unwelcoming acts or behaviour had been mentioned at sub-clauses (i) to (v). There might be other instances as well. Any such behaviour which is unwelcome could be either direct or indirect. Sub-clauses (i) to (v) are only instances of unwelcome acts or behaviour, but while interpreting a statute, we will have to derive the meaning of the word “sexual harassment” taking into account sub-clauses (i) to (v) as well. Sub-clauses (i) to (v) are all illustrations. But when an allegation of sexual harassment is made, though not coming within the parameters as specified in sub-clauses (i) to (v), the act should have something to do with a sexual advance either directly or by implication. Going by the statute, only a few unwelcome acts had been delineated under sub-clauses (i) to (v). It is possible that there might be other unwelcome acts or behaviour which would amount to a sexual advance or demand which the woman feels to be annoyed on account of the fact that she is a woman.

8. Section 3 of the 2013 Act deals with prevention of sexual harassment, which reads as under:-

“3. Prevention of sexual harassment.-(1) No woman shall be subjected to sexual harassment at any workplace.

(2) The following circumstances, among other circumstances, if it occurs, or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment:--



- (i) implied or explicit promise of preferential treatment in her employment; or*
- (ii) implied or explicit threat of detrimental treatment in her employment ; or*
- (iii) implied or explicit threat about her present or future employment status; or*
- (iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or*
- (v) humiliating treatment likely to affect her health or safety”.*

Section 3 creates an absolute prohibition to subject a women to sexual harassment at workplace. There also, sub-section (2) of Section 3 emphasises on any act or behaviour of sexual harassment. Clauses (i) to (v) are instances which may occur in a workplace. But still, a bare reading of sub-section (2) indicates that the circumstances mentioned in clauses (i) to (v) are not exhaustive. The words 'among other circumstances' clarifies the said position. Any such circumstances, if it occurs, or is present in relation to or connected with any act or behaviour of sexual harassment alone can be treated as sexual harassment. In other words, any act which tends to affect the women in the form of clauses (i) to (v) in Section 3(2) would amount to sexual harassment only if such eventualities occur and should be in relation to or connected with any act or behavior of sexual harassment. The purport of Section 3(2) is that, if any of the eventualities mentioned under clauses (i) to (v) or any other circumstances occur, it should be in relation to or connected with any act or behaviour of sexual harassment.

9. Therefore, in order to constitute sexual harassment, definitely there should be an attempt on the part of the wrongdoer to do some act which was unwelcome or by way of behaviour, either directly or by implication makes the victim to feel that it amounts to sexual harassment.”

39. On the anvil of the law laid in the judicial pronouncements (*supra*), this Court has examined the allegations levelled by the petitioner.

To the considered mind of this Court, the allegations extracted hereinabove clearly fall within the scope of sexual harassment and ought to have been examined in accordance with the mandate enclosed in the POSH Act and “GARIMA” policy, but the same was unfortunately not done. It has been the constant stand of the respondent- Bank that the first complaint dated 09.03.2020 did not carry allegations of sexual harassment, and hence not required to be considered by the I.C.C. However, this Court finds this submission and stand to be highly unjustifiable. The reason for drawing this inference stems from the definition of sexual harassment, as contained in Section 2(n) of the POSH Act, and also from Section 3(2)(iv) of the POSH Act, wherein becomes dictated that interference with work of a woman or creating an intimidating or offensive or hostile work environment for her would amount to sexual harassment. The excerpts of petitioner’s allegations clearly invite the mischief of Sections 2(n) and 3(2)(iv), which are extracted hereunder:-

“2. Definitions.—*In this Act, unless the context otherwise requires, —*

(n) “sexual harassment” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:—

(i) physical contact and advances; or

(ii) a demand or request for sexual favours; or

(iii) making sexually coloured remarks; or

(iv) showing pornography; or

(v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

3. Prevention of sexual harassment.—

(2) The following circumstances, among other circumstances, if it



occurs, or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment:-

(iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or

XX

XX

XX”

40. Therefore, when the allegations levelled by the petitioner in her complaints dated 09.03.2020 and 14/15.09.2020 clearly fall within the ambit of “sexual harassment”, the respondent- Bank was required to refer the matter to the I.C.C. and to provide remedial measures, such as transferring either the petitioner or the Una Branch Head, before proceeding with any inquiry as per the procedure prescribed under Sections 11 to 13 of the POSH Act, which are extracted hereinafter:-

“11. Inquiry into complaint.— (1) Subject to the provisions of section 10, the Internal Committee or the Local Committee, as the case may be, shall, where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent and where no such rules exist, in such manner as may be prescribed or in case of a domestic worker, the Local Committee shall, if prima facie case exist, forward the complaint to the police, within a period of seven days for registering the case under section 509 of the Indian Penal Code (45 of 1860), and any other relevant provisions of the said Code where applicable:

Provided that where the aggrieved woman informs the Internal Committee or the Local Committee, as the case may be, that any term or condition of the settlement arrived at under sub-section (2) of section 10 has not been complied with by the respondent, the Internal Committee or the Local Committee shall proceed to make an inquiry into the complaint or, as the case may be, forward the complaint to the police:

Provided further that where both the parties are employees, the parties shall, during the course of inquiry, be

given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.

(2) Notwithstanding anything contained in section 509 of the Indian Penal Code (45 of 1860), the court may, when the respondent is convicted of the offence, order payment of such sums as it may consider appropriate, to the aggrieved woman by the respondent, having regard to the provisions of section 15.

(3) For the purpose of making an inquiry under sub-section (1), the Internal Committee or the Local Committee, as the case may be, shall have the same powers as are vested in a civil court the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents; and

(c) any other matter which may be prescribed.

(4) The inquiry under sub-section (1) shall be completed within a period of ninety days.

12. Action during pendency of inquiry.—*(1) During the pendency of an inquiry on a written request made by the aggrieved woman, the Internal Committee or the local Committee, as the case may be, may recommend to the employer to—*

(a) transfer the aggrieved woman or the respondent to any other workplace; or

(b) grant leave to the aggrieved woman up to a period of three months; or

(c) grant such other relief to the aggrieved woman as may be prescribed.

(2) The leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled.

(3) On the recommendation of the Internal Committee or the Local Committee, as the case may be, under sub-section (1), the employer shall implement the recommendations made under sub-



section (1) and send the report of such implementation to the Internal Committee or the Local Committee, as the case may be.

13. Inquiry report.—(1) *On the completion of an inquiry under this Act, the Internal Committee or the Local Committee, as the case may be, shall provide a report of its findings to the employer, or as the case may be, the District Officer within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties.*

(2) *Where the Internal Committee or the Local Committee, as the case may be, arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer and the District Officer that no action is required to be taken in the matter.*

(3) *Where the Internal Committee or the Local Committee, as the case may be, arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer or the District Officer, as the case may be—*

(i) to take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent or where no such service rules have been made, in such manner as may be prescribed;

(ii) to deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs, as it may determine, in accordance with the provisions of section 15:

Provide that in case the employer is unable to make such deduction from the salary of the respondent due to his being absent from duty or cessation of employment it may direct to the respondent to pay such sum to the aggrieved woman:

Provided further that in case the respondent fails to pay the sum referred to in clause (ii), the Internal Committee or as, the case may be, the Local Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned

District Officer.

(4) The employer or the District Officer shall act upon the recommendation within sixty days of its receipt by him.”

41. Unfortunately, the respondent- Bank, from the very inception, remained dormant and failed to act upon the petitioner's grievance. It was only pursuant to repeated applications/requests made by the petitioner that the respondent- Bank, with a predetermined mindset, appointed Mr. Amit Kumar Gupta, Chief Manager, State Bank of India, Una, Himachal Pradesh, as the Inquiry Officer. The inquiry was wholly biased and procedurally flawed, inasmuch as the inquiry officer associated only the Una Branch Head with the proceedings and made no effort whatsoever to associate the petitioner by issuing her any notice. In the inquiry report dated 18.03.2020, the inquiry officer merely recorded that he had spoken to the petitioner telephonically. The inquiry officer selectively examined four allegations from the petitioner's complaint and on the basis of explanation given by the Una Branch Head, he gave him a clean chit. The first allegation examined by the inquiry officer was “constant derogatory comments and unwanted taunts”, second allegation was “late sitting”, third allegation was “pressurizing for work on 04.03.2020 till late hours”, and fourth allegation was “declining staff comments leave and tour request”. Interestingly, the inquiry officer did not pick up the core allegations levelled by the petitioner, namely, bullying and mental harassment, which create unsafe working environment at workplace. Even otherwise, a unilateral inquiry of this nature is legally unsustainable and does not lend any support to the impugned termination notice.



42. In the same fashion, the petitioner's complaint dated 14/15.09.2020 was marked for inquiry to Smt. Vijay Dharia, Chief Manager, RACC, State Bank of India, Parwanoo, instead of being referred to the I.C.C. The inquiry officer associated only the petitioner with the inquiry proceedings and failed to make any effort to associate the Una Branch Head. In her inquiry report dated 23.10.2020, she concluded that although the petitioner may have experienced workplace embarrassment, no harassment, bullying, or intimidation was established. The relevant concluding portion of the inquiry report is reproduced hereinbelow:-

*"....she narrated same moments like late sittings and in cabin calling and work on Chief Manager computer. **Conclusion:** Watching all scene I came on conclusion that it is not a matter of workplace harassment, bullying or intimidation. But in my view because they may face embarrassment at workplace. During investigation Ms. Mridul Chauhan gave a letter, so I am not the authority to decide all these thing, please see the matter as per HR POLICY of the BANK."*

43. Despite the inquiry report dated 23.10.2020 embodying a conclusion that the petitioner may have faced embarrassment at workplace, the competent authority did not examine the allegations in view of the "GARIMA" policy, rather issued the impugned termination notice dated 21.11.2020, thereby declaring the petitioner deemed to have voluntarily vacated service amounting to voluntary resignation w.e.f. 23.09.2020.

44. The POSH Act and the "GARIMA" policy cast obligation upon the authority(ies) concerned to transmit the complaint to the I.C.C., rather than independently determining their truth. The allegations

enclosed in the complaint dated 14/15.09.2020 admittedly carry the ingredients of sexual harassment. Despite that, the impugned termination notice dated 21.11.2020 was issued. The respondent- Bank showed no respect for the policy which it adopted under the statutory obligation to ensure a safe working environment for female employees working with it. The “GARIMA” policy was never translated into practice in the field to redress the grievance of the petitioner. The respondent- Bank should have, instead of declaring the petitioner deemed to have voluntarily vacated service, showed a sensitive and responsible attitude by referring the matter to the I.C.C. and giving relief as per requirement of the POSH Act.

45. It is also notable that, at one point, the authority concerned not only transferred the Una Branch Head but also directed the petitioner, vide letter dated 08.10.2020, to join duty within two days. However, within a few hours, i.e. at 8:23 PM on 08.10.2020, the directions purveyed to the petitioner to join duty were recalled. This conduct of the respondent- Bank is incomprehensible and indicative of administrative arbitrariness.

46. Even the appellate authority similarly ignored the petitioner’s submissions, focusing solely on her absenteeism to uphold the termination notice. All these facts, as explained above, establish that the petitioner has not voluntarily vacated service of the respondent- Bank, rather her non-attendance was a direct consequence of alleged harassment by the Una Branch Head. Therefore, the invocation of Rule 40(3) of the Rules of 1992 is manifestly illegal.

47. Section 19 of the POSH Act imposes a statutory duty upon



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the respondent- Bank to provide a safe working environment. In the instant case, the said obligation has been violated by the respondent-Bank, and therefore, its decision deeming the petitioner to have voluntarily resigned does not withstand legal scrutiny. The initial inquiry report suffers from infraction of principles of natural justice, and the second inquiry report is also illegal on account of not being conducted by the I.C.C. in view of “GARIMA” policy.

48. In summa, the **instant writ petition is allowed**. The impugned order dated 23.11.2021, notice dated 21.11.2020, inquiry reports dated 18.03.2020 and 23.10.2020, and letter dated 07.12.2020 are hereby set aside. The petitioner is directed to be reinstated in service with continuity of service and all consequential benefits.

49. Pending application(s), if any, stand disposed of accordingly.

December 19, 2025
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No