



126

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

CWP-25877-2025**Date of Decision:08.09.2025**

Himat Kumar

...Petitioner

vs.

State of Punjab and others

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Anil Sharma, Advocate
for respondent No.1.

Mr. Swapan Shorey, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Articles 226/227 of the Constitution of India with a prayer to issue a writ in the nature of *Certiorari* for quashing the order/direction by the respondents, whereby the parallel enquiry into the complaint filed by the private respondents has been initiated by Local Complaint Committee. It is further prayed that the enquiry in the present case may be conducted by the Internal Complaints Committee only, which is authorized Committee to hold inquiry in view of the provisions of Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter refer to as POSH Act, 2013).
2. Learned counsel for the petitioner contends that on the basis of a complaint filed by respondents No.6 to 14, an enquiry was initiated by Internal

Complaints Committee of the respondent-department. However, after the initiation of the enquiry by the Internal Complaints Committee, Tarn Taran, a complaint was made against the Committee and the enquiry was entrusted to a New Internal Complaints Committee, which was headed by Civil Surgeon, Amritsar. In the meantime, the complainants moved a complaint to the Deputy Commissioner, Tarn Taran and another enquiry was initiated by District Complaint Committee, which was headed by CJM, Tarn Taran. Learned counsel further submits that once the enquiry was being conducted by Internal Complaints Committee, headed by Civil Surgeon, Amritsar, the District Complaint Committee had no jurisdiction to hold an enquiry in the present case and the said second enquiry was in violation of POSH Act, 2013. Consequently, he submits that only the enquiry, which is being conducted by Internal Complaints Committee, Amritsar may be allowed to continue and all the proceedings before the District Complaint Committee, headed by CJM, Tarn Taran may be quashed.

3. Learned counsel appearing on behalf of respondent No.1 submits that he has no objection in case the prayer made by learned counsel for the petitioner is allowed. However, he submits that there are several complainants, who have raised objections with regard to conducting of inquiry by the Internal Complaints Committee, Amritsar and a new Committee headed by some other officer may be ordered to be constituted.

4. On inquiry by this Court, learned counsel submits that respondent No.1 is ready to constitute a new Internal Complaint Committee, headed by some officer, other than Civil Surgeon, Tarn Taran as well as Civil Surgeon, Amritsar, within a period of two weeks from today. He further assured the Court that the said officer shall conduct the proceedings at District Head

Quarter, Tarn Taran, so that no inconvenience is caused to the parties in the present case.

5. Learned State counsel has also no objection to the submissions made by learned counsel for respondent No.1.

6. Learned counsel appearing on behalf of the petitioner also submits that he has no objection to the suggestion made by learned counsel for respondent No.1 and he shall accept the constitution of the Internal Complaint Committee, which may be headed by some officer, other than Civil Surgeon, Tarn Taran as well as Civil Surgeon, Amritsar.

7. In view of the submissions made by learned counsel for the parties, the proceedings, which are pending before the District Complaint Committee, Tarn Taran are hereby ordered to be quashed. Respondent No.1 is directed to constitute an Internal Complaints Committee afresh, which shall be headed by some officer, other than Civil Surgeon, Tarn Taran and Civil Surgeon, Amritsar. While constituting the Committee, respondent No.1 shall take into account the provisions contained in Section 4 of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. The new Internal Complaint Committee shall conclude the enquiry within a period of three months of date of initiation of the inquiry. It is expected that respondents No.6 to 14 shall also provide all assistance, cooperation to the Enquiry Officer, so constituted.

8. The present petition is disposed of, accordingly.

(N.S.SHEKHAWAT)

JUDGE

08.09.2025

hemlata

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