



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

121

CWP-34130-2025

Date of Decision: 01.12.2025

RAMESH SINGH AHLAWAT

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. S. K. Verma, Advocate for the petitioner.

Mr. Amit Sahni, Additional Advocate General, Haryana with
Mr. Harmanjit Singh Johal, Advocate.

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the chargesheet dated 13.10.2025, Annexure P-16, along with show case notice dated 11.11.2024, Annexure P-12, being in violation of provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, (for short, 'the 2013 Act') and University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015, (for short, 'the UGC Regulations') issued vide notification dated 02.05.2016, Annexure P-18. The petitioner has also prayed for quashing of complaint dated 17.08.2023, Annexure P-8, and the Internal Complaint Committee (ICC) report, Annexure P-3.

2. Learned counsel for the petitioner contended that the impugned chargesheet issued to the petitioner alleging sexual misconduct with girl students is on the basis of an inquiry report dated 27.04.2022, which is in

violation of the provisions of the 2013 Act. Section 13 of the Act provides that



the employer shall act upon the recommendation of Internal Complaint Committee(ICC) within sixty days of its receipt by him. Since the chargesheet has been issued after more than three years of issuing the report, it is becomes unsustainable. Secondly, learned counsel contends that the chargesheet is counterblast to the petitioner's complaint against the Principal regarding the incident on 04.08.2023, Annexure P-6/A. He had misbehaved with the petitioner being in an inebriated condition, and only to cover up his misconduct complained to the Department to issue the impugned chargesheet. It is also contended that acting upon the petitioner's complaint, the police has registered a FIR against him as well.

3. Learned State counsel has received instructions from the second respondent/Director General, Higher Education Department, vide memo dated 28.11.2025, which is retained on the case file as Annexure 'A'. Referring to the same, he contends that the chargesheet has been issued on account of misconduct by the petitioner with the Principal on 04.08.2023. Besides, there are other serious allegations against him of sexual misconduct with the girl students in the College regarding which the findings are there in the ICC report dated 27.04.2022, which was never challenged by the petitioner in the earlier round of litigation before this Court when he challenged his transfer on that basis. Besides, he has not submitted his response to the chargesheet so far.

4. Considering the submissions made by learned counsel for the parties, this Court is not inclined to entertain the petition. The petitioner has been issued a chargesheet regarding alleged misconduct with the Principal, and there is no material on record to believe the assertions made by learned counsel for the petitioner regarding the complaint being a counterblast, or that the complainant/Principal himself is guilty of any misconduct against the

petitioner. Facts in this regard can be established during the course of inquiry to be conducted pursuant to the chargesheet after considering the reply, if any, filed by the petitioner. Further, the contention regarding the bar created by Section 13 of the 2013 Act is also not sustainable. It is to the effect that in case allegations against the delinquent have been proved, the ICC or the Local Committee shall recommend to the employer to take action for sexual harassment in accordance with the provisions of service Rules applicable to the respondent. Sub-section (4) to Section 13 further provides that the employer shall act upon the recommendation within sixty days of receipt by him. The provision is directory in nature, requiring the employer to act upon the recommendation. It does not create any absolute bar upon the employer not to take action after sixty days. The argument to the contrary raised by learned counsel for the petitioner is misconceived, and stands rejected accordingly. Besides, the petitioner’s sexual misconduct is one of the allegations in the chargesheet and he is accused of misconduct on other counts as well.

5. In view thereof, the petition stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

01.12.2025
Ad

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