

(2022) 02 SHI CK 0082
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 4349 Of 2019

Nitika Prashar

APPELLANT

Vs

State Of Himachal Pradesh

RESPONDENT

Date of Decision : 28-02-2022

Acts Referred:

Central Civil Services (Conduct) Rules, 1964 — Rule 3C
Indian Penal Code, 1860 — Section 342, 354

Citation : (2022) 02 SHI CK 0082

Hon'ble Judges : Mohammad Rafiq, CJ; Jyotsna Rewal Dua, J

Bench : Division Bench

Advocate : Ranjana Parmar, Karan Singh Parmar, Ajay Vaidya

Final Decision : Disposed Of

Judgement

Mohammad Rafiq, CJ

1. This writ petition has been filed by petitioner-Nitika Prashar, who has made certain allegations of physical assault against respondent No. 4-Suresh Kumar. The prayer of the petitioner is that the charge sheet framed against respondent No. 4 may be held illegal, nonest and void, and directions be issued to the respondents to issue fresh charge sheet against respondent No. 4 by invoking the violation of Rule 3-C of the Conduct Rules, which provides prohibition of sexual harassment of working women.

2. As per the statement of Articles of Charges framed against respondent No. 4, he has challenged the privacy of a woman and was guilty of sexual misbehaviour and misconduct as he physically assaulted the petitioner and locked the pharmacist duty room with bad intention. The said charge, therefore, specifically covered the components of Rule 3-C of the Conduct Rules.

3. The learned Senior Additional Advocate General appearing for State-respondents No. 1 and 2 has submitted that the disciplinary inquiry against respondent No. 4 was taken to its logical conclusion and the Inquiry Officer found

the charges against respondent No. 4 to have been proved. The disciplinary authority has imposed penalty on respondent No. 4, of withholding of five increments with cumulative effect, which has been challenged by him in a separate writ petition. Apart from that, First Information Report was also lodged against respondent No. 4 by the petitioner and that after completion of investigation in that FIR, challan has been filed against him under Sections 354 and 342 of the Indian Penal Code and the matter is pending in the Court of competent jurisdiction.

4. In that view of the matter, no more directions are required to be issued in this writ petition. The same is disposed of accordingly, so also the pending miscellaneous applications, if any.