
(2000) 09 P&H CK 0198
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 7856 of 2000

Smt. Varsha Rani

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 05-09-2000

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2000) 09 P&H CK 0198

Hon'ble Judges : V.S. Aggarwal, J;Bakhshish Kaur, J

Bench : Division Bench

Advocate : Mr. Harsh Kinra, for the Appellant; Mr. R.S. Tacoria, Additional A.G. and Mr. K.N.P. Singh, for the Respondent

Judgement

V.S. Aggarwal, J.—The petitioner invokes Articles 226 and 227 of the Constitution and seeks a direction for quashing of her transfer order and secondly she prays that a direction should be issued to register First Information Report against respondents 3 and 4 for sexual harassment and outraging her modesty.

2. Reply has been filed.

3. Learned counsel for the petitioner highlights the facts that petitioner is a widow lady. She supports her widowed mother and child. In the facts and circumstances transferring her from Panipat to Faridabad is a punishment. The reply indicates that the petitioner misbehaved in the office and that prompted the respondents concerned to transfer the petitioner from Panipat in Public interest. This is stated to have so done to maintain the decorum in office.

4. During the course of submissions, learned counsel for the petitioner has pointed that for the alleged misbehaviour, disciplinary proceedings are also being initiated. Keeping in view this fact, we are refraining ourselves in expressing any opinion pertaining to the alleged misbehaviour by the petitioner. Nothing said herein should be taken as an expression of opinion in this regard. Suffice to say that with respect to the transfer order keeping in view the totality of the

circumstances brought on the record this Court will not ordinarily interfere. Therefore, qua this relief we have no hesitation in rejecting the claim of the petitioner regarding transfer.

5. As regards second aspect that respondent No. 5, Officer-in-charge. Police Station Matloda should be directed to register a first information report against respondents 3 and 4. Keeping in view the ratio decidendi of the decision in the case of State of Haryana and others Vs. Ch. Bhajan Lal and others, , it is directed that if a cognizable offence is drawn, then in accordance with law respondent No. 5 would register the first information report and take necessary steps.

With these directions, the writ petition is disposed of.

6. Petition disposed of.