

(2023) 05 DEL CK 0109

In the Delhi High Court

Case No : Civil Writ Petition No. 16373 Of 2022, Civil Miscellaneous Application No. 51390 Of 2022, 19933, 19936 Of 2023

Surender Singh

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 17-05-2023

Acts Referred:

Central Civil Services (Classification, Control and Appeal) Rules, 1965 — Rule 14(2)

Citation : (2023) 05 DEL CK 0109

Hon'ble Judges : Suresh Kumar Kait, J; Neena Bansal Krishna, J

Bench : Division Bench

Advocate : Ankur Chhibber, Anshuman Mehrotra, Nikunj Arora, Samridhi Bhatt, Pratima N. Lakra, Vanya Bajaj, Somyashree

Final Decision : Disposed Of

Judgement

1. Vide the present petition, petitioner prays as under:

"I. Issue a Writ of Certiorari for quashing of the order dated 21.10.2022 whereby the Internal Complaints Committee was constituted to inquire into the allegations of sexual harassment, any such orders passed in furtherance thereof including the ones that has not even been communicated, order dated 03.11.2022 whereby the Respondents have rejected the representation of the Petitioner, signal dated 03.11.2022 whereby the Respondents have proceeded ahead with the first stage of the inquiry process, order dated 16.11.2022 whereby the Respondents have suspended the Petitioner on ground of contemplated/pending inquiry and of the Standing Order 02/2017 issued by the Respondents to the extent whereby it contravenes the already established statute, being the Central Civil Services (Classification, Control and Appeal) Rules, 1965 as well as Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act & Rules.

II. Issue a Writ of Mandamus directing the Respondents to conduct the inquiry, if

need be, in strict terms of Rule 14 (2) of the CCS (CCA) Rules and the relevant provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act & Rules, independent and free from any kind of biasness as well as in conformity with the observations made by this Hon'ble Court on 29.05.2009 in W.P.(C) No. 8226/2007 titled as Prof. Bidyug Chakraborty vs. Delhi University and Ors and 05.09.2016 in W.P.(C) No. 453/2015 titled as Union of India and Anr. vs. S K Das."

2. Affidavit filed on behalf of respondent Nos.1 to 4 pursuant to order dated 16.02.2023 is on record.

3. After hearing learned counsel for parties, it is agreed by learned counsel for petitioner on instructions that the present petition may be disposed of, if order dated 02.02.2023, report of Inquiry Officer dated 21.10.2022 and charge-sheet dated 02.02.2023 are set aside and ICC may start fresh inquiry/proceedings against the petitioner, as per the law by giving him an opportunity to participate in the said proceedings.

4. Learned CGSC for respondents does not dispute the same.

5. Accordingly, we hereby dispose of present petition by setting aside the order dated 02.02.2023, report of Inquiry Officer dated 21.10.2022 and charge-sheet dated 02.02.2023 and giving liberty that ICC shall start fresh inquiry against the petitioner, as per law by giving him opportunity to participate in the said proceedings.

6. Needless to say, petitioner shall be entitled to all his rights as provided under Rule 14(2) of Central Civil Services (Classification, Control & Appeal) Rules 1965.

7. Pending applications also stand disposed of.