

GAHC010015682024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/419/2024

DURGAKINKAR BHATTACHARYYA
S/O LATE MADHAB BHATTACHARYA, R/O VILL- BAMUN ANGRADI, P.O.-
MUGDI, DIST-NALBARI, ASSAM, PIN-781312

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM, INDUSTRIES, COMMERCE AND P.E.
DEPARTMENT, JANATA BHAWAN, DISPUR, GUWAHATI-781006

2:THE SECRETARY TO THE GOVERNMENT OF ASSAM
INDUSTRIES
COMMERCE AND P.E. DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-781006

3:THE COMMISSIONER
INDUSTRIES AND COMMERCE
ASSAM
COMMISSIONERATE OF INDUSTRIES AND COMMERCE
UDYOG BHAWAN
BAMUNIMADAM
GUWAHATI-781021

4:THE GENERAL MANAGER
DISTRICT INDUSTRIES AND COMMERCE CENTRE
BAKSA
MUSHALPUR
DIST- BAKSA
ASSAM

PIN-78134

Advocate for the Petitioner : MR. M P SARMA

Advocate for the Respondent : SC, INDUSTRIES AND COMMERCE

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

15.03.2024

By filing this writ petition, the petitioner has challenged the suspension Order dated 12.01.2024 by which he has been suspended from service on account of certain complaint alleged sexual harassment. According to the petitioner, he has learnt from a reliable source that the internal committee has arrived at a specific finding that no such incident as alleged has been found but no report has been furnished to him. Now, the respondent authority has issued the suspension order which is only in violation of Section 13(2) of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

Mr. N Kalita, learned counsel for the Department submits that the petitioner has been, in the meantime, given a show-cause notice dated 18.01.2024 and he produces a copy of the same. On perusal of the show-cause notice, it appears that the enquiry report of the internal committee has not been furnished to the petitioner. The respondents are directed to furnish a copy of internal enquiry report to the petitioner and the petitioner shall submit his reply to the enquiry report upon receiving such documents, within a period of 10 days from the date of his receipt of the report.

Let the matter be listed again after 3 (three) weeks on 10th April, 2024.

JUDGE

Comparing Assistant