

W.P.No.29176 of 2024
and
W.M.P.No.31863 of 2024

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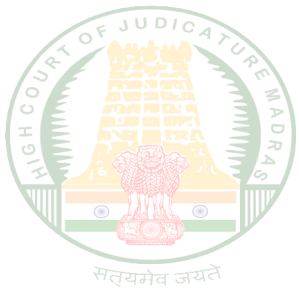
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and
W.M.P.No.31863 of 2024

N.SENTHILKUMAR, J.

This writ petition is filed challenging the impugned judgment passed by the learned Labour Court, Kancheepuram, in SHW1/2017 dated 02.08.2024.

2. The petitioner joined as IT Analyst with the first respondent Company and subsequently she was promoted as Assistant Consultant. Thereafter, the first respondent Management deputed her to work onsite on a project at U.K. She was informed by the second respondent that she can leave U.K on 19.04.2018. According to the petitioner, she was called for an unscheduled meeting by the first respondent on 20.03.2018 at about 7 p.m.

3. The case of the petitioner is that the second respondent had taken undue advantage of the fiduciary situation and has committed sexual harassment on the petitioner. The petitioner had preferred a complaint by way of email to the first respondent, but there was no response. The

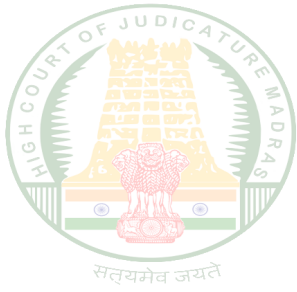


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petitioner requested for a shift in the project. Even after the transfer, the second respondent harassed her. Hence, she was advised by her superiors to present a sexual harassment complaint. The complaint was filed and taken up by the ICC, but the Committee has held that the charge was not proved. The enquiry conducted by the ICC is biased and violates natural justice. The allegation made by the petitioner is that Ms.Sethulakshmi cannot be treated as an external member because TCS is funding her NGO Sethu Foundation.

4. The contention of the petitioner is that the presence of Ms.Sethulakshmi would not bring a fair outcome of the enquiry. Aggrieved by ICC Committee report, the petitioner had preferred an internal appeal under Section 18 of the Sexual Harassment of Women at Workplace Act r/w Rule 11 of the Prevention of Sexual Harassment Rules, 2013, and the same was dismissed by the Labour Court at Kancheepuram. Hence, the present writ petition has been filed.



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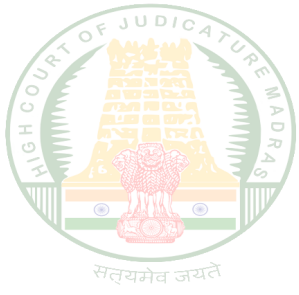
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5. There shall be an order of interim stay as prayed for.
6. Notice to the respondents returnable in four weeks. Private Notice is also permitted.
7. Post the matter after four weeks.

cda

03.10.2024

N.SENTHILKUMAR, J.



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