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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-10-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WP No. 17012 of 2023

CNR:{HCMA010992622023}

and

WMP No. 16207 of 2023

Case QR

Dr.Pramod Singh

..Petitioner(s)

Vs

1. Pondicherry University,
   Rep. by its Registrar(I/C),
   R.V. Nagar, Kalapet,
   Puducherry - 605 014.

2. The Chair Person,
   Sexual Harassment Prevention
   Committee(Dean and Professor),
   School of Management and Department of
   Commerce,
   Pondicherry University,
   Puducherry - 605 014.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the concerned records from the 1st respondent, quash the office order of the 1st respondent bearing office order No. 19 bearing ref.No. Pu/Estt(T)/ET4/2023-24/23 dated 10.05.2023 as illegal, arbitrary and contrary to law and consequently direct the 1st respondent to reinstate the Petitioner with full back wages, continuity of service and all monetary and other attendant benefits.

For Petitioner(s): Mr.Balan Haridas
For Respondent(s): M/s.A.V.Bharathi (for R1)
No appearance (for R2)

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ORDER

This Writ Petition has been filed challenging the order dated 10.05.2023 passed by the first respondent and seeking a consequential direction to the first respondent to reinstate the petitioner with full back wages, continuity of service and all monetary and other attendant benefits.

2. The learned counsel appearing for the petitioner would submit that the petitioner joined the respondent University in 2002 and is presently functioning as a Professor under the UGC Career Advancement Scheme (CAS). It is further submitted that a Ph.D. student (hereinafter referred to as "the victim") was allotted to the petitioner as a research scholar in February 2021. While so, the victim addressed a letter dated 19.01.2023 to the Registrar, seeking a change of research guide. However, the said letter did not contain any reference to the alleged sexual harassment. Subsequently, on 23.03.2023, the petitioner received an e-mail enclosing the complaint of sexual harassment made by the victim, to which the petitioner submitted a detailed reply on 27.03.2023. The learned counsel for the petitioner would contend that the proceedings conducted under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, were in blatant violation to the provisions of the said Act. He would further submit that, even in the absence of a charge memorandum, when the petitioner appeared before the Committee, the Committee referred to

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two other instances of alleged misconduct, which had not been notified to him. Thereafter, the Committee proceeded with undue haste, concluded the enquiry and submitted a report recommending punishment.

2.1. It is the further submission of the learned counsel for the petitioner that the first respondent, being the disciplinary authority, imposed the punishment without conducting a proper enquiry and on the basis of proceedings conducted in blatant violation of the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. He would further contend that the punishment was not imposed in accordance with the settled principles of service jurisprudence. It is also the contention of the learned counsel for the petitioner that the punishment was imposed in undue haste without even furnishing a copy of the enquiry report to the petitioner. In support of his contentions, the learned counsel for the petitioner relied upon the judgments of the Hon'ble Supreme Court in ***Aureliano Fernandes v. State of Goa and Others***, reported in ***(2024) 1 SCC 632***, and ***Surekha Domaji Bele v. Executive Engineer***, reported in ***2016 INSC 639,*** as well as the judgment of the Division Bench of this Court in ***Thangavelu v. Central Government Industrial Tribunal-cum-Labour Court***, reported in ***2026:MHC:2778.*** Hence, he prayed to interfere with the impugned order.

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3. Per contra, the learned counsel appearing for the first respondent would contend that the allegations against the petitioner are serious in nature and that the petitioner appears to be a repeat offender. He would further submit that the decision of the Complaints Committee was arrived at only after examining the relevant witnesses and that the punishment was recommended in accordance with the statutory mandate. Therefore, in the interest of the institution, the first respondent imposed what is considered to be a proportionate punishment. It is also the contention of the learned counsel for the first respondent that suspension from service for a period of two years, and demotion to a lower post are punishments provided under the applicable Service Rules and, therefore, the first respondent is entitled to impose such punishments. Hence, he prayed to dismiss the present Writ Petition.

4. I have given my anxious consideration to either side submissions.

5. Section 11 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, deals with the manner in which an enquiry into a complaint is to be conducted. Section 11(1) of the said Act provides for the conduct of an enquiry into a complaint in accordance with the applicable service rules. In the case in hand, though the statutory scheme contemplates that a copy of the findings of the Complaints Committee shall be made available to the parties concerned, namely, the aggrieved woman and the

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delinquent, enabling them to make their representations in accordance with law. Admittedly, a copy of the enquiry report was not furnished to the petitioner.

6. Though the proviso to Rule 14(2) of the CCS (CCA) Rules provides that an enquiry into a complaint of sexual harassment may be conducted, "as far as practicable", in accordance with the procedure laid down therein, it does not mean that the mandatory requirements of natural justice can be disregarded. Natural justice is not an empty formality, it is a guarantee of procedural fairness. In the present case, the petitioner was not afforded an opportunity to cross-examine the witnesses, nor was he furnished with copies of the statements recorded from the victim or the other witnesses. As rightly contended by the learned counsel for the petitioner, the two earlier instances of alleged similar misconduct were referred to in the report without first bringing them to the notice of the petitioner and affording him an opportunity to respond to the same. But, those instances were also taken into consideration while recommending the punishment. Therefore, this Court is of the firm view that the impugned order dated 10.05.2023 was passed in blatant violation of the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, as well as the principles of natural justice.

7. At this juncture, it is relevant to refer to the judgment of the Hon'ble Supreme Court in ***Aureliano Fernandes's case*** (cited supra), wherein, in paragraphs 70 and 71, the Hon'ble Supreme Court has held as follows:-

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"70. In the instant case, though the Committee appointed by the Disciplinary Authority did not hold an inquiry strictly in terms of the step-by-step procedure laid down in Rule 14 of the CCS (CCA) Rules, nonetheless, we have seen that it did furnish copies of all the complaints, the depositions of the complainants and the relevant material to the appellant, called upon him to give his reply in defence and directed him to furnish the list of witnesses that he proposed to rely on. Records also reveal that the appellant had furnished a detailed reply in defence. He had also submitted a list of witnesses and depositions. This goes to show that he was well-acquainted with the nature of allegations levelled against him and knew what he had to state in his defence. Given the above position, non-framing of the articles of charge cannot be said to be detrimental to the interest of the appellant.

71. In fact, the glaring defects and the procedural lapses in the inquiry proceeding took place only thereafter, in the month of May, 2009, when 12 hearings, most of them back-to-back, were conducted by the Committee at a lightning speed. On the one hand, the Committee kept on forwarding to the appellant, depositions of some more complainants received later on and those of other witnesses and called upon him to furnish his reply and on the other hand, it directed him to come prepared to cross-examine the said complainants and witnesses as also record his further deposition, all in a span of one week. Even if the medical grounds taken by the appellant seemed suspect, the Committee ought to have given him reasonable time to prepare his defence, more so when his request for being represented

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through a lawyer had already been declined. It was all this undue anxiety that had led to short-circuiting the inquiry proceedings conducted by the Committee and damaging the very fairness of the process."

8. The ratio laid down in the aforesaid judgment makes it clear that the expression "as far as practicable", employed in the relevant rules, cannot be construed as permitting the principles of natural justice to be disregarded or diluted. The procedure adopted must ensure fairness and a reasonable opportunity to the parties concerned.

9. From the narration of the events, this Court does not find that the procedure adopted in the present case was fair or that adequate safeguards were provided to protect the interests of both parties. Further, while imposing the punishment, the first respondent imposed multiple penalties, qua suspension from service for two years and demotion to a lower post. The learned counsel appearing for the first respondent would contend that such punishments are provided under the applicable Service Rules. In this regard, it is relevant to refer to the judgment of the Hon'ble Supreme Court in ***Surekha Domaji Bele's case*** (cited supra), wherein, in paragraphs 86, 87 and 88, the Hon'ble Supreme Court has observed as follows:-

"86. In Union of India v. S.C. Parashar, (2006) 3 SCC

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167, this Court considered a case where the disciplinary authority had imposed an amalgam of penalties in the same disciplinary proceeding. The employee had been visited with reduction in pay, loss of seniority and recovery of loss. This Court held as follows:

> *"12. The penalty imposed upon the Respondent is an amalgam of minor penalty and major penalty. The Respondent has been inflicted with three penalties :*
>
> *(1) reduction to the minimum of the time-scale of pay for a period of three years with cumulative effect; (2) loss of seniority; and (3) recovery of 25% of the loss incurred by the Government to the tune of Rs.74,341.89p., i.e., Rs.18,585.47p. on account of damage to the Gypsy in 18 (eighteen) equal monthly instalments. Whereas reduction of time-scale of pay with cumulative effect is a major penalty within the meaning of clause (v) of Rule 11 of the CCS Rules, loss of seniority and recovery of amount would come within the purview of minor penalty, as envisaged by clause (iii) and (iii)(a) thereof. The Disciplinary Authority, therefore, in our opinion acted illegally and without jurisdiction in imposing both minor and major penalties by the same order. Such a course of action could not have been taken in law.*

87. The principle emerging from the aforesaid decision is that where the service rules prescribe distinct penalties, the disciplinary authority cannot impose an amalgam of separate substantive penalties for the same misconduct unless the rules authorise such a course. The order of punishment must

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therefore be tested with reference to the penalties prescribed under the governing Regulations.

88. Accordingly, we hold that the Appellant cannot be visited with both dismissal under Regulation 91(2)(g) and a separate punishment of suspension under Regulation 91(2)(d) for the same misconduct. The direction in the dismissal order dated 12.07.2017 treating the suspension period as punishment shall not operate as an independent or additional penalty over and above the harsher penalty finally imposed."

10. The aforesaid judgment was followed by the Division Bench of this Court in ***Thangavelu's case*** (cited supra). According to the above ratio, combining of multiple penalties is unknow to the service jurisprudence. Thus, in view of the procedural irregularities and the violations of the principles of natural justice as discussed hereinabove, this Court finds sufficient justification to interfere with the impugned order dated 10.05.2023.

11. In view of the above, the impugned order dated 10.05.2023 is hereby quashed. However, considering the nature of the complaint, this Court is inclined to remit the matter to the Complaints Committee for a de novo enquiry. The Committee shall afford adequate opportunity to the petitioner to defend himself in accordance with law. The petitioner shall cooperate with the proceedings and shall not seek unnecessary adjournments. Upon completion of

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the enquiry, the Committee shall submit its report to the disciplinary authority for appropriate orders. Both the Complaints Committee and the disciplinary authority shall ensure that the proceedings are conducted in accordance with the applicable law and the principles of natural justice.

12. Considering the fact that the complaint dates back to the year 2023, the respondents are directed to complete the entire proceedings on their own merits and in accordance with law, within a period of three months from the date of the first hearing fixed by the Committee. The first hearing shall be fixed within a period of four weeks from the date of receipt of a copy of this order.

13. In the result, this Writ Petition is allowed as indicated above. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index: Yes
Speaking order
Neutral Citation: Yes

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To

1. Pondicherry University,
Rep. by its Registrar(I/C),
R.V. Nagar, Kalapet,
Puducherry - 605 014.

2. The Chair Person,
Sexual Harassment Prevention Committee(Dean and Professor),
School of Management and Department of Commerce,
Pondicherry University,
Puducherry - 605 014.

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C.KUMARAPPAN J.

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