

पंजीकृत/ई-मेल।

प्रेषक

महानिदेशक, उच्चतर शिक्षा हरियाणा,  
शिक्षा सदन, सैक्टर-5, पंचकूला।

सेवा में,

1. All the Principals of Govt./Non Govt. Aided Colleges in the State.
2. All the Commanding officers, NCC Units in the State.
3. All the Librarianse of Distt./Sub. Div. Libraries in the State of Haryana/ Librarian, Central State Library, Ambala Cantt.
4. Registrars, All Universities in the state of Haryana.

यादी क्रमांक : 1/37-2012 प्रशा0 (2)

दिनांक, पंचकूला : 26-07-2012

विषय :- **Anti Sexual Harassment Committee** के संबंध में सूचना  
उपलब्ध करवाने बारे मामला।

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उपरोक्त विषय पर इस कार्यालय के पत्र क्रमांक 1/37-2012 प्रशा0  
(2) दिनांक 10.7.2012 के संदर्भ में।

विषयांकित मामले में संदर्भित पत्र के अन्तर्गत आपको लोकायुक्त,  
हरियाणा से प्राप्त आदेश क्रमांक Lok/Hr./2010/86/34 दिनांक 06.4.2012 की प्रति भेजते  
हुए संस्थान में Anti Sexual Harassment Committee का गठन करते हुए लिखा  
गया था। अतः अब आप इस संबंध में गठित Anti Sexual Harassment Committee  
बारे निम्नानुसार सूचना दिनांक 27.7.2018 को दोपहर 12:30 बजे तक निदेशालय को  
ई-मेल [hechryadmn@gmail.com](mailto:hechryadmn@gmail.com) के माध्यम से शीघ्र भेजना सुनिश्चित करें :-

क्रमांक	चेयरपर्सन का नाम तथा कमेटी सदस्यों का नाम पद संज्ञा सहित।	दिनांक 30.6.2018 तक प्राप्त सभी शिकायतों का विवरण	प्राप्त शिकायत पर की गई कार्यवाही का विवरण	वर्तमान स्थिति।



अधीक्षक प्रशासन

कृते: महानिदेशक, उच्चतर शिक्षा हरियाणा,  
पंचकूला।

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दिनांक 11.03 शाखा C-IV  
दिनांक 16/04/2012

OFFICE OF LOKAYUKTA HARYANA

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Sector - 17, Chandigarh - 160 017

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लोकायुक्त कार्यालय हरियाणा, चण्डीगढ़

Memo No. Lok./Hr./2010/86/34

To

The Director General,  
Higher Education, Haryana,  
Panchkula.

Subject: **Complaint No. 86 of 2010 filed by Smt Shashi Singh, Ex Librarian, 124-L, New Colony, Palwal 121102.**

Reference your memo no. 4/1-08 C-4(1), dated 3.3.2011 on the subject cited above.

Please find enclosed herewith a copy of the report dated 3.4.2012 of Hon'ble Lokayukta, Haryana for information.

✓ DA/ As above.

Reader,  
for Lokayukta, Haryana.

Urgent  
Dated: 6.4.2012

11/4/12  
DA/HE

11.4.12

JDI

12/4/12

Urgent case

Please examine & put up

DB-IV

12/4/12

S-IV

16/4

17/4/12

RE

BEFORE THE LOKAYUKTA, HARYANA, CHANDIGARH

Complaint No. 86 of 2010

Name of the Complainant: Smt. Shashi Singh

**Date of Report: 03.04.2012**

**Justice Pritam Pal, Lokayukta, Haryana (Oral)**

The complainant alongwith her counsel Ms. Priyanka Sud, the respondent Dr. M.K. Arora alongwith his counsel Shri Sudhanshu Makkar, Shri Baldev Kalra, President of the Managing Committee, G.G.D.S.D. College, Palwal and Shri Balinder Singh, Deputy District Attorney of this institution, are present.

The present complaint has been filed by Smt. Shashi Singh, Ex-Librarian, House No. 124-L, New Colony, Palwal levelling allegations against Dr. M.K. Arora, Principal, G.G.D.S.D. College, Palwal. It has been alleged that the Principal had tempered the record of her service book and also given wrong information to the higher authorities.

The brief facts of this case are that the complainant Ms. Shashi Singh was working as a Librarian in the Goswami Ganesh Dutt S.D. College, Palwal which is an aided institution. In this complaint she had levelled serious allegations about sexual harassment, tampering of record and harassment by delaying in releasing her retiral benefits by sending false report against the Principal Dr. M.K. Arora.

The matter was taken up with the Director General, Higher Education (for short the Director General) asking him to look into this matter and submit his report. The Director General had in turn referred the matter to the Deputy Commissioner, Palwal who had got an enquiry conducted from the Sub Divisional Officer (Civil), Palwal. The



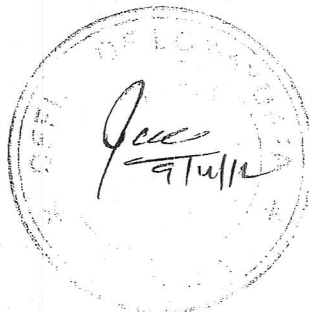
Sub Divisional Officer (Civil) had submitted his report dated 04.10.2010 which was forwarded by the Director General to this office.

A perusal of the enquiry report showed that some very serious allegations stood proved against the Principal. One of the allegations about sexual harassment had been held to be not proved for want of sufficient evidence.

A copy of the enquiry report was forwarded to the complainant for her information and comments, if any. In response thereto, she had filed detailed comments vide letter dated 17.11.2010. However, since a copy of the same had not been endorsed to the Enquiry Officer i.e. the Sub Divisional Officer (Civil), Palwal, a copy of the same was forwarded to him for his comments on the objections raised by the complainant. He was asked to file his comments. It was clarified that in case he needed any clarification on the complainant's letter then he may grant her a personal hearing also before submitting his report.

The Director General vide letter dated 23.11.2010 directed the President, Managing Committee of the college to take action against Dr. M.K. Arora in accordance with the rules on the basis of the allegations which stood proved in the enquiry report.

The complainant apprehended that the Managing Committee, which was hand in glove with the Principal, would drag its feet in taking action against him. This apprehension did not appear to be correct because the Director General had already directed the President of the Managing Committee to take action. The Managing Committee being answerable to the Director General had to comply with his order.



Accordingly, the Director General was asked to submit action taken report in this matter.

A detailed enquiry report dated 22.01.2011 had been received in this office on 28.02.2011 from the Enquiry Officer and Sub Divisional Officer (Civil), Palwal. Copies of the same had been supplied to Dr. M.K. Arora as well as to the complainant and the Director General for compliance.

The complainant as well as the respondent Dr. M.K. Arora were directed to file their written objections/ comments, if any, on the report of the Enquiry Officer to this office.

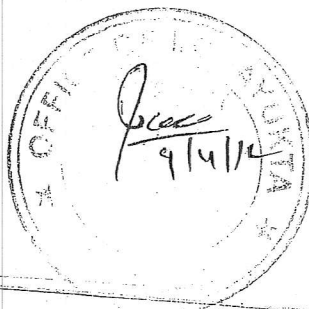
Written objections/ comments had been filed on behalf of both the parties i.e. the complainant as well as the respondent. Copies thereof, had been supplied to each other.

Enquiry in this matter was also conducted by the learned Registrar of this institution who, after holding preliminary enquiry and conducting the essential proceedings for the purpose of collecting the necessary evidence and material on the file, made his report dated 23.02.2012 as under:-

*"The complainant alongwith her counsel Priyanka Sud and the respondent Dr. M.K. Arora alongwith his counsel Sudhanshu Makkar are present.*

*The complainant who was working as Librarian in GGSDS College, Palwal and retired on 30.09.2009, has filed the present complaint in May, 2010.*

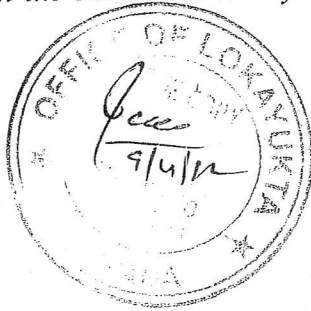
*The brief allegations levelled by the complainant are; that the Principal visited her room on the pretext of reading Newspaper and has used objectionable language. That on*



one day while she was sitting in her Library, he has asserted the words "if you will cooperate with me you will remain happy", that upon such wording she became suspicious about the intention of the Principal and when she protested the Principal asserted that he would tell how to do the job otherwise whatever he asks is to be done by her. That thereafter he sent the attendant for taking tea and he tried to get hold of her hand but she became annoyed and freed her hand and I told him to leave the Chamber at once. It is also alleged that after start of the summer vacations he again started the same practice ; He even served Notice upon her for one cause or another so as to put her under fear and he has sent copies of the letters to the higher authorities on 7.5.2007. She tried to file her reply but it was taken only on 8.5.2007. It is alleged that a Notice was issued only with a view to coerce her so that she may act according to his wishes by ignoring the decency of a lady. That she has also written a letter to Mr. Mahender Kumar Kalra on that date narrating the continued mis-behaviour by the Principal. She has also written to the President for personal hearing but no action was taken. It is further alleged that the management has been told about these dirty habits of the Principal, that no action having been taken she met the Superintendent of Police, Palwal who has deputed the Deputy Superintendent of Police, Palwal who in turn deputed the SHO. The Principal was called and he came alongwith the member of the Management Committee and he gave in writing apologising his misbehaviour; that she has also intimated about these actions to the M.D. University, Rohtak; that a Committee from the University consisting of Professor Rajbir Singh and Professor K.P.S.Mehalwar has observed that the Principal though has issued letters to the Librarian with regard to his absence and her behaviour in the month of May



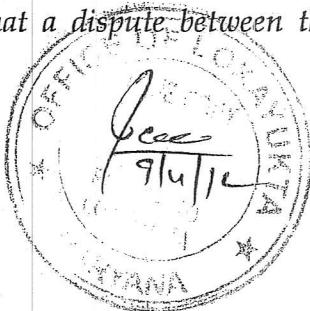
and July, 2007, but no punitive action has even been taken by the Principal. In the absence of proper notification regarding work during summer vacations well in time, the letters issued may amount to undue harassment of the employee. Apart from that it was suggested that he should also establish a Committee against sexual harassment at work place. However, no such Committee has been formed. Because of above actions of the complainant, the Principal summoned her in his office. Shri Mahender Kumar Kalra, President and Secretary Shri Sharvan Mangla were also sitting; that the Principal alongwith those persons have reprimanded her for at least one hour. It was alleged that for making complaint in the Police Station and to the higher authority she is to meet the consequences. That when she asserted that no action has been taken against the Principal for sexual harassment, the Principal and the President had threatened her with a loud voice that only one year has left and she should not bother about Principal but should keep in her mind her only daughter. It was also asserted whether she wants departure with flowers or ..... It was also asserted that she would not get gratuity, provident fund and pension. That she was depressed and she has sent complaint to the higher authorities. That she also met the Vice Chancellor of the M.D. University, Rohtak and he has ordered immediate action. It is also asserted that after her retirement the Principal has made forgery in the register and has given a note that inquiry in some cases against Smt. Shashi Singh is pending in M.D. University, Rohtak. That he has also written letter to the higher authorities intimating such fact. However, when the higher authorities required him to tell the enquiries the Principal kept it pending for three months and thereafter it was written that after persuasion the cases have been filed; that she has written to the higher



authorities but no action was taken. The complainant has alleged that the action be taken against the Principal and Shri Mahender Kumar Kalra, President and has specified these allegations as under :-

- 1) For sexual harassment with an employee a criminal action be taken.
- 2) That a criminal action be taken for tempering with the service book.
- 3) That a criminal action be taken for sending wrong information to the higher authorities.
- 4) That for stopping the benefits i.e. gratuity, pension and provident fund, criminal action be taken.
- 5) That for the various illegal actions, action of the Principal a strong action be taken against him.
- 6) That for protecting the Principal a criminal action be taken against the President Shri Mahender Kumar Kalra.

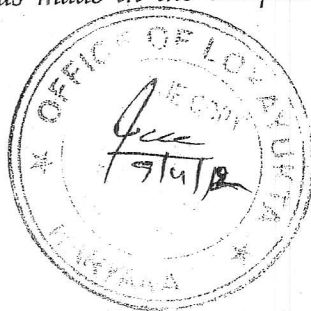
The then Hon'ble Lokayukta has required the competent authority to send the report and ultimately an enquiry report conducted by the Sub Divisional Officer (Civil) Palwal was received. In that report it was found that allegations No. 1 of sexual harassment was not proved. The complainant was 61 years of age and the Principal was 51 years of age. No evidence was produced. With regard to allegation No. 2, it was observed that the tempering in the service book has been made intentionally. With regard to allegation No. 3, it was observed that the Principal has given wrong information to the higher authorities with regard to the pendency of enquiry against the complainant. With regard to allegations No. 4 & 5, it was observed that no evidence could be produced and the allegations were not proved. With regard to allegation No. 6, it was observed that the President was out of station and on telephone he was contacted and he told that a dispute between the complainant and the Principal was





continuing and they tried to get it settled. It was also told that in the meeting of 24.10.2009 the governing body has allowed to give the retiral benefits to her and it was directed to send the case to the higher authorities.

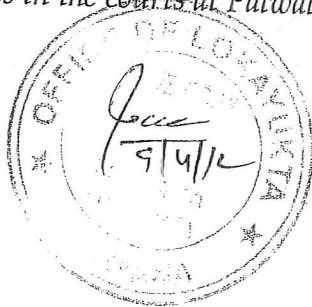
The complainant filed objections and thereafter the enquiry was ordered to be conducted again. The same Enquiry Officer after recording statements of three employees i.e. Ms. Pratibha, one Smt. Anita Verma and one Shri Dharambir has opined that the allegation of sexual harassment was also proved. The complainant have got published the proceedings with the Newspaper. The Principal respondent has appeared of his own without giving of any Notice. He has filed the objections to the enquiry report. The rejoinder has been filed. Both the parties have filed written arguments. I have heard their learned counsels. After hearing the parties it is clear that the respondent Principal as well as the President Shri Mahender Kumar Kalra come within the definition of public servant under the Lokayukta Act and they can be proceeded against. However, it has come on the file that the complainant has earlier filed a complaint in the Criminal Court at Palwal containing the same allegations. She has also written to the National Commission for Women. The complainant is alleging the case of sexual harassment to be of the year 2007, at the time of hearing she replied that it was on 23.03.2007. The complainant was desired to tell as to in which of the letter she has mentioned this allegation of sexual harassment for the first time. She has referred to certain letters written to the President as well as to the University but in none of these letters she has mentioned the allegations of sexual harassment what to talk of a particular date, dated 23.03.2007. The fact which now emerges is; that the complainant is pursuing her complaint in a Criminal Court at Palwal containing of same allegations as made in the complaint. The Principal has already



filed a Suit for damages against the complainant. The allegations are very serious but at the same time are very sensitive.

The direction was given by Hon'ble Supreme Court in Vishaka Versus State of Rajasthan 1997 AIR (SC) 3011. Although it is alleged that no Committee was constituted against sexual harassment yet during hearing it revealed that a lady was appointed to head the Committee. The fact as to whether it was legally constituted Committee or not is not the subject matter for the present complaint. The Principal has pointed out the motives against above referred three witnesses i.e. Ms. Pratibha, Smt. Anita Verma and Shri Dharambir. He has also pointed out that in one of the letter she has mentioned that the Peon who was sent to bring tea was some Shri Sham Lal but now she produced Shri Dharambir in her evidence. She has levelled allegations for sexual harassment for the first time in the Criminal Court as well as in this authority after a gap of more than three years. It would not be advisable to continue parallel proceedings. In view of Rule 14 (4)(b) of the Haryana Lokayukta Rules, 2008 the complainant having efficacious remedy to redress her grievance in the Criminal Court where the respondent will have the right to cross examine the complainant and other witnesses to see the veracity of the allegations, the complaint in this authority is required to be filed. However, a general recommendation can be made to the competent authority of Education Department to ensure that proper Committees have been constituted in each of the Institution under their control in the light of Vishaka's case supra.

It would not also be prudent to comment on the findings of the Enquiry Officer so that it may prejudice the case of either parties in the courts at Palwal."

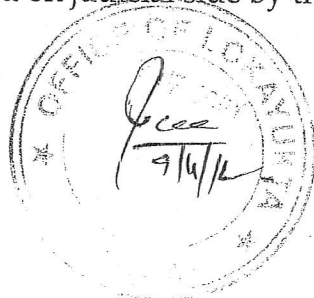


Then, the learned Registrar submitted the complete file for final hearing. This is how the matter has been now put up before me.

The matter has been discussed and heard and the entire relevant material and evidence collected by the learned Registrar in this matter as well as his above detailed report dated 23.02.2012 has also been gone into minutely.

Today, after hearing the learned counsel for the parties and after going through the entire material placed on the file, it is established that the complainant has already filed a criminal complaint containing the similar allegations against the respondents. So, it would not be appropriate to comment on the findings arrived at allegation No.1 pertaining to sexual harassment made by the Enquiry Officer. However, recommendation is made to the competent authority for taking disciplinary action against the respondents in accordance with the rules on the subject qua allegation Nos. 2 and 3, which pertain to tempering with the service book and also for sending wrong information to the higher authorities.

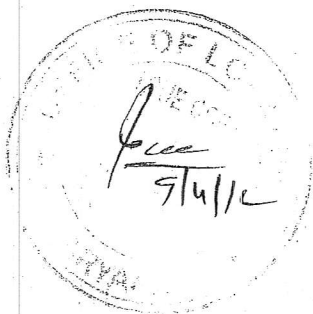
Allegation No.4 is also not proved before the Enquiry Officer. Moreover, it is established during the enquiry held by the learned Registrar that pension case of the complainant was sent in advance after completing the papers on 18.05.2009, whereas her retirement was due on 30.09.2009. So in the given facts and circumstances, no action is further required to be taken pertaining to this allegation No. 4. The remaining allegations as mentioned above at Serial No. 5 and 6 would not require to be commented upon by this authority as they are also connected with the allegation No.1 and ultimately, the same are to be decided on judicial side by the competent court of law.



Before parting with this report, it is further recommended to the competent authority that the Higher Education Department of the Government of Haryana be directed to ensure that proper committees are constituted in each educational institution under its control in light of the observations made by their Lordships of the Hon'ble Apex Court in case "Vishaka Versus State of Rajasthan" 1997 AIR (SC) 3011 so that action in the cases pertaining to the sexual harassment could be taken promptly. Action taken report be sent to this institution within three months as required under Section 17(2) of the Haryana Lokayukta Act, 2002. However, the complaint stands disposed of in the aforesaid terms.

All concerned be informed accordingly.

03.04.2012  
mss



Sd/-  
(Pritam Pal)  
Lokayukta, Haryana