

**Central Administrative Tribunal  
Principal Bench, New Delhi**

**O.A. No.44/2021**

Today, this the 12<sup>th</sup> day of January, 2021

Through video conferencing

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Mr. Mohd.Jamshed, Member (A)**

Sh. Anil Gautam,  
S/o Late Sh. Vipat Ram, 28 years  
Executive Engineer in Central Electricity  
Authority, R/o 395, Shekhupura Colony  
Vikas Nagar, Lucknow (UP)-226022.

.. Applicant

(Through Mr. AmaanUsmani, Advocate)

Versus

1. Union of India through  
Its Secretary,  
Ministry of Power, Rafi Marg,  
Shram Shakti Bhavan,  
New Delhi-110001.
2. Secretary,  
Department of Personnel & Training,  
Ministry of Personnel, P.G. and Pensions,  
Government of India,  
North Block, New Delhi-110001.
3. Director/Chairperson,  
Central Electricity Authority,  
Government of India,

36, Sector-5, Rama Krishna Puram,  
New Delhi-110066.

4. Under Secretary (P),  
Ministry of Power,  
Government of India,  
Rafi Marg,  
Shram Shakti Bhavan,  
New Delhi-110001.

.. Respondents

(Through Mr. Anil Singh, Advocate)

### **ORDER (ORAL)**

**Justice L. Narasimha Reddy :**

The applicant was selected and appointed as Assistant Director/Assistant Executive Engineer, Central Electricity Authority of India on 24.08.2016. He was placed under probation for a period of two years. On 16.03.2018, a complaint submitted by a woman employee of the organization alleging sexual harassment against the applicant. The matter was referred to the Internal Complaint Committee (ICC), as required under the relevant provisions of law. The Committee submitted its report on 10.12.2018 making two recommendations.

The first was to initiate disciplinary proceedings against the applicant and the second is to transfer him to another place. The probation of the other employees appointed along with the applicant was declared, but his probation was not yet declared. This O.A. is filed with a prayer to direct the respondents to decide his two representations dated 26.01.2020 and 02.11.2020 and to extend the other benefits.

2. We heard Mr. AmaanUsmani, learned counsel for the applicant and Mr. Anil Singh, learned counsel for respondents, at the stage of admission.

3. It is no doubt true that the period of two years since the appointment of the applicant has expired and that the other employees, who were appointed along with the applicant, are confirmed in service. The fact however, remains that the applicant is facing disciplinary proceedings on the allegations of sexual harassment and unless that is decided, the question of his probation being declared does not arise.

4. We, therefore, dispose of the O.A. by directing the respondents to take a decision on the recommendations made by the ICC within a period of four weeks from the date of receipt of a copy of this order. Depending upon the decision so taken, further steps as regards declaration of probation shall be taken. There shall be no order as to costs.

**( Mohd. Jamshed )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

**January 12<sup>th</sup>, 2021**

*/vv/jyoti/vb/akshaya/sd*