

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

...

Original Application No. 940 of 2004.

this the 26th day of August 2004.

HON'BLE MR. JUSTICE S.R. SINGH, V.C.  
HON'BLE MR. D.R. TIWARI, MEMBER(A)

R.L. Arya, S/o Sri R.S. Arya, aged about 40 years, R/o  
House No. G-1039, Awas Vikas Scheme no. I, Kalyanpur,  
Kanpur Nagar.

... Applicant.

By Advocate : Sri K. Lal.

Versus.

1. Union of India through President, I.C.A.R.,  
Ministry of Agriculture, Krishi Bhawan, New Delhi.
2. Director General, Indian Council of Agricultural  
Research, Krishi Bhawan, New Delhi.
3. The Director, I.I.P.R. through Dro Masood Ali,  
IIPR, Kalyanpur, Kanpur Nagar.

... Respondents.

By Advocate : Sri Vinod Swarup.

O R D E R

BY JUSTICE S.R. SINGH, V.C.

The applicant, <sup>a</sup> Senior Scientist (Agronomy),  
CTRI, Rajahmundry (Andhra Pradesh), has been served with  
charge memo dated 11.5.2004 under Rule 14 of CCS (CCA)  
Rules, 1965. The charge memo <sup>at</sup> contained the  
article of charge and also the statement of the  
imputations of misconduct in support of the article  
of charge. The charge against the applicant pertains  
to sexual harassment of one Ms. Siddhi Datri Gupta,  
Apprenticeship Trainee, IIPR and apprise the charge  
reads as under :



" Article of Charge-I

Dr. R.L. Arya while functioning as Sr. Scientist, I.I.P.R., Kanpur (now Sr. Scientist, CTRI, Rajamundry) took Ms. Siddhi Datri Gupta, Apprenticeship Trainee, IIPR on 28.2.2003 out of the Institute in Institute's Motorcycle on the pretext of going to CSAUA&T, Kanpur for attending a National Symposium instead of going to the University, he took her to a Mustard field in a nearby village Gajner & attempted to outrage her modesty.

2. His act of sexual harassment of women at work place is unbecoming of a Government servant. By his above misconduct, Dr. Arya has violated Rule 3C read with Rule 3(1)(ii) of CCS (Conduct) Rules, 1964 as made applicable to ICAR employees."

2. The said charge memo is sought to be quashed by means of this O.A. filed under Section 19 of the A.T. Act, 1985. The applicant has also prayed for quashing of the transfer order dated 15.10.2003 whereby he has been transferred from Kanpur to CTRI, Rajahmundry in public interest with immediate effect.

3. So far as the transfer order is concerned, suffice is to say that it has been issued in public interest and transfer being an incidence of service, warrants no interference in the facts situation of the case.

4. As regards the chargememo, suffice is to say that the imputation of sexual harassment is serious charge <sup>& and may</sup> warrant <sup>&</sup> imposition of major penalty in the event the same <sup>is</sup> being established during the enquiry. The police report dated 2.7.2003 submitted by the Circle Officer, Kalyanpur police Station, Kanpur, reliance on which has been placed by the learned counsel for the applicant during the course of arguments, is of no avail at this moment. In the said report, it has been stated by the Circle Officer, Kalyanpur police Station, Kanpur, that the complaint of sexual harassment could not be supported by any evidence in the facts and circumstances stated in the report. We are of the view that the departmental proceedings are not barred merely on the strength of the police report relied upon by the counsel for the applicant. It is well settled that

*in criminal cases*

the standard of proof is different from one in departmental proceedings. In any case, the departmental proceedings cannot be ~~stopped~~ *said to barred* merely ~~because~~ *on* the strength of police report submitted by the Circle Officer, Kalyanpur police station, Kanpur. In the circumstances, we find no merit in the case. The O.A. is accordingly dismissed in limine. parties are directed to bear their own costs.

*Hein*  
MEMBER (A)

*Ray*  
VICE CHAIRMAN

GIRISH/-