

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD**

OA/021/862/2018

Dated : 27/09/2018

BETWEEN

Dr. Satyaranjan Mahakul,
S/o. B.D. Mahakul,
Aged about 39 years,
Occ: Asst. Professor, Gr.B,
R/o.C-23, NIRDPR Campus.
Rajendra Nagar, Ranga Reddy Dist.

....Applicant

AND

Union of India,
National Institute of Rural Development
and Panchayat Raj,
NIRDPA CAMPUS,
Rajendra Nagar, Hyderabad,
Rep. by its Director General.

....Respondent

Counsel for the Applicant : Mr. Bala Anil Kumar Palla
Counsel for the Respondent : Mrs. K. Rajitha, Sr. CGSC

CORAM :

***HON'BLE MR.JUSTICE R.KANTHA RAO, JUDICIAL MEMBER
HON'BLE MRS.NAINI JAYASEELAN, ADMN. MEMBER***

ORAL ORDER

(Per Hon'ble Mr.Justice R. Kantha Rao, Judl. Member)

Heard Shri B. Pavan Kumar representing Shri B. Anil Kumar Palla,
learned counsel for the applicant and Smt. K. Rajitha, learned Senior Central
Govt. Standing Counsel, who took notice for the Respondent.

2. On a complaint given by one Dr. G. Valentina making allegations
attracting sexual harassment and Prevention of Atrocities Act, the applicant
was arrested and was remanded to judicial custody on 4.6.2018. In

consequence thereof, he was suspended on 18.6.2018. The learned proxy counsel appearing for the applicant submits that Dr. G. Valentina is in the habit of making false complaints against several persons and the applicant became the victim of such false complaint made by the said Associate Professor. The applicant and Dr. G. Valentina are working in NIRD as Assistant Professor and Associate Professor respectively. The Director General, NIRD and PR Hyderabad made an inquiry into the incident and passed an order dated 6.7.2018 recording a specific finding therein that Dr. G. Valentina is in the habit of making false complaints in collusion with some other employees of the Institution. He also pointed out that Dr. Valentina is in the habit of threatening others stating that she would file false petitions against the faculty and senior officials including the Head of the Institution with the charges of sexual harassment and those under Prevention of Atrocities Act, if they do not heed to her wishes and act to her demands. By the same order, the Director General also kept Dr. Valentina under suspension in exercise of powers conferred on him by sub rule (1) of Rule 10 of the Central Civil Service (Classification, Control and Appeal) Rules, 1965 r/w bye-law 56-A of NIRD (Service) Bye-laws.

3. The Internal Complaints Committee, for examination of the complaints received from Dr. G. Valentina, Associate Professor against the applicant, made a detailed inquiry into the issue. The Committee found that the complainant has made several assumptions without any supporting evidences, with an intention to falsely implicate the applicant under the Act. None of the incidents alleged at para 5.2 (B), (C) and (D) come under the purview of the Act, since the Act is very clear about what constitutes sexual harassment i.e., the actions of the perpetrator should be sexual in nature, which

includes a wide variety of acts, gestures, verbal and non-verbal conduct. Therefore, the Committee ultimately found that the allegations are not proved and do not come under the purview of the Act. The Committee also observed that the conduct of the complainant is condemnable and it will defeat the purpose of the Act. The Committee further directed the authorities that the complainant may be advised strictly to desist from giving such complaints for which she will be liable for action u/Section 14(1) of the Act. Therefore, the Committee also did not find any material against the applicant and moreover indicted the complainant for making false accusations.

4. Basing on the above, the learned proxy counsel for the applicant submits that since so far no charge sheet has been filed by the Police or no charge memo has been issued by the department, the suspension order passed against the applicant can be revoked.

5. On the other hand, learned Senior Standing Counsel appearing for the Respondent submits that she wants to get instructions from the respondents.

6. In view of the above mentioned facts and circumstances, we are of the considered view that it is not proper to adjourn the matter which would result in keeping the applicant under suspension for a further period. Therefore, the impugned orders dated 6.6.2018 & 18.6.2018 passed against the applicant are liable to be set aside. Accordingly, they are hereby set aside and the suspension is revoked. With the revocation of suspension no further cause survives for adjudication. Therefore, the O.A. is allowed. No costs.

(NAINI JAYASEELAN)
ADMN. MEMBER

(JUSTICE R. KANTHA RAO)
JUDL. MEMBER

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