

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/021/242/2016

Dated: 07/06/2019

Between

V. Suresh Babu,
S/o. A. Venkata Chalapathi,
Aged about 48 years,
Occ: Associate Professor,
CCC & DM, National Institute of
Rural Development and Panchayati Raj,
Rajendranagar, Hyderabad,
R/o. D/14, NIRD Campus, Rajendranagar,
Hyderabad ó 500 030.

... Applicant

AND

1. The Union of India rep. by its
Secretary,
Ministry of Rural Development,
Central Secretariat,
New Delhi ó 110 001.
2. The National Institute of Rural Development &
Panchayati Raj, (Govt. of India), rep. by its
Registrar & Director (Admn.), Rajendranagar,
Hyderabad ó 500 030 (AP).
3. The Director General,
National Institute of Rural Development &
Panchayati Raj, (Govt. of India),
Rajendranagar, Hyderabad ó 500 030 (AP).

... Respondents

Counsel for the Applicant : Mr. S. Lakshminarayana Reddy
Counsel for the Respondents : Mr. J. Sudheer, SC for NIRD

CORAM :

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. B.V. Sudhakar, Admn. Member

ORAL ORDER

(Per Honøble Mr. Justice L. Narasimha Reddy, Chairman)

The applicant is an Associate Professor in the NIRD, Hyderabad. Even while he was on probation, a complaint was made by a woman employee against him, alleging acts of sexual harassment. Proceedings under relevant provisions of law were initiated and on the basis of the findings therein, the Director General passed an order dated 21.10.2015, imposing punishment of extension of probation by one year and directing his transfer to NIRD, Guwahati. As a sequel to this, an order of transfer was passed on 26.10.2015. The same is challenged in this O.A.

2. The applicant contends that the allegations made against him were not true and the transfer at this initial stage of his career would cause serious hardship to him.

3. The respondents filed counter affidavit opposing the O.A. It is stated that the allegation made against him is serious in nature and the Internal Complaints Committee (ICC) recorded a finding against him. It is stated that the transfer of the applicant is warranted with a view to protect the dignity and respect of woman employees, in the concerned station.

4. There is no representation for the applicant. We heard Sri Prem Joy representing Sri J. Sudheer, learned Standing Counsel for the respondents.

5. The applicant faced the proceedings under "Sexual Harassment of Women At Work Place (Prevention, Prohibition and Redressal) Act, 2013". The ICC, which inquired into the matter, recorded a finding against him. The Disciplinary Authority passed an order dated 20.10.2015, imposing the punishment as under:

"Considering the fact that the allegation against Dr. Suresh Babu stands proved, he is awarded the punishment of extending his probation by one year. It is also considered necessary that Dr. Suresh Babu is moved outside the NIRDPR main campus, he is transferred to NIRD NERC, Guwahati immediately. In addition he may be issued censure and the fact be recorded in his personal file and ACR.

Accordingly, in exercise of the powers vested in me, I order that the above penalties be imposed upon Dr. Suresh Babu, Associate Professor, with immediate effect."

As a sequel to the order of punishment, the applicant was transferred to Guwahati.

6. When the charge is of sexual harassment of woman employees in the work place, the transfer of the employee facing allegations, cannot be treated as an illegal or arbitrary step. In fact such steps are warranted to ensure that congenial atmosphere exists in the work places.

7. An interim order passed by this Tribunal on 10.03.2016 is operating. It is not known as to whether the probation of the applicant has been declared and if so, whether he needs to be continued at the same place, as the things stand now.

8. Having regard to the fact that the interim order was operating for such a long time, we dispose of the O.A., leaving it open to the respondents to pass fresh orders, duly taking into account, the prevailing circumstances. There shall be no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)
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(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN