

via Video-conferencing

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 5987/2021**

ASLAM KHAN

..... Petitioner

Through: Ms. Rebecca John, Senior Advocate
with Mr. Shailendra Babbar,
Advocates

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Ms. Monika Arora, CGSC with Mr.
Shriram Tiwary, Advocate and Ms.
Dacchita Shahi, GP.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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21.06.2021

CM APPL. 18927/2021 (Exemption)

Exemption allowed, subject to just exceptions.

Application stands disposed of.

W.P.(C) 5987/2021 & CM APPL. 18926/2021 (Stay)

The petitioner is a Senior Officer of the Indian Police Service (AGMUT Cadre), who is presently on deputation with the Bureau of Police Research & Development under the Ministry of Home Affairs; and has made a complaint alleging sexual harassment against the Director General of the Bureau of Police Research & Development.

2. Proceedings in the complaint made are under way before the Internal Complaints Committee constituted by the Bureau. Ms. Rebecca John, learned Senior Counsel appearing on behalf of the petitioner submits that the limited challenge brought by way of the present petition is to order dated 21.05.2021 issued by the concerned officer of the Bureau constituting the Internal Complaints Committee ('ICC', for short) on the ground that all the members of the ICC, whose details appear in Annexure 'V' to the petition, are subordinate in rank to the Director General against whom the sexual harassment complaint has been made. This, Ms. John submits, is in the teeth of a verdict of a coordinate Bench of this court in *Rashi vs. Union of India*, reported as (2020) SCC OnLine Del 155, which mandates that an internal complaints committee must not comprise members who are subordinate in rank to the person who is subject matter of the complaint before such committee. This, it is submitted, vitiates the very constitution of the ICC and all proceedings being conducted before it; and is against the principles of justice and fair play.

3. Issue notice.

4. Ms. Monika Arora, learned counsel enters appearance on behalf of respondents No. 1 and 2, viz. the Union of India and the Bureau of Police Research & Development on advance copy; accepts notice; and seeks time to verify and file a short affidavit addressing the main issue enunciated above.

5. Let short affidavit, as above, be filed on or before the next date of hearing, with advance copy to counsel for the petitioner. No direction is being given at this stage for filing a detailed counter affidavit.

6. In the meantime, Ms. Arora suggests that considering that both the complainant and the respondent against whom ICC proceedings are pending, are very senior officers of a uniformed force, an attempt be made to resolve the issues that have arisen. Ms. John does not oppose to this suggestion. Accordingly, counsel may attempt resolution of the matter, if possible; and report on the next date of hearing.

7. List before Vacation Bench on 25th June 2021.

ANUP JAIRAM BHAMBHANI
(VACATION JUDGE)

JUNE 21, 2021

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