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W.P.No.28264 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.28264 of 2017

R.Karuppusamy

.. Petitioner

Vs

- 1.The State of Tamil Nadu,
rep. by its Chief Secretary,
Government of Tamil Nadu,
Fort St. George,
Chennai-600 009.
- 2.The Commissioner,
Directorate of Social Defence,
Purasawalkam High Road,
Chennai-600 084.
- 3.The State of Tamil Nadu,
rep. by its Secretary,
Labour and Employment Department,
Fort St. George,
Chennai-600 009.
- 4.The State of Tamil Nadu,
rep. by its Secretary,
Social Welfare and Nutritious Meal Programme Department,
Fort St. George,
Chennai-600 009.



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5.The Commissioner,
Directorate of Social Welfare,
Chennai.

6.The District Collector,
Chennai.

7.The District Collector,
Thiruvallur.

8.The District Collector,
Kanchipuram.

9.The District Collector,
Vellore.

10.The District Collector,
Krishnagiri.

11.The District Collector,
Dharmapuri.

12.The District Collector,
Thiruvannamalai.

13.The District Collector,
Villupuram.

14.The District Collector,
Namakkal.

15.The District Collector,
Salem.

16.The District Collector,
Erode.

17.The District Collector,
Nilgiris.



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- 18.The District Collector,
Dindugal.
- 19.The District Collector,
Karur.
- 20.The District Collector,
Perambalur.
- 21.The District Collector,
Ariyalur.
- 22.The District Collector,
Cuddalore.
- 23.The District Collector,
Nagapattinam.
- 24.The District Collector,
Thiruvarur.
- 25.The District Collector,
Thanjore.
- 26.The District Collector,
Pudukottai.
- 27.The District Collector,
Sivagangai.
- 28.The District Collector,
Madurai.
- 29.The District Collector,
Theni.
- 30.The District Collector,
Virudhunagar.
- 31.The District Collector,
Ramanathapuram.



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32.The District Collector,
Thoothukudi.

33.The District Collector,
Kanniyakumari.

34.The District Collector,
Thirunelveli.

35.The District Collector,
Thirupur.

36.The District Collector,
Coimbatore.

37.The District Collector,
Trichy.

38.The Commissioner of Labour,
Labour Commissionerate,
DMS Complex, Teynampet,
Chennai-600 006.

.. Respondents

[Respondent Nos.5 to 37 impleaded vide order dated 6.11.2017]

[Respondent No.38 impleaded vide order dated 21.8.2023]

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to issue suitable directions to the District Officers to ensure constitution and functioning of the Internal Complaint Committee in all the Mills, Factories and other workplaces in all the districts and the constitution of Local Complaints Committee in every District in accordance with Sections 4 and 6 respectively of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and further direct the respondents to register and monitor the Hostels run for girls and working women in accordance with the Tamil Nadu Hostels and Homes for Women and Children (Regulation) Act, 2014.



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For the Petitioner : Ms.P.Selvi
For the Respondents : Mr.A.Edwin Prabakar
State Government Pleader
assisted by
Mr.T.K.Saravanan
Government Advocate

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

Heard Ms.P.Selvi, learned counsel for the petitioner; and, Mr.A.Edwin Prabakar, learned State Government Pleader, assisted by Mr.T.K.Saravanan, learned Government Advocate for the respondents.

2. The present petition is filed seeking directions to ensure constitution and functioning of the Internal Complaint Committee in all the Mills, Factories and other workplaces in all the districts and the constitution of Local Complaints Committee in every District in accordance with Sections 4 and 6 respectively of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and further direct the respondents to register



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and monitor the hostels run for girls and working women in accordance with the Tamil Nadu Hostels and Homes for Women and Children (Regulation) Act, 2014.

3. On the last date, we had recorded the statement of the learned Government Advocate that the Local Complaint Committee is functioning under the control of District Officers in all the districts as per the Act of 2013 and are receiving complaints from the establishment where Internal Complaint Committee could not be constituted on the grounds that the number of workers is less than ten and the complaint is against the employer himself.

4. Learned counsel for the petitioner accepts that the Committee is constituted under Section 6 of the Act of 2013. However, the apprehension expressed by learned counsel for the petitioner is that the respondent authorities may not monitor the implementation of the Act of 2013 in a proper manner.

5. When Section 23 of the Act of 2013 mandates the appropriate



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government to monitor the implementation of the Act and maintain data on the number of cases filed and disposed of in respect of all cases of sexual harassment at workplace, the appropriate government is bound to adhere to the mandate of the law. In case dereliction is found, then certainly the aggrieved person can make a complaint to the appropriate authority and seek redressal against it.

In view of the aforesaid, the writ petition is disposed of. There shall be no order as to costs. Consequently, W.M.P.No.30381 of 2017 is closed.

(S.V.G., CJ.)

(J.S.N.P., J.)

04.04.2024

Index : Yes/No
Neutral Citation : Yes/No
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To

- 1.The Chief Secretary,
State of Tamil Nadu,
Government of Tamil Nadu,
Fort St. George, Chennai-600 009.
- 2.The Commissioner,
Directorate of Social Defence,
Purasawalkam High Road, Chennai-600 084.



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3.The Secretary,
State of Tamil Nadu,
Labour and Employment Department,
Fort St. George, Chennai-600 009.

4.The Secretary,
State of Tamil Nadu,
Social Welfare and Nutritious Meal Programme Department,
Fort St. George, Chennai-600 009.

5.The Commissioner,
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