

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No.150/2021

Sanjeev Mishra S/o Shri Shri Kailash Chand Mishra, Aged About 54 Years, Permanent Resident Of 19, Adarsh Nagar Colony, Behind Head Office, Bharatpur (Rajasthan). 321001 (E.c. No. 156335), Chief Manager, Presently Posted In Bank Of Baroda (E-Vijaya Bank), Moore Street Branch, Chennai.

----Petitioner

Versus

1. The Disciplinary Authority And General Manager, Zonal Head, Bank Of Baroda, Zonal Office, Baroda Bhawan, Plot No. 13, Airport Plaza, Durgapura, Tonk Road, Jaipur. 302018.
2. Shri Rajeev Krishna Assistant General Manager, Bank Of Baroda, Vishwakarma Industrial Area, Ssi Branch, Sikar Road, Jaipur. (Being The Inquiry Authority In Charge Sheet No. Jz/hrm/2019-20/2234, Dt. 4.1.2020 To Shri Sanjeev Mishra, Chief Manager (E.c. 156332) And Assistant General Manager)
3. Shri Nand Lal Meena, Chief Manager, (E.c. No. 57582) Bank Of Baroda, Power House Road Branch, Jaipur (Being Presenting Officer In Charge Sheet No. Jz/hrm/2019-20/2234 Dt. 4.1.2020 To Shri Sanjeev Mishra, Chief Manger (E.c. 156332)

----Respondents

For Petitioner(s) : Mr. Narendra Kumar Gautam
For Respondent(s) : सत्यमेव जयते

HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Order

11/01/2021

The petitioner by way of this writ petition has prayed for quashing and setting aside the charge sheet dated 4.1.2020 and notice dated 31.12.2020.

Learned counsel for the petitioner submits that the Disciplinary Authority & General Manager, Bank of Baroda has wrongly issued the charge sheet to the petitioner as it does not lie within its jurisdiction. The petitioner is working in a different State while the complainant who has lodged a complaint for sexual harassment is in another State. Learned counsel submits that in this regard, notice was also given to the respondent.

Learned counsel submits that in terms of Bank of Baroda Officer Employees' (Discipline and Appeal) Regulations, 1976 (hereinafter referred to as "Regulations of 1976"), inquiry could have been initiated only when the petitioner commits any sexual harassment at the work place. Since the petitioner is different from that of the complainant, charge sheet could not have been issued to the petitioner and no inquiry could be conducted. However, learned counsel submits that the allegation in the charge sheet relating to sending of messages is after working hours and therefore, also charge sheet is misconceived and inquiry could not have been conducted.

I have given my thoughtful consideration to the submissions.

In the present digital world, work place for employees working in the Bank and who have earlier worked in the same Branch and later on shifted to different branches which may be situated in different States has to be treated completely as one work place on a digital platform. Thus, if a person may be posted in Jaipur and acts on a digital platform harassing another lady who may be posted in a different State, it would come within the ambit of being harassed in a common work place. The contention of the counsel for the petitioner, thus on the aforesaid count is rejected.

The second submission of the counsel for the petitioner is that obscene and overt messages alleged to have been sent after the working hours are concerned, suffice it to note that the petitioner was holding the post of Chief Manager and the work timings for officers of senior level cannot be taken into consideration as between 10.30 AM to 4.30 PM alone. That apart knowing fully well that the concerned lady is in employment with the Bank and holding the subordinate post. If messages are sent after working hours, then it would amount to causing harassment and *prima facie* would come within the meaning of misconduct under the Regulations of 1976.

Thus, the contention of the counsel for the petitioner is found to be without any basis and the writ petition is accordingly dismissed.

(SANJEEV PRAKASH SHARMA),J

Karan Bhutani/531/101

