



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 6120 of 2026

Ravi Kant Yadav

.....Petitioner(s)

Versus

Union Of India Thru. Secy. Ministry Of Finance
Govt. Of India New Delhi And 6 Others

.....Respondent(s)

Counsel for Petitioner(s) : Anand Dubey

Counsel for Respondent(s) : A.S.G.I., Ashwani Kumar Singh,
Jitendra Narain Mishra, Maneesh
Pandey

Court No. - 6

HON'BLE PANKAJ BHATIA, J.

1. Heard learned counsel for the petitioner; Shri J.N. Mishra, learned counsel for respondent nos.2 to 6 and Shri Maneesh Pandey, learned counsel for respondent no.7.
2. Present petition has been filed by the petitioner challenging the fact finding report dated 21.01.2025 given by respondent no.6 as well as charge sheet dated 22.08.2025 issued by respondent no.4.
3. The facts are startling. The petitioner as well as respondent no.7 were married and were working in a same office. What transpires is that the petitioner and respondent no.7 initially stayed together as husband and wife however, during their visit to one Hemkund Sahib, friction developed *inter se* in between them which led to respondent no.7 filing a complaint under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (*hereinafter referred to as 'POSH Act'*). The said complaint is on record as Annexure - 9.
4. In the said complaint/email it was alleged by respondent no.7 that on 09.10.2024 an incident occurred in the office where one of the colleagues namely the petitioner, started using foul language and made derogatory remarks to respondent no.7 in front of everyone. In the said complaint, the marital status of the petitioner and respondent no.7 was not disclosed.

5. Simultaneously, alongwith the said complaint, respondent no.7 lodged an FIR being FIR No.0086 of 2024 dated 28.12.2024 under Section 3(2)(va), 3(1)(gha), 3(1)(da) of SC/ST Act, Section 3/4 of Dowry Prohibition Act and Sections 352, 351(2), 115(2), 117(2) and Section 85 of the BNS. The said FIR is on record as Annexure - 6. In the FIR it was alleged that the petitioner and respondent no.7 got married on 11.03.2023 and thereafter, the petitioner allegedly used caste related words and also demanded dowry. Allegations with regard to physical abuse and verbal abuse were also levelled in the FIR.

In the said FIR it was stated that on the date of the incident i.e. 09.10.2024 a complaint was made on which steps for reconciliation were taken, however, as the same failed, the FIR came to be lodged on 28.12.2024.

6. Learned counsel for the petitioner argues that in the POSH Act, evidences in support of the respondent were considered and following conclusion was recorded by the committee constituted under the POSH Act after evaluating the evidence :

"Conclusion

As per 2(n) of The Sexual Harassment of Women at Workplace Act, 2013 "sexual harassment" includes any one or more of the following acts or behaviour. (whether directly or by implication), namely: -

- (i) physical contact and advances; or*
- (ii) demand or request for sexual favours; or*
- (iii) sexually coloured remarks; or*
- (iv) showing any pornography; or*
- (v) any other unwelcome physical, verbal, non-verbal conduct of a sexual nature.*

The purpose of the act is to protect fundamental rights of a woman to equality under articles 14 and 15 of the Constitution of India and her right to life and to live with dignity under article 21 of the Constitution and right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment.

Complainant & Respondent had a marital discord way before the episode of

09.10.2024. Everyone came to know about their marriage after the episode of 02.04.2024. To avoid this situation management could have suo moto taken action to post them in different offices since Police authorities were involved from that time only.

From 02.04.2024 onwards both of them used to discuss their personal issues publically & used to address them with the help of their fellow colleagues. Dignity of every personal relationship has to be maintained & things should have been kept personal between them. Harnessing each other's ego is not the solution to marital disputes.

Marital dispute makes one person tensed/frustrated with his/her personal life but no one gets the right to disrespect each other at workplace. One must understand that the dignity/decorum of the workplace needs to be maintained. If a female employee is someone's wife at the same premises does not give him right to treat his wife the same way as he does in his home (whether love or hate). At workplace both are individual employees & not the couple. Following are committee's observations regarding points of determination:

1. After observing the testimony of witnesses (refer Annexure-10E & 10G) committee could comprehend that complainant also used to taunt the respondent but not in indecent way while respondent's actions & continuous muttering falls under 2(n)(v) of The Sexual Harassment of Women at Workplace Act, 2013.
2. Respondent took the wallet of complainant assuming that the lady is his wife & he has the full right to search her bag without her consent.
3. Despite fellow colleagues' resentment against respondent's behaviour he kept on murmuring objectionable remarks casually without any fear of action being taken against him. Though the remarks were casual but were being mentioned to address the complainant indirectly. Even on the day of his relieving from Suit Hub Lucknow i.e. 16.10.2024 the respondent was continuously making remarks/muttering. Things may not worsen Office Incharge advised the complainant to take a leave from office early.
4. Regarding remarks falling under provisions of The Scheduled Caste & the Scheduled Tribes (prevention of Atrocities) Act 1989 could not be ascertained prima facie & also does not fall under the purview of this committee."

7. Based upon the said conclusion, as extracted above, recommendations were made for proceeding against the petitioner under the Conduct, Discipline & Appeal Rules, applicable to the respondent/Corporation.

Further directions were given for taking action against both of them for not disclosing their marital status for more than a year which is violation of the applicable rules.

8. Based upon the said recommendation, proceedings were initiated against respondent no.7 for not disclosing her marital status, however, only a censure entry was granted to respondent no.7; as against the petitioner, a formal charge was levelled to the following effect:

"1. That Mr. Ravi Kant Yadav has passed some inappropriate, offensive and sexually colored remarks against Ms. Tanu Sonkar, S.R. No.38922 Assistant Manager at Lucknow Suit Hub(426001) as a result of which he hampered the work atmosphere of the office, the details of which are mentioned in the statement of imputation as per Annexure 'B'."

9. In the light of the said, contention of learned counsel for the petitioner is that a marital discord has been dragged by respondent no.7 and there is a clearly misuse of the POSH Act as well as provision of BNS, only to settle scores with the petitioner, thus, according to the petitioner, the entire actions against the petitioner are clearly arbitrary and misuse of process of law, requiring interference under Art. 226 of the Constitution. It is further argued that even *prima-facie* conclusion could not be drawn against the petitioner.

10. Learned counsel for respondent nos.2 to 6 argues that on account of the conduct of the petitioner, while in office, the entire proceedings led to formation of an inquiry committee which gave its report, as extracted above and based upon the said, a charge sheet has been served to which the petitioner has also filed a reply and very soon a decision is to be taken by the committee constituted. He argues that in view of the nature of the allegations levelled against the petitioner, respondents were well within its right to constitute and initiate its enquiry as has been done.

11. Learned counsel for respondent no.7 states that the complaint in question was filed by respondent no.7 aggrieved against the conduct of the petitioner while in office and although the marital status was not declared in the complaint, that would have no ill effect in the proceedings under the POSH Act.

12. It is further argued by counsel for respondent no.7 that an appeal lies against the order passed under the POSH Act by the committee to which counsel for the petitioner states that as the findings are essentially in favour of the petitioner, the appeal in question has not been preferred.

13. Considering the submissions made at the Bar, *prima facie*, the matter requires consideration as to whether proceedings initiated and emanating essentially from marital discord can be dragged into invoking the provisions of the POSH Act, which is intended for a different purpose.

14. Respondents may file counter affidavit within four weeks.

15. Rejoinder affidavit shall be filed within two weeks.

16. List thereafter.

17. Until further orders, disciplinary proceedings in furtherance of charge sheet dated 22.08.2025 against the petitioner shall remain stayed.

(Pankaj Bhatia,J.)

August 10, 2026
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