

# Complaint against a Senior to the PO

HR Vidyalaya's  
POSH Snippet

Dec 30,  
2020

017

An allegation is against a Person who is Senior to the Presiding Officer (Chairperson of the Internal Committee) – What to do?

*Hon'ble Allahabad High Court has in Smt. Shobha Goswami vs State of U.P. And 2 Ors, in WRIT - A No. – 31659 of 2015 observed as follows:*

*"In my opinion, there is nothing in the Scheme of the section which requires the lady member to be senior in rank to the officer against whom the allegation of sexual harassment are brought. The language of Section 4 of the Act only requires the lady member to the Senior Level".*

1. There is no restriction for the Presiding Officer to either conduct the Inquiry or it is illegal for such committee to proceed with the Inquiry having the same Presiding Officer
2. To Ensure more Fairness, what can be done are:
  - a. Transfer the Accused to other department / office
  - b. If not possible let the Presiding Officer not report to the Accused
3. Employer shall ensure that the Presiding Officer is safeguarded on the aspects of Performance Assessment, for the period, not by the Accused
4. Let the Final Report of such enquiry, (being submitted to the Management) have concrete and considerable contribution by the External Member of Internal Committee

