

BIHAR HUMAN RIGHTS COMMISSION
9, Bailey Road

File No **BHRC/COMP.** 1797/09

Case of **SAVITA DEVI**

The applicant appeared along with her husband Arvind Kr. Pundit. The Board was represented by Under Secretary Shri Surendra Sharma and Sectional Officer Shri Pradeep Kumar.

Applicant reiterated her complaint version. It appears that she had grievance against the then Junior Engineer bordering on 'sexual harassment at the work place'. She stated that she complained to the Executive Engineer but he did not pay any heed. However, as the situation exists now, she is getting due cooperation from the officers and she has no grievance.

In course of hearing copies of office order no. 49 dated 15.3.2011 of the office of the Electrical Superintending Engineer, Bhagalpur and letter no.259 dated 15.3.2011 of the General Administration Department of the Bihar State Electricity Board addressed to this Commission were produced on behalf of the Board's representative. By the former, the applicant has been posted at Nathnagar Power station with immediate effect on transfer from her present place of posting namely Gauridih. By the letter, this Commission has been informed about the applicant's aforesaid transfer to Nathnagar and the decision of the Head Office not to assign night (shift) duty to the applicant till further orders. Applicant is not quite satisfied with her transfer to Nathnagar. She stated that considering her personal difficulties it would have been more appropriate to post her at Bhagalpur or else she could have been continued at Gauridih. The applicant requested the Commission to intervene in the matter of his posting.

The Commission made it clear that the complaint in substance lies in the realm of sexual harassment at the work place and it is open to the applicant to pursue that matter either before the Commission or before the competent authority in the Head Office of the Board. It may be mentioned here that the stand of the Board's representative was that the Head Office was not aware of her complaint about harassment, and if the applicant had filed complaint in the Head Office, the matter would have been looked into and appropriate action taken.

As regards the question of transfer and posting, the Commission observed that it is open to make representation to the Superintending Engineer Bhagalpur Electric Supply Circle, Bhagalpur, if she so likes. Transfer and posting being incidents of service, the Commission directly cannot intervene in the matter except where it is found to be actuated by extraneous consideration such as possible victimisation and/or harassment of the employee concerned. The applicant stated that she will make representation before the authority.

As in view of the subsequent developments and the situation as it exists now in the local office/power sub station, the applicant does not seem to be interested in pursuing the matter further before this Commission. The Commission would accordingly close the file with liberty to the applicant to make representation in the matter of her transfer/posting or other matters such as conduct of the then Junior Engineer/ Executive Engineer before the concerned authority.

Copy of this order may be sent to the Secretary, Bihar State Electricity Board, Patna as well as the applicant.

Justice S.N. Jha
Chairperson