

**COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

SUPPLEMENTARY LIST

1. ON MENTIONING

OA 1024/2025

Cdr Yogesh Mahala	Applicant
Versus		
Union of India & Ors.	Respondents

For Applicant	:	Mr. Rajiv Manglik, Advocate
		Mr. Akshay Bhandari, Advocate
For Respondents	:	Mr. Neeraj, Sr. CGSC

CORAM

**HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE MS. RASIKA CHAUBE, MEMBER (A)**

**ORDER
16.04.2025**

Issue notice. Mr. Neeraj, learned Sr. CGSC appearing for the respondents, accepts notice.

2. Even though the challenge in this application is to a Show Cause Notice (SCN) issued to the applicant, facts on record indicate that an Internal Committee was constituted in accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (SH Act, 2013) to inquire into the complaint was made by the prosecutrix. The Internal Committee conducted an inquiry, submitted its report and based on the same, the SCN in question has been issued. The main grievance of the applicant is with regard to the

manner in which the inquiry was conducted by the Internal Committee.

3. Learned counsel for the applicant invited our attention to Section 11 of the SH Act, 2013, and argued that as per this provision the procedure for making an inquiry into the complaint has to be in accordance with the provisions of the service rules applicable to the applicant. Meaning thereby that the inquiry should have been conducted in accordance with the requirement of the Navy Act and Rules framed thereunder. It is the case of the applicant before us that the inquiry in question by the Internal Committee was not conducted in consonance with the requirement of Section 11 of the SH Act, 2013. It is, therefore, unsustainable in law and the SCN issued on the basis of such an inquiry cannot be upheld in law.

4. Even though, the respondents objected to the same and argued that the inquiry was properly conducted, *prima facie*, at this stage without expressing any opinion on the merit of the matter, we direct the respondents to demonstrate that the inquiry in question based on the complaint submitted by the prosecutrix was conducted in accordance with the requirement of the SH Act, 2013. They are granted two weeks' time to file their objections/reply to the same and for

a period of two weeks till next date further action into the SCN shall be kept in abeyance.

5. List again on **09.05.2025**.

6. A copy of this order be provided ***DASTI*** to learned counsel for the parties.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

**[RASIKA CHAUBE]
MEMBER (A)**

Neha/RB
OA 1024/2025