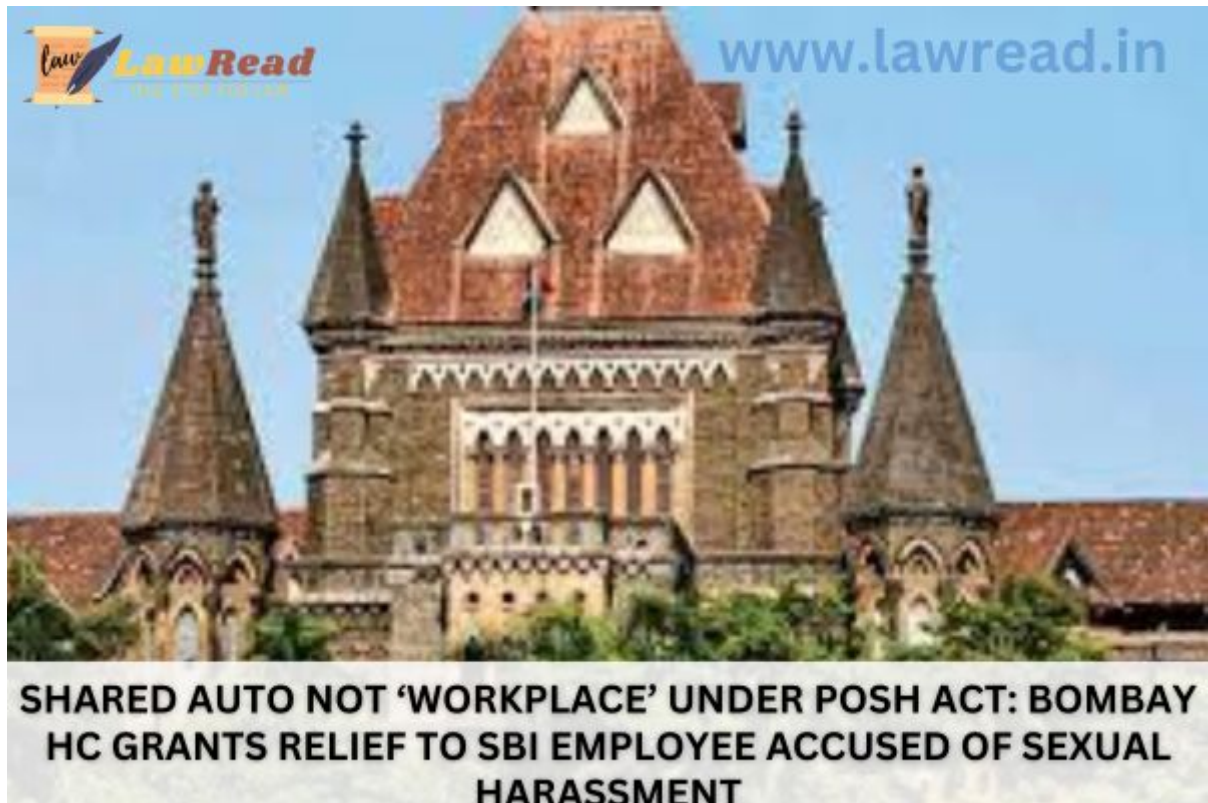


News



An SBI employee accused of sexual harassment is granted relief by Bombay High Court because a shared vehicle is not considered a "workplace" under the POSH Act.

The Court concluded that an autorickshaw used by an employee would not be considered a "workplace" under the jurisdiction of a POSH IC if the employer had not supplied the transportation.

Bombay High Court

Check out this article.

An order by the State Bank of India (SBI) internal committee (IC) that found a male employee guilty of sexual harassment due to an alleged occurrence in a shared autorickshaw was recently overturned by the Bombay High Court.

A Division Bench made up of **Justices Suman Shyam and Firdosh Pooniwalla** based its decision on the IC's lack of jurisdiction rather than investigating the veracity of the sexual

harassment accusation.

The Court clarified that an aggrieved woman's complaint may only be considered by an internal committee established by an organization to investigate claims of sexual harassment against workers if the alleged harassment occurred at the "workplace" as that term is defined by the POSH Act.

According to the Court, an autorickshaw that an employee uses to get to work does not qualify as a "workplace" if the employer does not supply the transportation.

Justices Firdosh Pooniwalla and Suman Shyam

In this instance, neither the complainant's employer nor the SBI employee's employer had supplied the transportation, even though the SBI employee was using the autorickshaw to get to his workplace.

According to the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (POSH Act), the Court concluded that the claimed occurrence in this instance did not take place at a "workplace."

We believe that in these situations, such conveyance would not be considered a "workplace." The Court stated, "We believe that the alleged incident has not occurred at a "workplace" for the aforementioned reason."

Siddhesh Satpute, a 14-year SBI employee, filed a writ petition in the case, but the Court decided that the SBI's IC lacked the jurisdiction to make a decision.

In the June 16 decision, the Court stated, "We believe the order of August 29, 2023 is unsustainable in law and hence, liable to be set aside."

The issue was related to a complaint made by a woman who said that on March 24, 2023, Satpute, an employee of SBI, had improperly touched her when they were riding together in a shared autorickshaw from Kurla station to Bandra Kurla Complex (BKC).

Satpute refuted the accusation, arguing that his hand may have touched the woman's hand throughout the trip at most.

But in August of that same year, the SBI's IC judged him guilty of sexual harassment. Satpute appealed this decision to the High Court, which has subsequently overturned the IC's ruling on the grounds that it lacked jurisdiction to handle the incident because it took place outside of the workplace.

The Court further emphasized that before conducting a thorough investigation into claims of sexual harassment, an internal committee must resolve such jurisdictional issues.

However, the Court made it clear that it had not considered the merits of the dispute or whether Satpute had harassed the complainant sexually in the shared autorickshaw. The Court further stated, "The aforementioned aspect of the matter is left open to be dealt with in accordance with law in an appropriate proceeding."

Satpute was represented by attorneys Anand Pande and Shobit Shukla.

The State Bank of India was represented by attorneys Abhijit Joshi, Varsha Sawant, Varad Sirsikar, and Sourav Somani.

Lawread