

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

CIVIL ACTION NO.

v.

INDIANA DEPARTMENT OF TRANSPORTATION,

Defendant.

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, United States of America, alleges:

1. This action is brought on behalf of the United States to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et seq.

2. This Court has jurisdiction of the action under 42 U.S.C. § 2000e-5(f) and 28 U.S.C. § 1345.

3. The defendant, Indiana Department of Transportation ("INDOT"), is a corporate, governmental body created pursuant to the laws of the State of Indiana.

4. The defendant is a person within the meaning of 42 U.S.C. § 2000e(a) and an employer within the meaning of 42 U.S.C. § 2000e(b).

5. The defendant has subjected Tarlochan Bansi, an Indian-American and a native of India, to discrimination on the basis of his national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-2(a), among other ways, by:

(a) Failing or refusing to promote Mr. Bansi to a vacancy in the Highway Engineer Supervisor 3 classification as a Preliminary Engineering Studies Section Manager in the PreEngineering and Environment Division, in or about December 1997, and to pay him accordingly; and

(b) Failing or refusing to take appropriate action to remedy the effects of the discriminatory treatment of Mr. Bansi.

6. The Equal Employment Opportunity Commission ("EEOC") received a timely charge filed by Mr. Bansi on or about July 22, 1998 (charge number 240982586), alleging that he had been discriminated against on the basis of his national origin by INDOT when he was denied a promotion to Highway Engineer Supervisor 3 in the Pre-Engineering and Environment Division as Preliminary Engineering Studies Section Manager. Pursuant to Section 706 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5, the EEOC investigated the charge, found reasonable cause to believe

that the allegation of national origin discrimination was true, attempted unsuccessfully to achieve through conciliation a voluntary resolution of the charge and subsequently referred the matter to the Department of Justice.

7. All conditions precedent to the filing of suit have been performed or have occurred.

WHEREFORE, the plaintiff prays this Court to:

(a) Enter an order enjoining the defendant from failing or refusing to provide remedial relief sufficient to make whole the charging party, Mr. Bansi, for the individual loss he has suffered as a result of the discrimination against him as alleged in this Complaint; and

(b) Award compensatory damages to Mr. Bansi to fully compensate him for injuries caused by INDOT's discriminatory conduct, pursuant to and within the statutory limitations of Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

(c) Take other appropriate nondiscriminatory measures to overcome the effects of the discrimination.

The plaintiff prays for such additional relief as justice may require, together with its costs and disbursements in this action.

JURY DEMAND

The United States hereby demands a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure and Section 102 of the Civil Rights Act of 1991, 42U.S.C. §1981a.

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