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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ **W.P.(C) 17358/2025**

Date of Decision**: 12.02.2026**

IN THE MATTER OF:

MS A .....Petitioner

Through: Mr Utkarsh Kandpal, Adv for Ms. Dacchita Shahi, Adv (DHCLSC) and Mr Akshat Singh, Adv.

versus

DELHI CANTONMENT BOARD & ORS. .....Respondents

Through: Mr. Sahaj Garg, SPC, Mr. Ankush kapoor (GP), Mr. Soumyadip Chakraborty, Advs for R-1 and 2.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

JUDGEMENT

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. The petition is for following reliefs:

a. Issue a Writ of Certiorari or any other appropriate writ, order, or direction to quash the inquiry report dated 18.10.2023 passed by the Internal Committee as being illegal, void ab initio, and passed in violation of the principles of natural justice;
b. Issue directions in the nature of public interest, to ensure that all workplaces and establishments mandatorily and conspicuously notify and publicize the details of the entire grievance redressal mechanism under the POSH Act, including the specific name and designation of the designated Appellate Authority, as part of their POSH policy, to prevent the recurrence of such hardship for aggrieved persons;
c. Award exemplary costs against the Respondents for the deliberate

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frustration of the Petitioner's rights and the process of law;

2. The Petitioner claims to be a contractual Paediatric Nurse working at Delhi Cantonment General Hospital through respondent no. 4. Respondent No. 1 is the Delhi Cantonment Board and respondent authorities are instrumentalities of the State responsible for ensuring compliance with statutory safeguards under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 **(hereinafter "the Act")**.

3. It is the case of the petitioner that upon facing incidents of sexual harassment at her workplace, she lodged a complaint dated 13.04.2023, pursuant to which an FIR bearing No. 142/2023 was registered. The petitioner also submitted a formal complaint before the competent authority, on the basis of which an Internal Complaints Committee (ICC) was constituted on 18.04.2023 to inquire into the allegations.

4. During the pendency of the inquiry proceedings, she raised specific objections regarding the impartiality and biasness of the Chairperson of the ICC by way of representations dated 19.04.2023 and 22.06.2023. However, without alledgedly referring the allegation of biasness to the competent Disciplinary Authority and without staying the proceedings as mandated under applicable guidelines, the ICC proceeded with the inquiry and passed the impugned report dated 18.10.2023.

5. Aggrieved thereby, the petitioner initially approached this Court and was granted liberty to avail the alternative remedy of appeal. However, when the petitioner preferred appeals before various authorities, including the Principal Director, Defence Estates, the Chief Executive Officer of respondent no. 1, and the Chief Medical Officer, the same were rejected on the ground of lack of jurisdiction.

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6. It appears that petitioner does not dispute that there lies an appeal. However, learned counsel for petitioner submits that as per the petitioner's understanding, the appeal would lie before the CEO of the Delhi Cantonment Board ('DCB') as per the Office Memorandum dated 02.08.2016 issued by the Government of India, Ministry of Personnel, Public Grievance and Pensions, Department of Personnel & Training (DoPT), Establishment Division.

7. On the other hand, learned counsel for the respondent no.1 – DCB, takes the position that in exercise of powers conferred under Rule 11 of the Act, the Ministry of Labour and Employment issued notification dated 04.05.2016, which has been published in the official Gazette and *vide* the said notification, officers have been appointed as the appellate authority under the Act, in respect of industrial establishments under the control of the Central Government or a Railways administration, or a major port, mine or oil-field situated anywhere in India. The said notification dated 04.05.2016 is extracted as under:

> "*MINISTRY OF LABOUR AND EMPLOYMENT*
> *NOTIFICATION*
> *New Delhi, the 4th May, 2016*
>
> *S.O. 1632(E).—In exercise of the powers conferred by clause (a) of section 2 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946), and in supersession of the notification of the Government of India in the Ministry of Labour and Employment number S.O. 1062 dated the 15th March, 1990, the Central Government hereby appoints the following officers to exercise the functions of appellate authority under the said Act in respect of the industrial establishments under the control of Central Government or a Railways administration or a major port, mine or oil-field situated anywhere in India, namely:-*
> *(1) Chief Labour Commissioner(Central);*
> *(2) Additional Chief Labour Commissioners(Central);*
> *(3) All Deputy Chief Labour Commissioners (Central).*
>
> *[No. S-12011/3/2014-IR (PL)]*
> *G. VENUGOPAL REDDY, Jt. Secy."*

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8. It is thus, seen that the office memorandum dated 02.08.2016 seems to have been issued as a guideline, whereas, the Government has exercised its statutory power and has appointed the appellate authority *vide* notification dated 04.05.2016. Therefore, the appeal against the impugned report would lie before the authority as designated in notification dated 04.05.2016.

9. Learned counsel for the petitioner also has various grievances with respect to the manner in which the ICC has conducted the inquiry. However, all those grievances can be looked into by the Appellate Authority. Let the petitioner to approach the Appellate Authority within a period of 30 days from today with his appeal. The same shall be decided on merit, and should not be dismissed on the ground of limitation.

10. With the aforesaid, the petition along with pending application(s) stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

FEBRUARY 12, 2026
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