



\$~44

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

+ **W.P.(C) 2352/2025**

GOVT OF NCT OF DELHI

.....Petitioner

Through: Mrs. Avnish Ahlawat and Mr. Amitoj
Chadha, Advocate

versus

MR SK KAAKRAN

.....Respondent

Through: Mr. Vineet Kumar Singh and Mr.
Abhay Kumar, Advocate

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **24.02.2025**

[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL. 11180/2025 (exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 2352/2025 & CM APPL. 11179/2025 (stay)

2. The petitioner has assailed order dated 02.09.2024 of the Industrial Tribunal, whereby in an appeal under Section 18 of the Prevention of Sexual Harassment Act at Workplace, operation and findings dated 17.05.2024 of the Internal Complaints Committee were stayed by the Tribunal till next date of hearing. The Internal Complaints Committee's findings were stayed on the submission of the present respondent that his career is at stake.

3. On behalf of petitioner, it is submitted that subsequent to the impugned order, the proceedings before the learned Tribunal are getting adjourned, largely for the reason of leave of the learned judicial officer. It is



contended on behalf of petitioner that the Tribunal had no jurisdiction to entertain the appeal as the present respondent is a Group 'A' Officer and the Service Rules CCS (CCA) Rules would apply and the jurisdiction would vest with the Central Administrative Tribunal, not the Industrial Tribunal. Further, learned counsel for petitioner contends that the report stayed by way of the impugned order has to be treated as final report of the Departmental Inquiry in terms with law discussed in the judgment reported as 2012 SCC OnLine SC 893.

4. Learned counsel for respondent appearing on advance intimation accepts notice and seeks adjournment to examine the legal issue mentioned above.

5. I am conscious of the scope of interference by the High Court in writ jurisdiction where an interlocutory order is assailed. But keeping in mind the issue involved above and serious prejudice that may be caused to either side, the writ petition is being entertained.

6. It appears that the application of the present petitioner seeking recall of order dated 02.09.2024 is pending before the learned Tribunal and is being adjourned repeatedly, which has led to the petitioner approaching this Court because the petitioner cannot proceed further on account of order dated 02.09.2024. Under these circumstances, as requested by both sides, the petition is disposed of, requesting the learned Industrial Tribunal to adjudicate within four weeks from today on application dated 10.12.2024 for vacation of date to date interim stay granted by order dated 02.09.2024. Learned counsel for both sides have assured to appear before the learned Industrial Tribunal alongwith copy of this order on 28.02.2025.



7. Accordingly, the petition as well as the pending application stand disposed of.

GIRISH KATHPALIA, J

FEBRUARY 24, 2025/as

[Click here to check corrigendum, if any](#)