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

+ **W.P.(C) 3637/2025 & CM APPL. 31341/2025**

**ANIKET KHETRAPAL**

.....Petitioner

Through: Ms. Meena Chaudhary Sharma,  
Mr. Hirein Sharma, Mr. Himanshu  
Sharma and Mr. Rajendra Singh,  
Advocates.

versus

**IRCON INTERNATIONAL LIMITED & ANR.** .....Respondents

Through: Mr. Suman K. Doval, Mr. Ramesh  
Wangnoo and Mr. Lakshay  
Chaudhary, Advocates for R-1.  
Mr. Vineet Dhanda, CGSC with  
Ms. Akansha Chaudhary,  
Advocate for R-2.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**

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**06.08.2025**

1. The petitioner, who was employed in the respondent No. 1 – IRCON International Limited [“IRCON”], as Assistant Manager (Finance), has filed this writ petition under Article 226 of the Constitution, seeking a direction upon the employer-IRCON to accept the petitioner’s resignation dated 31.08.2024, relieve him from service, and release all salaries and other benefits due to him.

2. I have heard Ms. Meena Chaudhary Sharma, learned counsel for the petitioner, and Mr. Suman K. Doval, learned counsel for the



respondent No. 1 - IRCON.

3. The petitioner's case is that he submitted his resignation on 31.08.2024, to take effect from 30.11.2024. However, despite representations made by him, his resignation was not accepted, and no relieving order was issued to him.

4. During the pendency of the present writ petition, the petitioner was served a Show Cause Notice dated 09.04.2025 for unauthorised absence from duty, contending that his resignation had not been formally accepted.

5. On 17.07.2025, a statement was made to the Court by Mr. Doval, on behalf of IRCON, that a decision is being taken expeditiously on the petitioner's grievances, and he expressed hope for a solution. Further time was granted on 25.07.2025. However, instead of resolving the issue, IRCON filed a counter affidavit dated 01.08.2025, contending that the petitioner had not served the mandatory notice period of 90 days.

6. A table included in paragraph 5 of the counter affidavit shows that, during the 90 days' notice period from 31.08.2024, the petitioner was granted leave as follows:

- (a) Commuted (Medical) for the period 02.09.2024 to 12.09.2024 (11 days)
- (b) LAP<sup>1</sup> (Encashable) for the period 13.09.2024 to 21.09.2024 (9 days)
- (c) LAP (Encashable) for the period 22.09.2024 to 30.09.2024 (9 days)
- (d) LAP (Encashable) for the period 01.10.2024 to 11.10.2024 (11 days)



The counter affidavit further reveals that the petitioner's subsequent applications for leave from 12.10.2024 to 06.11.2024, and from 16.11.2024 to 22.11.2024, were rejected.

7. It is the admitted position that the petitioner was required to give 90 days' notice for resignation, as stipulated under Clause 4 of his appointment letter dated 15.10.2009. Although the petitioner applied for leave during the notice period, Ms. Sharma submits that the non-grant of leave and the non-acceptance of his resignation for almost a year has caused substantial prejudice. She, therefore, submits that the Court may direct IRCON to relieve the petitioner, subject to adjustment of dues for the balance notice period against the amounts due to him. She has also handed up in Court a copy of an e-mail dated 22.07.2025, by which the petitioner made such a proposal. Mr. Doval states that he has no instructions regarding the said communication. A copy of the said e-mail is taken on record.

8. In the counter affidavit, the only ground for resisting the acceptance of the petitioner's resignation is his alleged failure to serve the full notice period of 90 days. The Show Cause Notice dated 09.04.2025, relied upon by IRCON, also states that the petitioner availed 73 days of leave out of the 90 days' notice period and was, therefore, asked to show cause as to why his services should not be terminated.

9. It is evident from these submissions that both parties are desirous of terminating the employer – employee relationship. In view of Ms. Sharma's submission that the petitioner's salary may be recovered for the balance notice period, I am of the view that IRCON may recover the

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<sup>1</sup> During the course of the hearing, Mr. Doval clarified that "LAP" refers to Earned Leave.



petitioner's salary for the balance of the notice period, and the petitioner may be deemed to have been relieved with effect from 30.11.2024.

10. As far as the computation of the balance period is concerned, the Show Cause Notice dated 09.04.2025 records that the petitioner availed 73 days of leave out of the 90 days' notice period. The counter affidavit shows that 40 days of this leave were approved. The balance of 33 days shall, therefore, be treated as a shortfall in the notice period, and the recoverable amount shall be computed for this period in terms of Circular No. 14/2008 dated 03.04.2008, which deals with deposit of emoluments for shortfall in the notice period [Annexure P-5 to the writ petition].

11. Subject to the above, the petitioner shall stand relieved with effect from 30.11.2024. The accounts between the parties shall be settled within a period of two weeks from today. For the purpose of completion of formalities, the petitioner may report at IRCON's office in Delhi on 12.08.2025 at 11 A.M.

12. In view of this order, no further action shall be taken pursuant to the Show Cause Notice dated 09.04.2025.

13. The facts of the present case, in my view, demonstrate an avoidable expenditure of judicial time on a matter that ought to have been resolved administratively by the respondent. The counter affidavit does not disclose any reason, other than the stipulated notice period, for which the petitioner was not relieved. The respondent could have proposed, or at the very least, considered recovery of pay for the shortfall in the notice period, instead of issuing a Show Cause Notice seven months later. The petitioner's services have been kept in a state of suspended animation for a considerable period of time, when both parties were willing to



discontinue the employment. A copy of this order be forwarded by Mr. Doval to the Chairman and Managing Director of IRCON, who is requested to take necessary steps to sensitise the concerned officers towards practical resolution of personnel cases, rather than driving employees and the company into avoidable litigation.

14. The writ petition, along with the pending application, is disposed of with the above observations.

**PRATEEK JALAN, J**

**AUGUST 6, 2025**

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