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

+ W.P.(C) 3860/2025 and CM APPLs.17977/2025 (Stay), 17976/2025
(condonation of delay in filing petition)

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.....Petitioner

Through: Mr. Sanyam Rastogi, Mr. Laksh
Yadav, Ms. Vishali Aggarwal, Advs.

versus

FOOD CORPORATION OF INDIA & ORS.Respondents

Through: Ms. Richa Kapoor, Mr. Kunal Anand,
Ms. Udipti Chopra, Advs. for R2
Ms. Manisha Agrawal Narain
(CGSC) along with Mr. Abhishek
Kumar, Ms. Nipun Jain, Advs. for R3
Ms. Mahamaya Chatterjee (GP), Mr.
Akash Dubey
Mr. Om Prakash, Mr. Rajeev R.
Pathak, Advs.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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27.03.2025

CM APPL.17920/2025 (Exemption from filing certified copy etc.)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 3860/2025

3. The present petition challenges the final recommendation/order dated 22.07.2024, issued by the Internal Complaints Committee (ICC) of the Food Corporation of India (Respondent No. 2). By way of the impugned order, the ICC dismissed the petitioner's complaint against Mr. Dinesh Kumar, filed under the provisions of the Prevention of Sexual Harassment Act, 2013,



(hereinafter referred as “the POSH Act”) and the CCS Conduct Rules. The impugned order further recommended disciplinary action against both the petitioner and Mr. Dinesh Kumar.

4. At the outset, it is noticed that the impugned order dated 22.07.2024 passed by the ICC of respondent no.2 is appealable under Section 18 of the POSH Act. The said section reads as under:-

18. Appeal.—(1) Any person aggrieved from the recommendations made under sub-section (2) of section 13 or under clause (i) or clause (ii) of sub-section (3) of section 13 or sub-section (1) or subsection (2) of section 14 or section 17 or non-implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist then, without prejudice to provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal in such manner as may be prescribed.

(2) The appeal under sub-section (1) shall be preferred within a period of ninety days of the recommendations.

5. As such, there is an alternative efficacious appellate remedy available to the petitioner.

6. It is noticed that in similar circumstances, a coordinate Bench of this Court, *vide* an order dated 09.04.2024 in WP (C) 1841 of 2021, relegated the concerned petitioner to the prescribed appellate remedy. The said order has also been affirmed by the Division Bench of this Court in LPA 417 of 2024.

7. In the circumstances, this Court is not inclined to entertain the present petition. However, the Court leaves it open to the petitioner to avail of the prescribed appellate remedy, in accordance with law.

8. All rights and contentions of the petitioner are left open to be



considered by the Appellate Authority. It shall also be open to the petitioner to seek appropriate interim relief from the appellate authority, any such request shall be dealt with in accordance with law.

9. The present petition is disposed of in the above terms.

SACHIN DATTA, J

MARCH 27, 2025/uk