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

+ **W.P.(C) 13076/2025 and CM APPL. 53552/2025**

AJAY KUMAR LAKHIWAL

.....Petitioner

Through: Mr. K.C. Dubey and Ms. Uma
Tarafdar, Advocates.

versus

**HSCC INDIA LTD., THROUGH ITS MANAGING DIRECTOR
& ANR.**

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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27.08.2025

1. By way of this writ petition under Article 226 of the Constitution, petitioner seeks to be reinstated in the services of respondent No. 1 – HSCC India Limited [“the Company”].
2. The petitioner was appointed as a Management Trainee in the Company, by an offer letter dated 10.10.2022. He tendered his resignation on 18.05.2023, which was accepted on 19.05.2023, and he served his notice period until 19.06.2023.
3. Several months thereafter, on 04.04.2024, the petitioner addressed a representation to the Company alleging that he had been maltreated, harassed, and discriminated against by one of his superiors, and he sought reinstatement.
4. The petitioner also lodged a complaint with the National Commission for Scheduled Castes [“Commission”]. The Commission took up the matter at its meeting on 22.08.2024, which was attended by



the petitioner and the Managing Director of the Company with other officers. The minutes of the meeting records as follows:

“ The case was discussed in detail. The petitioner has stated that he joined the HSCC India Ltd. (a PSU which is a subsidiary of NBCC India Ltd.) under SC category on 4th November, 2022. Despite his enthusiasm and commitment, he faced severe harassment and intimidation by his immediate senior Mr. Abhishek Kumar, Manager, Finance. His discriminatory actions towards him included addressing disrespectfully, derogatory comments and personal hygiene insults, and physical intimidation, ignoring and disregarding official work related requests etc. The harassment, intimidation and discriminatory treatment by Manager, Finance compelled him to resign from a Govt. job which he secured through merit. On 1st February 2024, under the guidance of GM (Finance), he submitted a request for reinstatement in service to the Management but he did not get any response officially.

The Managing Director, HSCC (India) Limited apprised the Commission that Shri Ajay was appointed from placement from ICAI for the post of Management Trainee level ‘O’. He was posted in Finance Department and reported to DGM (F&A). He submitted voluntary resignation on 18.05.2023 giving one month notice. His resignation was accepted and he was relieved on 19.06.2023 from the service. After a gap of 7 months from the date of relieving, he made a request for reinstatement in service of HSCC interalia informing that he had resigned because of ill health of his mother as his father died in corona period. The competent authority did not accept his reinstatement in service since there was no provision for reinstatement in service after relieving from service. The petitioner never approached for his grievances during the service period and never filed any written complaints against anyone in the HSCC Ltd.

After hearing both the parties, it is observed that petitioner had resigned from the service during probation period and there is no such provision of reinstatement in the service. He had never submitted any written complaint of misbehaviour against Manager during the service period. The case has no merit, therefore, it is closed in the Commission.

[Emphasis supplied.]

5. The petitioner’s representation to the respondents was, thereafter, rejected by communication dated 08.11.2024. It was stated that his name had already been removed from the Company’s rolls pursuant to the service-cum-relieving certificate dated 19.06.2023, and that all dues had



been released and accepted by him. The communication further recorded that no allegation of harassment or maltreatment had been raised by the petitioner during his tenure in service, that the Commission had found his complaint to be meritless, and that the service rules contain no provision for reinstatement after resignation.

6. Having heard Mr. K.C. Dubey, learned counsel for the petitioner, I am not inclined to entertain the present writ petition. It is the undisputed position that the petitioner tendered his resignation on 18.05.2023, which was accepted on 19.05.2023, and that he was formally relieved from service on 19.06.2023. In the ordinary course, reinstatement cannot be directed in these circumstances, particularly where no provision for reinstatement after relieving has been provided in any statute, Rules or contract. No enabling provision in the contract or the applicable service rules has been pointed out in this regard.

7. The petitioner's sole contention is that he resigned under duress, because of alleged harassment and maltreatment. That contention was the subject matter of the proceedings before the Commission, which considered the same allegations and rejected them by a reasoned order. The petitioner has not impugned the Commission's order, and now seeks to re-open the identical grievance in the present writ petition.

8. I find no material on record to support the petitioner's case. The contention of the Company that the petitioner did not raise any such complaint during his period of service, or for a long time thereafter, remains unrebutted. The only proceedings initiated by the petitioner were before the Commission, which have been dismissed.



9. In these circumstances, the petitioner has failed to make out any ground for issuance of a writ of *mandamus*.

10. The writ petition, along with the pending application, is disposed of in these terms.

PRATEEK JALAN, J

AUGUST 27, 2025

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