

2026:PHHC:022929



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-1746-2025

SXXXX

...PETITIONER

VERSUS

UNION OF INDIA AND ORS.

....RESPONDENTS

1.	The date when the judgment is reserved	26.11.2025
2.	The date when the judgment is pronounced	13.02.2026
3.	The date when the judgment is uploaded	13.02.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any of the pronouncement of full judgment and reason thereof.	Not applicable

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Dr. Swati Jindal Garg, Advocate and
Ms. Srishti Makol, Advocate
for the petitioners

Ms. Neha Jaggi, Sr. Panel counsel
for respondents/UOI

SANDEEP MOUDGIL, J

Prayer

1. The present Civil Writ Petition under Articles 226/227 of the Constitution of India is filed seeking issuance of a writ of mandamus directing the respondents to provide redressal to the petitioner by supplying the complete report dated 02.05.2024 (Annexure P-1) along with all annexures and the recommendations of the departmental committee constituted vide

order dated 16.11.2023 (Annexure P-11) on her complaint of sexual harassment; further directing the respondents to accept the petitioner's resignation dated 14.02.2024 (Annexure P-3) and to release her pending salary and all consequential service benefits including TA, DA, outstanding dues, gratuity and NPS contributions.

Brief Facts

2. The petitioner was appointed as a Trained Graduate Teacher (TGT) with the Navodaya Vidyalaya Samiti (NVS) in the year 2012 and served at various Jawahar Navodaya Vidyalayas including JNV Poonch (J&K), JNV Butana, Sonipat (Haryana) and lastly JNV Karnal (Haryana). Throughout her service, the petitioner discharged her duties diligently and her performance stood duly reflected in her Annual Performance Appraisal Reports.

3. During her tenure, particularly at JNV Butana and JNV Karnal, the petitioner was subjected to a hostile work environment, including discriminatory allocation of duties and denial of basic service-related entitlements. The petitioner raised multiple complaints before the competent authorities regarding sexual harassment and related misconduct at the workplace. While certain committees were purportedly constituted and actions such as suspension or dismissal of some individuals were undertaken.

4. Despite the pendency of her complaints, the petitioner was subjected to further hostility and no effective, protective or remedial measures were taken by the respondents to ensure her safety or dignity at the workplace.

5. Owing to prolonged mental stress, deterioration of health, and continued hostile conditions at the workplace, the petitioner took a conscious and voluntary decision to sever her employment. Accordingly, she tendered her resignation dated 14.02.2024 to the Deputy Commissioner, NVS Regional

unequivocally conveyed her intention to resign from service, while also narrating the circumstances that compelled her to take such a decision.

6. The respondents, however, declined to accept the petitioner's resignation on the ground that it was "conditional" and in the nature of a representation, merely because it contained a factual narration of the circumstances leading to her resignation. The petitioner was thereafter repeatedly directed to submit a "simple and unconditional" resignation, which effectively sought to compel her to suppress the factual background underlying her decision to resign.

7. Despite tendering resignation, the respondents have illegally withheld the petitioner's salary and consequential benefits including pending pay, allowances, gratuity and NPS contributions, without passing any reasoned or lawful order. The continued refusal to accept the resignation and release dues has caused severe financial and mental hardship to the Petitioner.

8. Aggrieved by the inaction and illegal conduct of the respondents, the petitioner earlier approached the Delhi High Court, which declined jurisdiction. Subsequently, the Supreme Court, while permitting withdrawal of the petition, expressly observed that upon filing before the appropriate High Court, the matter be taken up and disposed of expeditiously.

9. Pursuant thereto, the present writ petition has been filed.

10. During the pendency of the present petition, the respondents have accepted the resignation of the petitioner on 07.01.2025 (Annexure R-2) w.e.f 14.02.2024, i.e. the date of submission of the resignation and the consequential benefits along with gratuity were paid to her (Annexure R-4). Furthermore, the respondents have now constituted ICC at Vidyalaya level and the services of the employee involved was also terminated forthwith.

Contentions**On behalf of petitioner**

11. Learned counsel for the petitioner contends that the respondents have acted arbitrarily and without authority of law while refusing to accept the petitioner's resignation dated 14.02.2024 on the erroneous premise that the same was "conditional" while contending that mere narration of circumstances compelling resignation does not render the resignation conditional, particularly when the intention to sever the employer-employee relationship is unequivocal.

12. Learned counsel submits that once the petitioner tendered her resignation and ceased to discharge duties, the respondents were under a legal obligation to process the resignation and release all consequential service and retiral benefits. The continued withholding of salary, allowances, gratuity and NPS contributions, without any disciplinary proceedings or lawful order, is ex facie arbitrary and unsustainable in law.

13. Learned counsel further submits that the present case raises serious issues of institutional accountability in a government-funded educational organisation, and the respondents cannot be permitted to retain control over the Petitioner's service benefits as a means of coercion or punishment after resignation.

14. It is contended that notwithstanding the conducting of a due enquiry, the respondents failed to furnish to the petitioner the complete enquiry report dated 02.05.2024 along with the recommendations of the departmental committee constituted vide order dated 16.11.2023 (Annexure P-11) in relation to her complaint of sexual harassment, thereby infringing her right to be informed of the outcome of the proceedings.

On behalf of respondent

15. Learned counsel for the respondents raises a preliminary objection as to the maintainability of the writ petition, submitting that Navodaya Vidyalaya Samiti is an organisation notified under the Central Administrative Tribunal Act, 1985, and therefore all service-related disputes fall within the exclusive jurisdiction of the Central Administrative Tribunal. In view of the availability of an equally efficacious statutory remedy, the present writ petition is liable to be dismissed on the ground of lack of jurisdiction.

16. It is further contended that the petitioner lacks *locus standi* to maintain the present petition as the reliefs sought pertain purely to service matters, which stand fully concluded upon acceptance of her resignation and the cause of action, as pleaded, does not survive for adjudication by this Court.

17. It is submitted that the resignation tendered by the Petitioner on 14.02.2024 was examined and as the resignation letter contained grievances and allegations, the petitioner was advised to submit an unconditional resignation if she intended to resign, which she failed to do and the competent authority was constrained to accept her resignation with effect from 14.02.2024, being the last date she actually worked. The acceptance was made strictly in accordance with applicable rules and administrative discretion vested in the accepting authority.

18. It is further contended that the petitioner was deemed relieved from service from the date of acceptance of resignation as she had voluntarily abandoned her duties and remained unauthorisedly absent thereafter. In such circumstances, relieving her from any later date was neither administratively feasible nor legally warranted.

19. It is urged that all consequential benefits arising out of acceptance of resignation, including salary dues and pensionary benefits, have already

been released. The Petitioner's request for premature exit from the National Pension System has also been duly processed and forwarded to the NPS Trust, thereby fully discharging the Respondents' statutory and administrative obligations.

20. Lastly, the learned counsel submits that in view of the resignation having been validly accepted and all admissible benefits having been paid, no subsisting grievance survives for consideration. The writ petition, therefore, deserves dismissal as infructuous and devoid of merit.

The lis and issues for consideration

21. Upon hearing learned counsel for the parties and perusing the record, the following issues arise for determination:

- 1. Whether the delayed acceptance of the petitioner's resignation was lawful, and whether the petitioner is entitled to salary and consequential benefits for the period between tendering of resignation and its formal acceptance.***
- 2. Whether this Court, in exercise of its writ jurisdiction under Articles 226 and 227 of the Constitution, ought to grant reliefs pertaining to allegations of sexual harassment at workplace, once the competent authorities have already acted upon such complaints ?***

22. Having perused the detailed facts of the case, and keeping in view the settled principles of service jurisprudence, this Court shall now proceed to adjudicate the issues framed above by applying the litmus test of reasonableness, fairness, and statutory compliance.

Issue No. 1 *Whether the refusal and delayed acceptance of the Petitioner's resignation was lawful, and whether the Petitioner is entitled to salary and consequential benefits for the period between tendering of resignation and its formal acceptance?*

23. The undisputed factual position is that the petitioner tendered her resignation on 14.02.2024 (Annexure P-3). It is equally undisputed that the

said resignation was formally accepted by the competent authority only on 07.01.2025 (Annexure R-2), with retrospective effect from 14.02.2024.

24. The respondents seek to justify the delay on the ground that the resignation was not “unconditional” and therefore required reconsideration in terms of the applicable DoPT and NVS guidelines. While this Court does not find fault with the respondents in scrutinising the resignation in accordance with extant rules, the legal consequences of such scrutiny cannot be visited upon the employee to her detriment.

Continued Employer-Employee Relationship

25. It is a settled principle of service jurisprudence that an employer who retains control over the employee’s resignation cannot simultaneously deny the incidents of service for the period during which such resignation remained unaccepted. The relationship of employer and employee, in law, subsists until resignation is either accepted or otherwise lawfully terminated.

26. The Supreme Court in “***Raj Kumar v. Union of India, (1968) 3 SCR 857***”, authoritatively held that resignation becomes effective only upon acceptance by the competent authority, unless the governing rules provide otherwise, while observing that,

Till the resignation is accepted by the appropriate authority in consonance with the rules governing the acceptance, the public servant concerned has locus paenitentiae but not thereafter. Undue delay in intimating to the public servant concerned the action taken on the letter of resignation may justify an inference that resignation has not been accepted.

Therefore, it is settled law that administrative delay in acceptance of resignation cannot operate to the prejudice of the employee.

27. In the present case, the respondents, while asserting that the petitioner did not report for duty, nevertheless retained her resignation under consideration for nearly eleven months. During this interregnum, the respondents neither initiated disciplinary proceedings for alleged unauthorised absence nor passed any order treating the petitioner as having abandoned service, thereby consciously electing to keep the employment relationship alive. Having so elected, the respondents cannot now take a mutually destructive position.

28. The doctrine of approbate and reprobate, rooted in the equitable maxim *qui approbat non reprobat*, squarely applies. As held by the Supreme Court in “**Joint Action Committee of Airline Pilots’ Association of India v. DGCA (2011) 5 SCC 435**”, a party cannot accept what is favourable while rejecting what is inconvenient under the same transaction or set of facts. Relevant extract of the same is as under:

“11. In *R.N. Gosain v. Yashpal Dhir*, AIR 1993 Supreme Court 352, this Court observed as under :-

"10 "Law does not permit a person to both approbate and reprobate. This principle is based on the doctrine of election which postulates that no party can accept and reject the same instrument and that "a person cannot say at one time that a transaction is valid and thereby obtain some advantage, to which he could only be entitled on the footing that it is valid, and then turn round and say it is void for the purpose of securing some other advantage."

12. The doctrine of election is based on the rule of estoppel- the principle that one cannot approbate and reprobate inheres in it. The doctrine of estoppel by election is one of the species of estoppels in pais (or equitable estoppel), which is a rule in equity. By that law, a person may be precluded by his actions or conduct or silence when it is his duty to speak, from asserting a right which he otherwise would have had. Taking inconsistent pleas by a party makes its conduct far from satisfactory. Further, the parties should not blow hot and cold by taking inconsistent stands and prolong proceedings unnecessarily.”

29. Similarly, in ***Rajasthan State Industrial Development & Investment Corporation v. Diamond & Gem Development Corporation (2013) 5 SCC 470***, the Apex Court condemned such conduct as impermissible “blowing hot and cold.” while observing that,

9. A party cannot be permitted to "blow hot-blow cold", "fast and loose" or "approbate and reprobate". Where one knowingly accepts the benefits of a contract, or conveyance, or of an order, he is estopped from denying the validity of, or the binding effect of such contract, or conveyance, or order upon himself. This rule is applied to ensure equity, however, it must not be applied in such a manner, so as to violate the principles of, what is right and, of good conscience.

30. In the absence of any disciplinary action or a declaration of abandonment, the respondents’ decision to keep the resignation pending amounts to an election to treat the petitioner as continuing in service, and they are therefore estopped from denying salary and service benefits for the very period during which they themselves kept the issue of resignation in abeyance. To permit otherwise would be to allow the respondents to approbate by delaying acceptance of resignation and reprobate by denying consequential service entitlements.

31. This Court is mindful that resignation was ultimately accepted with retrospective effect. However, retrospective acceptance cannot be utilised as a legal fiction to extinguish accrued service benefits, particularly where the delay is entirely attributable to the employer. Retrospective administrative orders cannot be employed to deprive an employee of monetary benefits already earned.

32. Accordingly, guided by the principle discussed above, this Court holds the petitioner entitled to salary and all admissible allowances for the period commencing from 14.02.2024 till the date of formal acceptance of resignation, i.e. 07.01.2025, subject to statutory deductions.

Issue No. 2 *Whether this Court, in exercise of its writ jurisdiction under Articles 226 and 227 of the Constitution, ought to grant reliefs pertaining to allegations of sexual harassment at workplace, once the competent authorities have already acted upon such complaints?*

33. The petitioner has sought extensive reliefs relating to alleged sexual harassment at workplace, including directions for redressal, inquiry reports, and institutional accountability. These prayers, in substance, invite this Court to supervise, re-examine and assess the adequacy of actions already taken by the employer and statutory mechanisms constituted for addressing such complaints.

34. This Court does not for a moment trivialise the seriousness of the allegations raised. Sexual harassment at workplace strikes at the core of dignity and equality guaranteed under the Constitution, as recognised in ***Vishaka v. State of Rajasthan, (1997) 6 SCC 241***, and later codified in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

35. However, the gravity of the subject matter does not dilute the well-defined limits of writ jurisdiction. Judicial review under Article 226 of the Constitution is concerned with decision-making process, not with re-appreciation of facts or sufficiency of action, particularly where a statutory or competent authority has already exercised jurisdiction. This limitation is a facet of the doctrines of judicial restraint, institutional comity, and separation of powers, which guide constitutional courts while exercising supervisory jurisdiction.

36. From the material on record and the reply of the respondents', it emerges that the petitioner's complaints were examined by the institutional

authorities, committees were constituted, and certain actions, including suspension and dismissal of individuals, were undertaken. Whether such action was adequate or proportionate is not for this Court to adjudicate in writ proceedings.

37. The Supreme Court in “***Union of India v. P. Gunasekaran, (2015) 2 SCC 610***”, cautioned High Courts against acting as appellate authorities over disciplinary or fact-finding mechanisms.

“18. The disciplinary authority, on scanning the inquiry report and having accepted it, after discussing the available and admissible evidence on the charge, and the Central Administrative Tribunal having endorsed the view of the disciplinary authority, it was not at all open to the High Court to re-appreciate the evidence in exercise of its jurisdiction under Article 226/227 of the Constitution of India.”

38. Similarly, in “***State of Uttar Pradesh v. Man Mohan Nath Sinha, (2009) 8 SCC 310***”, the apex court held that once competent authorities have applied their mind, writ courts must exercise restraint.

“The legal position is well settled that the power of judicial review is not directed against the decision but is confined to the decision making process. The Court does not sit in judgment on merits of the decision. It is not open to the High Court to re-appreciate and reappraise the evidence led before the Inquiry Officer and examine the findings recorded by the Inquiry Officer as a court of appeal and reach its own conclusions”.

39. The petitioner has already approached the competent authorities, who have demonstrably acted upon her complaints. In such circumstances, this Court finds no ground to reopen or supervise those proceedings under Article 226. Accordingly, the reliefs sought with respect to sexual harassment complaints are declined, leaving it open to the petitioner to pursue any remedy

as may be available to her in accordance with law before the appropriate

forum.

Conclusion

40. For the reasons stated above, the writ petition is partly allowed. The respondents are directed to release the petitioner’s salary and admissible allowances for the period from 14.02.2024 till 07.01.2025, being the period between tendering and formal acceptance of resignation, along with arrears of pay, within a period of four weeks from the date of receipt of a certified copy of this order. However with regards to the reliefs sought with respect to allegations of sexual harassment and related directions are dismissed, as not warranting interference under the writ jurisdiction.

41. The petition stands disposed of in the above terms.

(SANDEEP MOUDGIL)
JUDGE

13.02.2026
anuradha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No