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

+ **W.P.(C) 14611/2025**

VIPIN KUMAR

.....Petitioner

Through: Mr. Yatinder Bainsla, Advocate.

versus

INTERNAL COMPLAINT COMMITTEE AND ORS

.....Respondents

Through: Ms. Anushka Shah and Ms. Shagun
Chopra, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

JUDGEMENT

% **02.04.2026**

CM APPL. 20743/2026 (Condonation of delay)

1. For the reasons stated in the application, the same stands allowed. The delay of nine (9) days in filing the review petition stands condoned.
2. The application stands disposed of.

REVIEW PET. 144/2026

1. The instant review petition has been filed on behalf of the petitioner seeking review and recall of the order dated 19.02.2026 passed by this Court in W.P.(C) 14611/2025, whereby, the applicant's writ petition was dismissed with liberty to file an appeal within a period of two weeks from the date of the order.
2. The petitioner claims that in deference to the order dated 19.02.2026, he made efforts to ascertain the appropriate appellate authority for the



purposes of filing his appeal, however, he was unable to identify the competent appellate authority. The petitioner further claims that the service rules governing his employment do not provide for any appellate forum or mechanism, thereby leaving him without any efficacious remedy.

3. However, the Court finds that there exists an alternate and efficacious remedy to the petitioner as per the provisions mentioned hereinbelow.

4. Section 18 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter, ‘**PoSH Act**’) entitles an aggrieved person to prefer an appeal before the Court or Tribunal specified under the service rules applicable to such person, or in the absence of such service rules, an appeal may be preferred in the manner prescribed under the Rules. Section 18 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 sub-section (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. In exercise of the powers vested under Section 29 of the PoSH Act, the Rules titled Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 have been framed. Rule 11 thereof entitles a person aggrieved from the recommendations passed under sub-



section (2) of Section 13 or clause (i) or (ii) of sub-section (3) of Section 13 or Section 14 or Section 17, to prefer an appeal before the appellate authority specified thereunder. Rule 11 reads as under:-

“11. Appeal:- Subject to the provisions of section 18, any person aggrieved from the recommendations made under sub-section (2) of section 13 or under clauses (i) or clause (ii) of sub-section (3) of section 13 of sub-section (1) or sub-section (2) of section 14 or section 17 or non-implementation of such recommendations, may prefer an appeal to the appellate authority notified under clause (a) of section 2 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946).”

6. Accordingly, it may be appropriate to refer to Clause (a) of Section 2 of the Industrial Employment (Standing Orders) Act, 1946 (hereinafter, ‘**the Act of 1946**’). Section 2(a) defines “appellate authority” to mean an authority appointed by the Government by notification to perform the functions of an appellate authority under the Act of 1946. Section 2(a) of the Act of 1946 is extracted as under:-

“2.

[(a) “appellate authority” means an authority appointed by the appropriate Government by notification in the Official Gazette to exercise in such area as may be specified in the notification the functions of an appellate authority under this Act :

Provided that in relation to an appeal pending before an Industrial Court or other authority immediately before the commencement of the Industrial Employment (Standing Orders) Amendment Act, 1963, that Court or authority shall be deemed to be the appellate authority:.]”

7. From a conjoint reading of the abovementioned provisions, it would be seen that in the absence of any appropriate service rules, an appeal may be preferred by an aggrieved person before the Appellate Authority notified under Section 2(a) of the Act of 1946.

8. In the instant case, therefore, the petitioner has an adequate alternate remedy available and hence, the petitioner is not rendered remediless.

9. The petitioner is at liberty to avail the alternate remedy, as available



in accordance with law.

10. With the aforesaid observations and liberty, the instant review petition stands dismissed.

PURUSHAINDRA KUMAR KAURAV, J

APRIL 2, 2026

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