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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 18447/2025, CM APPL. 76396-76399/2025 & CM APPL.
1334/2026

RAHUL PANDEY

.....Petitioner

Through: Mr. Aslam Ahmed, Mr. Rohit Jain,
Ms. Shabiesta Nabi, Advocates with
Petitioner in person.

versus

ALLIANCE AIR AVIATION LIMITED & ANR.Respondents

Through: Ms. Kriti Sinha, Advocate for R-1
with Mr. Vimal Tripathi, HOP
AAAL.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
05.02.2026

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1. The Petitioner was appointed as Executive Director (Engineering) with Respondent No. 1 under a Fixed Term Employment Agreement for a period of five years, with effect from 12th April, 2022 until 11th April, 2027.
2. It is the Petitioner's case that, owing to certain changes in the management of Respondent No. 1 and the personal difficulties arising therefrom, he tendered his resignation on 9th December, 2024. The resignation, however, was not accepted. Instead, he was issued four show cause notices, one dated 10th December, 2024, two dated 12th December, 2024 and one dated 13th December, 2024. The Petitioner submits that one of the show cause notices dated 12th December, 2024 culminated in an enquiry



report dated 9th October, 2025, while the proceedings pursuant to the remaining notices have remained unresolved for over a year and his salary has not been paid during this period. He contends that he has neither been formally discharged from service nor remunerated.

3. Aggrieved, the Petitioner has filed this petition, seeking the following reliefs:

“i) issue a writ, order or direction in the nature of mandamus declaring that the termination notice dated 09.12.2024 constitutes a valid discharge of the petitioner from the Fixed Term Employment Agreement; ii) consequently issue a writ, order or direction in the nature of mandamus directing the Respondent No. 1 to give “No Objection Certificate”; iii) issue a writ, order or direction in the nature of mandamus directing the Respondent No. 1 quashing of the report dated 16.10.2025; iv) issue a writ, order or direction in the nature of mandamus directing the Respondent No. 1 to pay salary/remuneration arrears for the period commencing May, 2025 during the prolonged arbitrary suspension; v) to issue a writ, order or direction in the nature of mandamus directing the Respondent No. 1 not to proceed with show cause notices dated 10.12.2024, 12.12.2024, 12.12.2024 & 13.12.2024 and declare it to be quashed.”

4. Ms. Kriti Sinha, counsel for Respondent No. 1, submits that disciplinary enquiries pursuant to the aforesaid show cause notices are ongoing and that the Petitioner has been placed under suspension during the course of these proceedings. It is further stated that, in respect of the show cause notice dated 12th December, 2024 issued by the HR Department, the enquiry has been concluded and the Enquiry Officer has submitted a report dated 9th October, 2025 holding the charges against the Petitioner to be proved. The findings of the enquiry report were communicated to the Petitioner on 16th October, 2025 inviting his response, and the matter has since been forwarded to the Disciplinary Authority for consideration.

5. The Court has considered the aforesaid submissions. The relief sought



by the Petitioner in prayer (i) for a declaration that his communication dated 9th December, 2024 constitutes a valid discharge from the Fixed Term Employment Agreement cannot be granted. The agreement stipulates a fixed tenure of five years from 12th April, 2022 to 11th April, 2027. Clause 6.3.1 of the agreement permits an employee to terminate employment upon giving ninety days' written notice. Similarly, Clause 91 of the AAAL Employees Service Regulations provides that no employee shall resign except by giving three months' notice or compensation in lieu thereof, unless such notice is waived or a shorter period is accepted in writing by the competent authority. In the present case, although the Petitioner tendered his resignation on 9th December, 2024 and requested waiver of the notice period against earned leave, there is nothing on record to show that the resignation was accepted or the notice period waived by Respondent No. 1. In the absence of such acceptance, the resignation cannot *ipso facto* operate as a discharge from service. Consequently, the prayer seeking issuance of a No Objection Certificate also cannot be granted at this stage.

6. As regards prayer (iii) seeking quashing of the report dated 16th October, 2025, it is evident that the enquiry proceedings have not yet attained finality. The Enquiry Officer's findings have merely been communicated to the Petitioner and the matter presently awaits consideration by the Disciplinary Authority. At this interlocutory stage, the report does not constitute a final determination of rights and therefore no cause arises for judicial interference. The challenge is thus premature.

7. The challenge to the show cause notices is equally not maintainable. It is a settled principle that ordinarily a writ petition does not lie against a show cause notice or charge-sheet, as the same does not by itself amount to



an adverse order affecting the rights of any party, unless issued wholly without jurisdiction or in patent violation of law.¹ The notices in question form part of ongoing disciplinary proceedings at various stages and this Court finds no exceptional circumstance warranting interference in exercise of its extraordinary jurisdiction. The Petitioner shall, however, be at liberty to avail appropriate remedies in accordance with law, if aggrieved by the final outcome of the disciplinary proceedings.

8. Nevertheless, considering that the enquiry report dated 9th October, 2025, communicated on 16th October, 2025, is still pending consideration before the Disciplinary Authority, the said authority is directed to take a final decision thereon expeditiously, within a period four weeks from today. Further, since the Petitioner continues to remain under suspension, payment of subsistence allowance be determined in accordance with the applicable rules and released to him.

9. In light of the foregoing, the petition is disposed of along with pending applications.

SANJEEV NARULA, J

FEBRUARY 5, 2026/ab

¹ Union of India v. Kunisetty Satyanarayana, (2006) 12 SCC 28.