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

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Date of Decision: 19.02.2026

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LPA 758/2025

AJAY KUMAR LAKHIWAL

.....Appellant

Through: Ms. Ruchika Rathi & Mr. Aatish
Sharma, Advocates.

versus

HSCC INDIA LTD & ANR.

.....Respondents

Through: None.

CORAM:**HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE TEJAS KARIA****TEJAS KARIA, J. (Oral)****CM No.77905/2025 (Exemption)**

1. Exemption is allowed, subject to all just exceptions.
2. The Application stands disposed of.

CM Nos.77903/2025, 77904/2025 (for condonation of delay of 4 days in filing and 37 days in re-filing the Appeal)

3. For the reasons stated in the Applications, the delays in filing and re-filing the present Appeal are condoned.
4. The Applications stand disposed of.

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5. The present *intra court* Appeal is filed seeking setting aside of the Order dated 27.08.2025 (“**Impugned Order**”) passed by the learned Single Judge in W.P.(C) 13076/2025 (“**Writ Petition**”), whereby the Writ Petition seeking direction against the Respondents to reconsider the forced



resignation of the Appellant and to reinstate the Appellant has been dismissed.

6. The learned Counsel for the Appellant submitted that the Appellant was born and brought up in a *Jhuggi Jhopadi* Colony and had overcome socio-economic barriers by proving his exceptional talents by ranking 43rd in India in the Competitive Chartered Accountants Intermediate Examinations. It was submitted that the father of the Appellant was a labourer and expired during the COVID-19 pandemic and the mother of the Appellant is suffering from serious ailments. The Appellant is aged 42 years and is the sole bread earner of the family, which includes an unmarried sister as well.

7. It was submitted that the Appellant was appointed to the position of Management Trainee (Finance and Accounts) through an offer of appointment dated 10.10.2022 and joined Respondent No. 1 on 03.11.2022. However, soon after the joining, the Appellant became target of systemic targeted discrimination, harassment and ill-treatment, which continued over a sustained period adversely impacting the mental health and professional well-being of the Appellant.

8. It was submitted by the learned Counsel for the Appellant that the Appellant was compelled to resign from the position of Management Trainee with Respondent No. 1 on 18.05.2025 under duress and after enduring prolonged harassment, discrimination, intimidation and maltreatment by senior officials of Respondent No. 1. The Appellant was a victim of abrupt change in his working conditions and role, which included denial of a login ID essential to perform his duties. The Appellant raised oral concerns to his direct reporting authority, i.e., General Manager (Finance),



on two separate occasions during his tenure, however, no remedial action was taken. It was submitted that the request for reinstatement by the Appellant was also not entertained and no status update was communicated to him. The Appellant was forced and unduly influenced to submit a handwritten resignation on 19.05.2025 by mentioning a backdate of 18.05.2023. The Appellant was not communicated any reason for seeking his resignation, which was immediately accepted. The Appellant was forced to resign, when the Appellant was in a vulnerable mental state due to constant harassment and threat.

9. It was submitted on behalf of the Appellant that on 04.04.2024, the Appellant sent a representation to Respondent No. 1 detailing the harassment, discrimination and the coercion faced by the Appellant leading to his resignation. On 27.05.2024, the Appellant submitted a formal complaint to the National Commission for Scheduled Caste (“NCSC”) elaborating the discriminatory and coercive practice of the management of the Respondents and on 01.08.2024, the Appellant followed up with NCSC seeking a formal hearing on his complaint. Thereafter, a hearing was conducted by NCSC on 22.08.2024, however, NCSC held that the case of the Appellant lacked merit. Accordingly, the Appellant made a detailed representation to NCSC on 30.08.2024 seeking fresh consideration and enquiry into the matter. On 22.10.2024, the Appellant submitted a representation to the Respondents reiterating his grievances and on 23.01.2025, the Appellant issued a legal notice to Respondent No. 1 requesting for reinstatement. Respondent No. 1 replied to the said legal notice on 17.02.2025 refusing the reinstatement of the Appellant.



Accordingly, the Appellant filed the Writ Petition, which was dismissed *vide* Impugned Order dated 27.08.2025. Hence, the Appellant has filed the present Appeal.

10. The learned Counsel for the Appellant submitted that the Impugned Order has wrongly treated the resignation dated 18.05.2023 as a voluntary and undisputed act, whereas the record would reflect that the Appellant was forced to resign on 19.05.2023 and backdate it to 18.05.2023, which was accepted immediately. It was submitted that the Appellant was victim of workplace harassment and was having compromised mental health and therefore, there was no free consent for forced resignation as it amounted to constructive dismissal rather than a voluntary exit.

11. It was further submitted on behalf of the Appellant that the Impugned Order did not take into consideration that NCSC failed to take cognizance of Respondent No. 1's repeated non-compliance with the notices and reminders directing to submit a report in response to the Appellant grievances and allegations. Further, the Appellant was denied a meaningful opportunity to defend his rights before NCSC as the Appellant was intimidated and harassed by Respondent No. 1 during the proceedings before NCSC thereby constituting a serious breach of principles of natural justice. The Appellant contended that the proceedings before NCSC, which were relied upon by the learned Single Judge in the Impugned Order for observing that the complaint of the Appellant was rejected by a reasoned order, were conducted in a manner violative of principle of natural justice.

12. The learned Counsel for the Appellant submitted that the Impugned Order failed to consider that NCSC being a constitutional body established



under Article 338 of the Constitution of India, 1950, failed to perform its obligation while dealing with the Appellant's grievances. The failure of NCSC to conduct a proper inquiry and to examine the details of the Appellant's complaint defeated the very purpose of mandate of NCSC to ensure justice for members of scheduled castes.

13. It was further submitted by the learned Counsel for the Appellant that the Appellant, who is aged 42 years and belonging from economically disadvantaged background, has suffered irreparable prejudice due to illegal termination and NCSC's failure to redress his grievances. It was argued on behalf of the Appellant that the Impugned Order ignored the procedural lapses, suppression of material facts and denial of fair hearing, which resulted in miscarriage of justice and is therefore, liable to be set aside.

14. The learned Counsel for the Appellant submitted that the Appellant having secured all India rank 43rd in CA Intermediate Examination, had a clean record with no complaints against him. The Appellant was performing satisfactorily and was likely to complete his probation successfully. However, due to the harassment by the senior officials of Respondent No. 1, the Appellant was compelled to resign by exploiting his compromised mental health. Accordingly, it was submitted that the Impugned Order is liable to be set aside.

15. We have carefully considered the above submissions made on behalf of the Appellant and the Impugned Order. The Appellant had sought the prayer of direction to Respondent No. 1 to reconsider his resignation tendered in compelling circumstances and reinstate the Appellant in service along with back salary and take action against the personnel responsible for



his resignation. However, the Appellant has not challenged the order dated 08.11.2024 passed by NCSC in the Writ Petition although the grounds raised in this Appeal pertains to the process followed by NCSC for not entertaining the complaint of the Appellant.

16. The Appellant claims that he was forced to resign on 19.05.2023 with backdate of 18.05.2023, which was accepted on the same day i.e., 19.05.2023. Even assuming that the Appellant was forced to backdate his resignation, no prejudice was caused to the Appellant as he was permitted to serve the one month notice period till 19.06.2023, which started from the date of the acceptance of the resignation on 19.05.2023. Surprisingly, the Appellant did not raise any allegation of harassment during the tenure of his service including during the notice period of one month. The Appellant made a complaint regarding the workplace harassment and discrimination to Respondent No. 1 for the first time after almost one year on 04.04.2024 which was followed by a complaint to NCSC on 27.05.2024.

17. The NCSC *vide* order dated 08.11.2024 closed the complaint after giving an opportunity of hearing and finding that the Appellant had resigned from service during the probation period and there was no provision for reinstatement in the service as there was no complaint by the Appellant alleging misbehaviour by any official of Respondent No. 1 during his tenure of service. The Appellant has never challenged the decision of NCSC. Therefore, the grounds taken in the Appeal for challenging the Impugned Order based on the alleged lapses in procedure committed by NCSC while deciding the complaint of the Appellant cannot be entertained.



18. The learned Single Judge has rightly observed that since the Appellant has not impugned the NCSC's order, the Appellant was not entitled to reopen the identical grievance that he had made in the complaint before NCSC by way of Writ Petition before this Court. Further, the learned Single Judge has rightly found that there was no material on record to support the allegations made by the Appellant. The fact remains that the Appellant never raised any complaint during the tenure of his service and even for a considerable time after his resignation from Respondent No. 1. The justification given by the Appellant that he was in a vulnerable mental state due to harassment is not supported by any evidence. The complaint of the Appellant appears to be an afterthought and does not inspire confidence.

19. In view of the above, the learned Single Judge was correct in refusing to entertain the Writ Petition in absence of any ground for issuing writ of *mandamus* against Respondent No. 1 to reinstate the Appellant. There is no evidence on record to show that the Appellant was forced to resign and therefore, the learned Single Judge was correct in observing that the resignation of the Appellant was voluntary. Therefore, no case is made out for directing to Respondent No. 1 to reinstate the Appellant, who had resigned during the probation period.

20. Accordingly, the present Appeal is dismissed as being without any merit. There shall be no order as to costs.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

FEBRUARY 19, 2026/ap / 'A'