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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Reserved on: 27.11.2025
Pronounced on: 07.01.2026

+ **W.P.(C) 2342/2025 & CM APPL. 11030/2025**

UNION OF INDIA & ORS.Petitioners

Through: Mr. Premtosh K. Mishra, CGSC,
Mr. Anurag Tiwari, Mr.
Pranabdh Tiwari, Advs.

versus

NARESHRespondent

Through: Mr. R.V.Sinha, Mr. A.S.Singh,
Ms. Shriya Sharma, Ms. Jyoti
Garg, Ms. Nidhi Singh, Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

J U D G M E N T

MADHU JAIN, J.

1. This petition has been filed, challenging the Order dated 20.11.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 719/2023, titled *Naresh v. Union of India & Ors.* (hereinafter referred to as the 'Impugned Order'), whereby the O.A. filed by the respondent herein was allowed.

FACTS OF THE CASE

2. The factual matrix of the case is that the respondent was appointed to the post of Workshop Foreman at the Indian Institute of Handloom Technology (IIHT), Guwahati, on 10.08.2020 on a direct recruitment basis. Subsequently, by a Complaint dated 02.12.2021 submitted by a 2nd year girl student of the said Institute, the respondent was accused of



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serious misdemeanor towards girl students.

3. In order to inquire into the said allegations of misdemeanors, the Director of the Institute constituted an Internal Complaints Committee (ICC) as contemplated under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the respondent was placed under suspension, *vide* Order dated 09.12.2021 in terms of sub-rule (2) of Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The complaint was referred to the Internal Complaints Committee (ICC) of IIHT, Guwahati, constituted by the Director of IIHT, Guwahati *vide* Order dated 10.12.2021, under the chairmanship of Smt. K. Basumatary, Junior Lecturer (Textiles), IIHT, Guwahati, to inquire into the allegations against the respondent. A copy of the Order dated 10.12.2021, whereby the ICC of IIHT, Guwahati was constituted by the Director, was duly provided to the respondent.

4. The ICC conducted three meetings dated 13.12.2021, 12.01.2022, and 07.02.2022 at IIHT, Guwahati, to proceed with the inquiry against the respondent.

5. An opportunity was granted to the respondent, *vide* Notice No. IHTG/Estt-(136)/126-17/135 dated 14.12.2021, to submit his representation in response to the complaint dated 02.12.2021.

6. The respondent submitted his reply to the said notice on 21.12.2021. It is the case of the petitioners that in his reply, the respondent admitted his misconduct and stated that he would not repeat such conduct in the future.

7. Based on the observations made by the ICC in its 3rd meeting



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dated 07.02.2022, the petitioners issued an Order dated 25.03.2022, stating that the recommendations of the ICC had been accepted by the competent authority and that due procedure under Rule 14(2) of the CCS (CCA) Rules, 1965, governing the conduct of inquiry, had been followed. It was further stated that the respondent, being a probationer and under suspension at the relevant time, was terminated from Government service with immediate effect. The said order further observed as follows:

“The accused person, Shri Naresh, is a young Government official and the offence committed by him for tempting the teenage girl students, his act of intimidation towards girl students cannot be ignored and if it is not prevented at this stage, he would be encouraged for committing more offences among girl students and therefore, the ICC has recommended suitable action required to be taken for removing Shri Naresh from service from the institute after taking into consideration of the risk factors for girl students.”

8. Thereafter, the respondent filed an appeal on 07.05.2022 before the Appellate Authority against the Termination Order dated 25.03.2022.

9. The respondent also filed O.A. No. 2152/2022 before the learned Tribunal, New Delhi, challenging the Termination Order dated 25.03.2022 passed by the petitioners. However, the learned Tribunal, *vide* Order dated 17.08.2022, disposed of the said O.A. without entering into the merits of the case and directed the petitioners to consider the respondent's pending appeal dated 07.05.2022 and decide the same by passing an appropriate, reasoned, and speaking order as expeditiously as possible.

10. Pursuant thereto, the petitioners, *vide* Order dated 23.01.2023,



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rejected the appeal filed by the respondent, thereby confirming the termination of the respondent from government service.

11. Aggrieved by the Order dated 23.01.2023 passed by the competent authority, the respondent filed O.A. No. 719/2023 before the learned Tribunal.

12. The learned Tribunal, *vide* Order dated 20.11.2024, disposed of the above-mentioned O.A. with the following directions:

“11. While amendments have been made to Rule 14(2) of the CCS (CCA) Rules, 1967 to provide that “Provided that where there is a complaint of sexual harassment within the meaning of Rule 3-C of the Central Civil Services (Conduct) Rules, 1964, the Complaints Committee established in each Ministry or Department or Office for inquiring into such complaints, shall be deemed to be the Inquiring Authority appointed by the Disciplinary Authority for the purpose of these rules and the Complaints Committee shall hold, if separate procedure has not been prescribed for the Complaints Committee for holding the inquiry into the complaints of sexual harassment, the inquiry as far as practicable in accordance with the procedure laid down in these rules.”, what needs to be seen whether ICC has followed wherever practicable the procedures contemplated in the said Rules. We find from the record available on file that copy of the complaint given by the 2nd year Girl student has not been handed over to the applicant and no opportunity, too, was given to him to present his defence, including cross-examination of witnesses and the report of ICC was accepted by the respondent no.2 without sharing a copy of the ICC’s report with the applicant and the services of the applicant was terminated without following the principles of natural justice.

12. Therefore, we quash the order of termination of the services of the applicant as probationer and remit the case back to the respondents with liberty to start the proceedings under Rule 14(2)



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of CCS(CCA) Rules, 1965, afresh by following the due procedures contemplated in the said Rules. The applicant will be permitted to be reinstated in service as a probationer without any consequential benefits of pay and allowances on the principle 'No work no pay'.

13. The exercise as ordained above will be completed within a period of 8 weeks from the date of receipt of a certified copy of this order. There shall be no order as to costs. Pending MA, if any, also stands disposed of. ”

13. Aggrieved thereby, the petitioners have approached this Court by way of the present writ petition.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE PETITIONERS

14. The learned counsel for the petitioners submits that Rule 14(2) of the CCS (CCA) Rules, 1965 expressly provides that where a complaint of sexual harassment, within the meaning of Rule 3(C) of the CCS (Conduct) Rules, 1964, is made, the Complaints Committee constituted in the concerned Ministry, Department, or Office shall be deemed to be the Inquiring Authority appointed by the Disciplinary Authority, and such Committee shall conduct the inquiry, as far as practicable, in accordance with the procedure prescribed under the said Rules.

15. The learned counsel further submits that in the present case, the Internal Complaints Committee (ICC) of IIHT, Guwahati was duly constituted by the Director, IIHT, Guwahati *vide* Order dated 10.12.2021, under the Chairpersonship of Smt. K. Basumatary, Junior Lecturer (Textiles), IIHT, Guwahati, for the purpose of inquiring into the allegations of sexual harassment levelled against the respondent.

16. The learned counsel for the petitioners submits that the learned



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Tribunal failed to appreciate that the facts and circumstances of the present case are materially different from those in O.A. No. 2470/2015 and O.A. No. 2998/2021, which were relied upon by the learned Tribunal as well as by the respondent, and therefore the said decisions are clearly distinguishable and inapplicable to the present case.

17. The learned counsel submits that the learned Tribunal failed to consider that due procedure, as mandated under Rule 14(2) of the CCS (CCA) Rules, 1965, was duly followed by the Internal Complaints Committee of IIHT, Guwahati, and that the Order dated 25.03.2022 was issued with the approval of the Competent Authority, including proper communication of the termination of service of the respondent.

18. The learned counsel further submits that the learned Tribunal failed to appreciate that the respondent, being an Ex-Workshop Foreman belonging to the General Central Service, Group 'C', was governed by the Schedule under Part III of Rule 24 of the CCS (CCA) Rules, 1965, in terms of which the Deputy Secretary or Director of the concerned Ministry or Department is the Appointing and Disciplinary Authority, and the Secretary of the Ministry or Department is the Appellate Authority.

19. The learned counsel for the petitioners submits that from the representation dated 22.12.2021, it would be evident that the respondent was supplied a copy of the complaint made against him by the girl students. It is submitted that the finding of the learned Tribunal to the contrary is erroneous.

20. He further submits that the procedure prescribed under Rule 14 of the CCS (CCA) Rules, 1965, was followed by the Committee, inasmuch



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23. The learned counsel for the respondent further submits that the provisions of the CCS (CCA) Rules, 1965 are mandatory in nature and any non-compliance thereof would vitiate the entire disciplinary proceedings. It is submitted that from a bare perusal of the Impugned Order itself, it is evident that no charge memorandum was issued to the respondent, no list of witnesses or documents was supplied, and no regular inquiry was conducted by the Committee. Instead, the Committee proceeded on flimsy grounds and recommended termination of the respondent solely on the premise that he was a probationer, without adhering to the prescribed procedure.

24. The learned counsel for the respondent submits that the contention of the petitioners relying upon the expression "*as far as practicable*" is wholly misconceived and contrary to the CCS (CCA) Rules, 1965 as well as Article 311(2) of the Constitution of India. It is trite law that no employee can be dismissed or removed from service without being informed of the charges against him and without being afforded a reasonable opportunity to defend himself.

25. The learned counsel for the respondent further submits that the protection of hearing is ingrained in service jurisprudence and, in the present case, is embodied in the CCS (CCA) Rules, 1965. However, the said mandatory safeguards were completely disregarded, inasmuch as no charge memorandum was issued, no list of documents or witnesses was supplied, and no opportunity was granted to the respondent to defend himself.

26. The learned counsel for the respondent submits that no opportunity was afforded to the respondent to cross-examine the



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(2020) 12 SCC 426; *Aureliano Fernandes v. State of Goa & Ors.*, (2024) 1 SCC 632; and *Union of India & Ors. v. Dilip Paul*, 2023 SCC OnLine SC 1423.

31. The learned counsel for the respondent submits that the allegations levelled against the respondent are false, concocted, and motivated, having been made at the instance of the then authorities who were biased against him. It is further submitted that the respondent never admitted the allegations, contrary to what has been asserted by the petitioners.

32. The learned counsel for the respondent submits that it is a settled principle of law that where a statute prescribes a particular manner for doing an act, the same must be done in that manner alone and no other mode is permissible. Reliance in this regard is placed upon *A.R. Antulay v. Ramdas Srinivas Nayak & Anr.*, (1984) 2 SCC 500, and *Union of India v. Mahender Singh*, 2022 SCC OnLine SC 909.

33. The learned counsel for the respondent submits that, in view of the aforesaid facts and settled legal position, the Impugned Order passed by the learned Tribunal does not suffer from any perversity, either on facts or in law, and therefore, the writ petition deserves to be dismissed with costs in favour of the respondent.

ANALYSIS AND FINDINGS

34. We have considered the submissions advanced by the learned counsels appearing for the respective parties.

35. The issue that arises for consideration in the present case is whether the proceedings conducted by the Internal Complaints Committee satisfied the requirements of Rule 14(2) of the CCS (CCA)



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Rules, 1965, as well as the principles of natural justice.

36. The relevant extract of Rule 14 of the CCS (CCA) Rules, 1965 is reproduced hereinbelow:

“14. Procedure for imposing major penalties-

(1) No order imposing any of the penalties specified in clauses (v) to (ix) of Rule 11 shall be made except after an inquiry held, as far as may be, in the manner provided in this rule and rule 15, or in the manner provided by the Public Servants (Inquiries) Act, 1850 (37 of 1850), where such inquiry is held under that Act.

(2) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against a Government servant, it may itself inquire into, or appoint under this rule or under the provisions of the Public Servants (Inquiries) Act, 1850, as the case may be, an authority to inquire into the truth thereof.

Provided that where there is a complaint of sexual harassment within the meaning of rule 3 C of the Central Civil Services (Conduct) Rules, 1964, the Complaints Committee established in each Ministry or Department or Office for inquiring into such complaints, shall be deemed to be the inquiring authority appointed by the disciplinary authority for the purpose of these rules and the Complaints Committee shall hold, if separate procedure has not been prescribed for the Complaints Committee for holding the inquiry into the complaints of sexual harassment, the inquiry as far as practicable in accordance with the procedure laid down in these rules.”

37. At the outset, it is pertinent to note that the complaint from the girl students was received on 02.12.2021, and the respondent was placed under suspension on 09.12.2021.

38. From a perusal of the Minutes of Meeting of the Complaints



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Committee placed before us by the petitioners, it would be evident that although the respondent had submitted his reply to the Notice of Inquiry issued to him, the same was found to be unsatisfactory by the Complaints Committee in its meeting held on 12.01.2022. In the said meeting, eleven girl students were also examined by the Complaints Committee in the absence of the respondent. The respondent was not given any notice to appear on the said date.

39. Furthermore, after considering the statements of the said students, the Complaints Committee recommended that an opportunity be afforded to the respondent to be heard, either in person or virtually. On 07.02.2022, the respondent appeared before the Committee virtually and allegedly confessed to the allegations made against him. Notably, this report was not supplied to the respondent prior to the issuance of the Memorandum dated 25.03.2022 terminating his services.

40. In *Aureliano Fernandes* (supra), the Supreme Court considered the proviso to Rule 14(2) of the CCS (CCA) Rules, 1965 insofar as inquiries into complaints of sexual harassment are concerned and observed as under:

“77. The intent and purpose of the proviso inserted in Rule 14(2) of the CCS (CCA) Rules and Rule 3-C of the CCS (Conduct) Rules is that the procedure required to be adopted for conducting an inquiry into the complaint of sexual harassment that can lead to imposition of a major penalty under the Rules, must be fair, impartial and in line with the Rules. Pertinently, the emphasis on adhering to the principles of natural justice during an inquiry conducted by a Complaints Committee finds specific mention in Rule 7(4) of the subsequently enacted Rules of 2013. But the spirit behind the due process could never be suppressed or ignored even in the



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absence of the Statute or the Rules inasmuch as the principles of natural justice are the very essence of the decision-making process and must be read into every judicial or even a quasi-judicial proceeding.

78. This is not to say that the Committee even if described as an inquiring authority, by virtue of the ruling in Medha Kotwal case and required to follow the procedure prescribed under Rule 14, was expected to conduct the inquiry as if it was a full-fledged trial. The expression used in the proviso to Rule 14(2), “as far as practicable” has to be read and understood in a pragmatic manner. In any such proceedings initiated by the disciplinary authority, a calibrated balance would have to be struck between the rights of a victim of sexual harassment and those of the delinquent employee. At the same time, fairness in the procedure would have to be necessarily adopted in the interest of both sides. After all, what is sauce for the goose, is sauce for the gander.”

41. After examining the aforesaid aspects, the Supreme Court held that although the appellant therein could not be said to have been kept in the dark about the allegations made against him, unlike the respondent in the present case, nevertheless, the procedural lapses that had occurred in the conduct of the proceedings of the Complaints Committee necessitated that the matter be remanded to the Complaints Committee. The relevant extract from the judgment is reproduced hereinbelow:

“81. For the above reasons, the appellant cannot be faulted for questioning the process and its outcome. There is no doubt that matters of this nature are sensitive and have to be handled with care. The respondents had received as many as seventeen complaints from students levelling serious allegations of sexual harassment against the appellant. But that would not be a ground to give a complete go-by to the procedural fairness of the inquiry required to be conducted, more so when the inquiry could lead



to imposition of major penalty proceedings. When the legitimacy of the decision taken is dependent on the fairness of the process and the process adopted itself became questionable, then the decision arrived at cannot withstand judicial scrutiny and is wide open to interference. It is not without reason that it is said that a fair procedure alone can guarantee a fair outcome. In this case, the anxiety of the Committee of being fair to the victims of sexual harassment, has ended up causing them greater harm.

82. This Court is, therefore, of the opinion that the proceedings conducted by the Committee with effect from the month of May 2009, fell short of the “as far as practicable” norm prescribed in the relevant Rules. The discretion vested in the Committee for conducting the inquiry has been exercised improperly, defying the principles of natural justice. As a consequence thereof, the impugned judgment [Aureliano Fernandes v. State of Goa, 2012 SCC OnLine Bom 1920] upholding the decision taken by the EC of terminating the services of the appellant, duly endorsed by the appellate authority cannot be sustained and is accordingly quashed and set aside with the following directions:

82.1. The matter is remanded back to the Complaints Committee to take up the inquiry proceeding as they stood on 5-5-2009.

82.2. The Committee shall afford adequate opportunity to the appellant to defend himself.

82.3. The appellant shall not seek any adjournment of the proceedings.

82.4. A Report shall be submitted by the Committee to the disciplinary authority for appropriate orders.

82.5. Having regard to the long passage of time, the respondents are directed to complete the entire process within three months from the first date of hearing fixed by the Committee.

82.6. The procedure to be followed by the Committee and the disciplinary authority shall be guided by the principles of natural justice.

82.7. The Rules applied will be as were



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applicable at the relevant point of time.

82.8. The decision taken by the Committee and the disciplinary authority shall be purely on merits and in accordance with law.

82.9. The appellant will not be entitled to claim immediate reinstatement or back wages till the inquiry is completed and a decision is taken by the disciplinary authority.”

(Emphasis supplied)

42. In the present case as well, from the above narration of facts, it would be evident that the Complaints Committee did not afford a fair opportunity to the respondent to defend the allegations made against him. The Committee examined the girl students in his absence and submitted its report on the basis of an alleged admission of guilt by the respondent. The Inquiry Report was also not furnished to the respondent prior to the issuance of the Termination Order.

43. The reliance placed by the petitioners on *B.C. Chaturvedi v. Union of India*, (1995) 6 SCC 749; *State of Haryana v. Rattan Singh*, (1977) 2 SCC 491; and *Hira Nath Mishra v. Principal, Rajendra Medical College*, (1973) 1 SCC 805, is misplaced and does not advance the case of the petitioners.

CONCLUSION

44. Keeping in view the observations made in *Aureliano Fernandes* (supra), this Court is of the considered view that the learned Tribunal rightly held that the case ought to be remitted back. The Committee is expected to deal with the matter in accordance with the principles of natural justice.

45. It is clarified that during the pendency of the fresh proceedings before the Internal Complaints Committee, the respondent shall not be reinstated or permitted to resume duties at the Institute, so as to ensure

