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

+ **W.P.(C) 18416/2025, CM APPLs. 76258/2025, 77742/2025**

BASANT KUMAR CHATURVEDI

.....Petitioner

Through: Mr. Manish Kumar Choudhary, Ms.
Srishti Choudhary and Ms. Shefali
Choudhary, Advs.

versus

STATE TRADING CORPORATION OF INDIA LTD...Respondent

Through: Mr. Danish Zubir Khan and Ms.Swati
Yadav, Advs.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **09.12.2025**

CM APPL. 76256/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 18416/2025

3. The present petition has been filed by the petitioner assailing the order dated 06.08.2025 passed by the respondent no.2/Appellate Authority, whereby, respondent no.3/ Internal Complaints Committee (ICC-COSH) has been constituted by the respondentno.1/State Trading Corporation of India Ltd. and disciplinary proceedings have been initiated afresh.

4. The grievance of the petitioner is that the petitioner has already been subjected to inquiry proceedings, conducted by the ICC on the same set of allegations. The said ICC, upon conclusion of proceedings, submitted its Final Report dated 28.03.2025 holding the petitioner guilty of the allegations



levelled against him and recommending his immediate transfer.

5. The petitioner filed an appeal against the said findings which culminated in an order dated 25.04.2025 passed by the Appellate Authority. The said order dated 25.04.2025 became the subject matter of W.P.(C) No. 6255/2025, which was disposed of by this Court *vide* order dated 09.05.2025 in the following terms:

“3. The petitioner is an employee of the State Trading Corporation of India Ltd/respondent no. 1 and has filed the present petition being aggrieved with the final inquiry report dated 28.03.2025 of the Internal Complaints Committee (ICC) constituted by the respondent no.1, consequential office order No. PD:07/2025 dated 09.04.2025 and order dated 25.04.2025 passed by the Appellate Authority.

4. Vide the final inquiry report dated 28.03.2025, the ICC found the petitioner guilty of allegations levied upon him by the respondent No.2 and recommended to punish the petitioner by immediately transferring him from

Delhi (C.O) to a distant location and also to issue a warning letter to improve his conduct.

5. Subsequently, an office order dated 09.04.2025 was issued by the respondent no.1 transferring the petitioner to the Representative Office, STC, Kolkata. An appeal was filed by the petitioner in terms of the applicable provisions against the recommendations made vide Final Inquiry Report dated 28.03.2025.

6. A perusal of the appeal indicates that factual and legal contentions were made therein including allegations as regards infraction of principles of natural justice during the course of the inquiry and also other procedural aberrations.

7. It is submitted by the learned counsel for the petitioner that the Appellate Authority has disposed of the appeal in a cryptic manner without even taking note of various contentions made by the petitioner. The Appellate Authority did not even afford an opportunity of hearing to the petitioner.

8. In the circumstances, the order dated 25.04.2025 passed by the Appellate Authority is set aside and the matter is remanded back to the Appellate Authority for fresh consideration.



9. *The Appellate Authority shall pass a reasoned order in accordance with law after taking into account the contentions of the petitioner. The Appellate Authority shall provide an opportunity of hearing to the concerned parties.*

10. *At this stage, learned counsel for the petitioner submits that during the pendency of the matter before the Appellate Authority, the transfer order issued qua the petitioner be kept in abeyance. Let the said request be considered and decided by way of a reasoned order by the Appellate Authority. Let the same be done within a period of 3 weeks from today. Let the appeal also be disposed of as expeditiously as possible. In case the petitioner is aggrieved therewith, he shall be at liberty to avail appropriate remedies under law.*

11. *The present petition is disposed of in the above terms.”*

6. Learned counsel for the petitioner submits that the Appellate Authority has passed an order dated 06.08.2025 directing constitution of a fresh/*de novo* inquiry. The said order, *inter-alia* reads as under:

“ORDER

Subject: Appeal preferred under Section 18 of the POSH Act, 2013 by Shri Basa

Kumar, SOM-1 against ICC Final Report dated 28.03.2025-reg

1. *The Appeal dated 15.04.2025 preferred by Shri Basant Kumar Chaturvedi, SOM-L, STC CO against the findings and recommendations of the Internal Complaints Committee (ICC) under POSH Act, 2013, as contained in its Final Report dated 28.03.2025 and subsequent transfer order, in the matter of a complaint lodged by, Grade-I, against Shri Basant Kumar, Senior Office Manager-1, has been duly examined in detail.*

2. *The Internal Committee, while conducting the inquiry under the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, simultaneously functioned as the Inquiring Authority under the STC Employees' (Conduct, Discipline & Appeal) Rules, 1975, in terms of the proviso to Rule 27(2) of the said rules. Accordingly, the Committee was required to adhere to the procedure laid down for conducting disciplinary inquiry as prescribed therein, which was not followed in the present case*

3. *Upon examination of the records placed on file, it has been observed*



that certain procedural lapses have occurred during the course of inquiry which are not in conformity with the requirements of the applicable service rules and the principles of natural justice. These include inadequate opportunity for representation, lack of access to material relied-upon and denial of assistance during the inquiry, and procedural deviations for arriving at findings and recommendations

4 Accordingly, it is hereby ordered that:

(i)The ICC Final Report dated 28.03.2005 is set aside in view of the procedural irregularities observed

(ii)The transfer order issued vide Office Order No. PD 07/2025 dated 09.04.2025 shall remain in abeyance until the outcome of the fresh inquiry.

(iii) A de novo inquiry shall be conducted by a duly reconstituted Internal Committee, strictly in accordance with the POSH Act, 2013 and the STC CDA Rules, 1975,

(iv)The Internal Committee shall ensure that all procedural safeguards, including fair opportunity of defence, access to evidence, and rights available under the relevant rules, are duly provided to both parties

(v)The inquiry shall be completed within the prescribed timeframe and the report submitted to the Competent Authority for further action.

5.This order, accordingly, disposes of the Appeal under reference.

6. All concerned are directed to take necessary action in compliance with the above orders, with immediate effect.”

7. Issue notice.

8. Learned counsel, as aforesaid, accepts notice on behalf of the respondent. He seeks some time to take instructions.

9. Let reply be filed within a period of 4 weeks from today. Rejoinder thereto, if any, be filed before the next date of hearing.

10. List on 16.01.2026.

11. In the meantime, the inquiry initiated pursuant to the orders passed by the Appellate Authority shall be subject to the outcome of the present



petition.

SACHIN DATTA, J

DECEMBER 9, 2025/at