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Oct, 2025

Vol 67



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Can a complaint of sexual harassment under the POSH Act 2013, filed before the Local Complaint Committee (LCC), be barred by limitation?

**VANEETA PATNAIK
VS. NIRMAL KANTI
CHAKRABARTI & ORS.
[2025 INSC 1106]**

CONTEXT: Ms. Vaneeta Patnaik, a faculty member of the West Bengal National University of Juridical Sciences (NUJS), lodged a formal complaint of sexual harassment against the Vice Chancellor (respondent no. 1) on 26.12.2023. The LCC rejected the complaint because the last alleged incident of sexual harassment occurred in April 2023, making the complaint time-barred beyond the prescribed and extendable limitation period of six months. The Single Judge quashed the LCC order, finding that the creation of a hostile work environment subsequent to April 2023 kept the complaint within time. The Division Bench allowed the appeal, holding that administrative actions taken after April 2023 were collective decisions, not personal acts of the Vice-Chancellor constituting sexual harassment. This appeal challenges the Division Bench's judgment.

① The appeal was dismissed. The Supreme Court held that the Division Bench of the High Court committed no error of law in restoring the LCC's decision that the complaint was time-barred and liable to be dismissed.

② The last incident of actual sexual harassment occurred in April 2023. The subsequent administrative actions against the appellant in August 2023 (removal as Director, CFRGS, or initiation of inquiry) were independent, administrative, collective decisions, lacking a direct link to the earlier acts of sexual harassment.

③ Since the complaint was filed on 26.12.2023, it fell outside the mandatory three-month limitation period and the maximum three-month extended period (total six months) calculated from April 2023. The Court distinguished the situation from a "continuing wrong," noting that the act of April 2023 was complete in itself.

PRECEDENT:

Union of India vs. Tarsem Singh
[(2008) 8 SCC 648]

**SECTIONS 3 AND 9 OF
THE PREVENTION OF
SEXUAL HARASSMENT
OF WOMEN AT
WORKPLACE
(PREVENTION,
PROHIBITION AND
REDRESSAL) ACT, 2013**

Whether the Kerala High Court erred in directing mandatory counselling for an adult in a same-sex relationship while hearing a Habeas Corpus petition, and whether the Corpus was in unlawful custody against her free will?

CONTEXT: The proceedings arose from interim orders of the Kerala High Court in a petition seeking a writ of Habeas Corpus. The Appellant claimed that her intimate partner, 'X', was being forcibly retained by her parents (the Respondents). The Supreme Court directed a Judicial Officer, Ms. Saleena V.G. Nair, to interact with 'X' to ascertain her wishes and report whether she was voluntarily residing with her parents or under illegal detention. The Appellant also raised a grievance regarding the High Court's tendency to direct counselling in such matters.

1 The Criminal Appeal was disposed of. The Supreme Court was not inclined to entertain the Special Leave Petition regarding the ultimate outcome before the High Court.

2 The final verdict was based on the comprehensive report submitted by the Judicial Officer, which indicated that 'X' was a major, had completed her Master's degree, and stated that she was living with her parents out of her own volition, intending to focus on her career, and did not wish to live with any person for the time being.

3 However, the Court laid down clear guidelines for dealing with Habeas Corpus petitions involving intimate partners and members of the LGBTQ+ community. It emphasized that, upon production of the Corpus, courts should refrain from issuing directions for counselling or parental care, as such measures could undermine individual autonomy.

4 The Court further clarified that its role was confined to ascertaining the free will of the person, without attempting to influence or question their identity, sexual orientation, or personal choices.

DEVU G. NAIR VS. THE
STATE OF KERALA
AND ORS.
[MANU/SC/0232/2024]

ARTICLES 136 OF
THE CONSTITUTION
OF INDIA

Whether the Gujarat Public Works Contract Disputes Arbitration Tribunal, constituted under the Gujarat Act, 1992, has jurisdiction to grant interim relief under Section 17 of the Arbitration and Conciliation Act, 1996?

STATE OF GUJARAT
THROUGH CHIEF
SECRETARY & ANR.
VS. AMBER BUILDERS
[CIVIL APPEAL NO.
8307 OF 2019]

CONTEXT: The respondent contractor was given a works contract by the State of Gujarat. Clause 43.A of the agreement empowered the State to appropriate or set off any amounts payable to the contractor, including security deposits, under one contract against claims arising under any other contract with the same contractor. Following alleged defects in the road repair work, the State, invoking Clause 43.A, issued a notice threatening to recover a sum of Rs. 1,09,00,092/- by withholding payments and security deposits due to the contractor from other pending works. The contractor successfully challenged this recovery notice through a writ petition before the High Court, which held that the State could not unilaterally recover or set off amounts without prior quantification or crystallization of liability. The State subsequently challenged the High Court's ruling.

① The appeals filed by the State of Gujarat were allowed, and the judgments of the High Court of Gujarat were set aside.

The Court reasoned that Part I of the A&C Act, which included Section 17, applied to all arbitrations taking place in India, including statutory arbitrations under the Gujarat Act, unless there was an inconsistency. It determined that Section 17 of the A&C Act, concerning interim measures by the arbitral tribunal, was not inconsistent with the Gujarat Act but rather complemented the Tribunal's power to issue interim awards under Section 8(3) of the Gujarat Act.

③ Therefore, the Tribunal had the jurisdiction to entertain and adjudicate the dispute, including deciding whether the State's notice was legal and whether the contractor was entitled to interim relief. Furthermore, the Court noted that the prior judgments relied upon by the contractor [*Gangotri Enterprises Limited vs. Union of India and Others [(2016) 11 SCC 720]* relying on *Union of India vs. Raman Iron Foundry [(1974) 2 SCC 231]* were per incuriam, as the underlying principle had been specifically overruled by the three-Judge Bench decision in *H.M. Kamaluddin Ansari & Co Vs. Union of India[(1983) 4 SCC 417]*.

SECTION 17 OF THE
ARBITRATION AND
CONCILIATION ACT,
1996

GUJARAT PUBLIC
WORKS CONTRACTS
DISPUTES
ARBITRATION
TRIBUNAL ACT, 1992

Whether failure to vacate government residence upon superannuation is a valid justification for withholding the payment of retiral dues/pension?

CONTEXT: The Respondent retired from the services of the State on 30th June 2013. Payment of his pension and gratuity was significantly delayed, partially due to a withdrawn order related to pay refixation, but primarily because the respondent had not vacated his official residence. When the dues were finally paid in February 2016, the Appellant Department recovered Rs. 1,56,187/- (penal house rent) and Rs. 1,46,466/- (excess payment of salary). The Department challenged the High Court's decision, which had allowed the respondent's petition to quash the recovery and directed the Appellant to pay 6% interest on the delayed payment of retiral dues.

1 The appeal was dismissed, upholding the lower court's decision. The Supreme Court held that the payment of retiral dues/pension was a matter of right, not a matter of bounty, citing precedents such as ***PEPSU Road Transport Corporation Vs. Mangal Singh [(2011) 11 SCC 702]***.

2 The Court found no nexus between the failure to vacate government residence and the right to pension, holding that the former could not obstruct or defeat the latter.

3 The recovery of the excess payment of salary was also held illegal, as there was no evidence of misrepresentation or fraud by the employee, following the well-settled position established in ***Syed Abdul Qadir Vs. State of Bihar [(2009) 3 SCC 475]***. As the delay was entirely attributable to the Appellant, the award of 6% interest was affirmed.

**PANCHAYAT & RURAL
DEVELOPMENT
DEPARTMENT & ORS.**

VS.

**SANTOSH KUMAR
SHRIVASTAVA
[2025 INSC 1142]**

**SECTION 2(1) OF THE
MADHYA PRADESH
UCHCHA NYAYALAYA
(KHAND NYAYA PEETH
KO APPEAL)
ADHINIYAM 2005**