



2026:KER:33013

1

WA No.534 of 2026

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE MURALEE KRISHNA S.

TUESDAY, THE 19<sup>TH</sup> DAY OF MAY 2026 / 29TH VAISAKHA, 1948

WA NO. 534 OF 2026

AGAINST THE JUDGMENT DATED 06.01.2026 IN WP(C) NO.7354 OF  
2025 OF THE HIGH COURT OF KERALA

APPELLANT/PETITIONER:

PROF. (DR.) J. SUNDARESAN PILLAI  
AGED 65 YEARS, S/O. GOPALA PILLAI, RESIDING ROOM NO.  
103, GUST HOUSE OF INTEGRATED RURAL TECHNOLOGY CENTRE  
MUNDUR P.O., PALAKKAD, KERALA, PIN - 678592

BY ADVS.  
SRI.C.V.MANUVILSAN  
SRI.O.A.ANJU  
SMT.ALANA MOHAMMED ALI CHOLASSERY

RESPONDENTS/RESPONDENTS:

- 1 DR. K.K. SEETHALAKSHMI  
PRESIDING OFFICER, INTERNAL COMPLAINTS COMMITTEE  
(ICC), INTEGRATED RURAL TECHNOLOGY CENTRE (IRTC),  
MUNDUR P.O., PALAKKAD, KERALA, PIN - 678592
- 2 THE GOVERNING BODY OF IRTC  
REPRESENTED BY ITS CHAIRMAN, INTEGRATED RURAL  
TECHNOLOGY CENTRE (IRTC), MUNDUR P.O., PALAKKAD,  
KERALA, PIN - 678592
- 3 THE EXECUTIVE COMMITTEE OF IRTC  
REPRESENTED BY ITS REGISTRAR, INTEGRATED RURAL  
TECHNOLOGY CENTRE (IRTC), MUNDUR P.O., PALAKKAD,  
KERALA, PIN - 678592



2026:KER:33013

2

WA No.534 of 2026

- 4 THE DISTRICT COLLECTOR  
CIVIL STATION, KENATHUPARAMBU, KUNATHURMEDU, PALAKKAD,  
KERALA, PIN - 678001
- 5 THE DISTRICT WOMEN AND CHILD DEVELOPMENT OFFICER  
CIVIL STATION, KENATHUPARAMBU, KUNATHURMEDU, PALAKKAD,  
KERALA, PIN - 678001
- 6 THE STATE OF KERALA  
REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT OF  
KERALA, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001

BY ADVS.

SHRI.THOMAS ABRAHAM

SMT.MERCIAMMA MATHEW

SRI.ASWIN.P.JOHN

SHRI.R.ANANTHAPADMANABAN

SHRI.PAUL BABY

SMT.SWATHY A.P.

SMT.THARA ELIZABETH THOMAS

SMT.FOUSIYA R

SMT.NISHA BOSE, SENIOR GOVERNMENT PLEADER

THIS WRIT APPEAL WAS FINALLY HEARD ON 23.3.2026, THE COURT  
ON 19.05.2026 PASSED THE FOLLOWING:



2026:KER:33013

## **JUDGMENT**

**"CR"**

Muralee Krishna, J.

The appellant, who is the petitioner in W.P.(C)No.7354 of 2025, filed this writ appeal under Section 5(i) of the Kerala High Court Act, 1958, challenging the judgment dated 06.01.2026 passed by the learned Single Judge in that writ petition.

2. The appellant, a retired Senior Principal Scientist of CSIR, New Delhi, has been associated with the Integrated Rural Technology Centre ('IRTC' in short) as its Director. On 27.11.2024, a woman employee lodged a complaint alleging sexual harassment against the appellant. The 1<sup>st</sup> respondent, acting as the Presiding Officer of the Internal Complaints Committee ('ICC' in short), issued Ext.P1 notice dated 03.02.2025, directing the appellant to appear before ICC on 22.02.2025. Contending that by virtue of the definition of employer/Head of Institution under Section 2(g) of the Sexual Harassment of Woman At Workplace (Prevention, Prohibition and Redressal) Act, 2013 ('PoSH Act' for short), a complaint against the employer will lie only before the Local Committee ('LC' for short) under Section 6(1) of the PoSH Act, the appellant approached the 4<sup>th</sup> respondent District Collector by filing



2026:KER:33013

Ext.P5 representation dated 15.01.2025. By Ext.P6 order dated 21.01.2025, the 4<sup>th</sup> respondent forwarded the appellant's representation to the 5<sup>th</sup> respondent District Women and Child Development Officer, directing that appropriate action be taken after considering the complaint and the appellant's objection. During the pendency of Ext.P5 representation submitted by the appellant before the District Collector and Ext.P6 direction issued by him, the 1<sup>st</sup> respondent proceeded to issue Ext.P1 notice to the appellant. Claiming that the complaint lodged by the lady staff is solely with an intention to harass the appellant and there is glaring conflict of interest between the appellant and the 1<sup>st</sup> respondent, who is in-charge of ICC, which according to the appellant was due to his act of withholding of salary of the 1<sup>st</sup> respondent and also raising some allegations of personal grudge, against the lady who had filed complaint against the appellant, in connection with a strike allegedly conducted on 26.11.2024 while the conference meeting of the appellant and 14 other Scientists was going on, the appellant filed the writ petition under Article 226 of the Constitution of India seeking the following reliefs;



2026:KER:33013

“(i) Issue a Writ of Certiorari quashing EXHIBIT P1 Summons issued by Respondent No. 1 directing the Petitioner to appear before her on 22.02.2025 as being illegal, void, and without jurisdiction.

(ii) Issue a Writ of Mandamus directing the District Collector and the District Women and Child Development Officer (Respondents 4 & 5) to take necessary action and ensure that the inquiry, if any, is conducted in accordance with law and by an impartial and competent body.

(iii) Declare that the actions of Respondent No. 1 and the continued inaction of Respondents 2 & 3 (Governing Body and Executive Committee of IRTC) are ultra vires, arbitrary, and unconstitutional”.

3. In the writ petition, respondents 1 to 3 filed a counter affidavit dated 23.05.2025 opposing the reliefs sought for and producing therewith Exts.R3 (a) document. To that counter affidavit, the appellant filed a reply affidavit dated 16.06.2025. Along with I.A.No.2 of 2025, the appellant produced Ext.P7 document in the writ petition. The 5<sup>th</sup> respondent filed a counter affidavit dated 03.07.2025 opposing the reliefs sought for. The respondents 1 to 3 again filed an additional counter affidavit dated 20.08.2025 producing therewith Exts.R3(b) to R3(i) documents. Along with I.A.No.7 of 2025, the appellant produced Exts.P7(a) to



2026:KER:33013

P7(d) and P8 documents in the writ petition. Thereafter, along with I.A.No.8 of 2025, the appellant produced Exts.P9 to P17 documents.

4. After hearing both sides and on appreciation of materials placed on record, the learned Single Judge dismissed the writ petition by the impugned judgment dated 06.01.2026. Being aggrieved, the appellant has filed the present writ appeal.

5. Heard Sri.Hariraj. M.R, the learned Senior Counsel for the appellant, Sri.Thomas Abraham, the learned Counsel for respondents 1 to 3 - IRTC and Smt.Nisha Bose, the learned Senior Government Pleader for respondents 4 to 6.

6. The learned Senior Counsel for the appellant would submit that the appellant will fall under the definition of employer under Section 2(g)(ii) of the PoSH Act and therefore by virtue of Section 6(1) of the said Act, the complaint of sexual harassment made by a woman employee shall be placed before the LC. By pointing out the duties of the Director in Clause 23.2.2 of Ext.R3(a) Memorandum of Association and Rules and Regulations of the Society for IRTC, the learned Senior Counsel vehemently



2026:KER:33013

submitted that since the overall management of the affairs of the IRTC is vested with the Director, the appellant is the employer and not an employee. According to the learned Senior Counsel, the learned Single Judge failed to consider this aspect while dismissing the writ petition.

7. On the other hand, the learned counsel for respondents 1 to 3 would submit that the complaint submitted by the appellant before the District Collector who is the District Officer notified under Section 5 of the PoSH Act was forwarded to the Presiding Officer of ICC stating that the LC has no jurisdiction to enquire the complaints filed before the ICC or to give direction to the ICC. By pointing out Clauses 7 and 18 of Ext.R3(a) Memorandum of Association of IRTC, the learned counsel argued that it is the general body and executive committee that have the control, administration and management of the affairs of IRTC and therefore the Director can only be termed as an employee of the IRTC. According to the learned counsel, the ICC has the authority to enquire about the allegations and not the LC.

8. The learned Senior Government Pleader also supported



2026:KER:33013

the arguments of the learned counsel for respondents 1 to 3 and submitted that the appellant, being a Director, has the status of an employee. It is also the argument of the learned Senior Government Pleader that the ICC has issued only a show cause notice to the appellant, and he can raise all the contentions, including the jurisdiction of the ICC after entering appearance before the said Committee.

9. The issue arises for consideration in this appeal is whether the learned Single Judge erred in holding that ICC cannot be found to be without jurisdiction to enquire about the allegation of sexual harassment raised against the appellant by a woman employee of IRTC and whether it is the LC that has the authority to receive complaints regarding sexual harassment in the present case, since the appellant is the Director of IRTC?

10. The answer to the above issue lies on the decision as to whether the Director of IRTC will fall under the definition of employee under Section 2(f) or employer under Section 2(g) of the PoSH Act. In order to answer this issue, it is necessary to extract the relevant provisions such as Sections 2(f), 2(g), 4, 6



2026:KER:33013

and 9 under the PoSH Act and also the relevant Clauses in Ext.R3(a) Memorandum of Association of IRTC.

11. Section 2(f) of the PoSH Act defines 'employee' as under;

"2. Definitions

xxxxxx

(f) "employee" means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;

12. Section 2(g) of the PoSH Act defines 'employer' as under;

"2. Definitions

xxxxxx

(g) "employer" means –

(i) in relation to any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit of the appropriate Government or a local authority, the head of that department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit



or such other officer as the appropriate Government or the local authority, as the case may be, may by an order specify in this behalf;

(ii) in any workplace not covered under sub-clause (i), any person responsible for the management, supervision and control of the workplace.

Explanation: For the purposes of this sub-clause "management" includes the person or board or committee responsible for formulation and administration of policies for such organisation;

(iii) in relation to workplace covered under sub-clauses (i) and (ii), the person discharging contractual obligations with respect to his or her employees;

(iv) in relation to a dwelling place or house, a person or a household who employs or benefits from the employment of domestic worker, irrespective of the number, time period or type of such worker employed, or the nature of the employment or activities performed by the domestic worker;

13. Section 4 of the PoSH Act deals with the constitution of ICC, which reads thus;

"4. Constitution of Internal Complaints Committee

(1) Every employer of a workplace shall, by an order in writing, constitute a Committee to be known as the "Internal Complaints Committee":

Provided that where the offices or administrative units of the workplace are located at different places or divisional or



sub-divisional level, the Internal Committee shall be constituted at all administrative units or offices.

(2) The Internal Committee shall consist of the following members to be nominated by the employer, namely:-

(a) a Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees:

Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace referred to in sub-section (1):

Provided further that in case the other offices or administrative units of the workplace do not have a senior level woman employee, the Presiding Officer shall be nominated from any other workplace of the same employer or other department or organisation;

(b) not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;

(c) one member from amongst non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment:

Provided that at least one-half of the total Members so nominated shall be women.

(3) The Presiding Officer and every Member of the Internal Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.



(4) The Member appointed from amongst the non-governmental organisations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the employer. as may be prescribed.

(5) Where the Presiding Officer or any Member of the Internal Committee,-

(a) contravenes the provisions of section 16; or

(b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or

(c) he has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or

(d) has so abused his position as to render his continuance in office prejudicial to the public interest,

such Presiding Officer or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section”.

14. Section 6 of the PoSH Act deals with the constitution and jurisdiction of the Local Committee, which reads thus;

“6. Constitution and jurisdiction of Local Committee.

(1) Every District Officer shall constitute in the district concerned, a committee to be known as the "Local Committee" to receive complaints of sexual harassment from establishments where the Internal Committee has not been constituted due to having less than ten workers or if the complaint is against the employer himself.



(2) The District Officer shall designate one nodal officer in every block, taluka and tehsil in rural or tribal area and ward or municipality in the urban area, to receive complaints and forward the same to the concerned Local Complaints Committee within a period of seven days.

(3) The jurisdiction of the Local Committee shall extend to the areas of the district where it is constituted".

(underline supplied)

15. Section 9 of the PoSH Act deals with complaint of sexual harassment, which reads thus;

"9. Complaint of sexual harassment

(1) Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee if so constituted, or the Local Committee, in case it is not so constituted, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident:

Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee or the Chairperson or any Member of the Local Committee, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing:

Provided further that the Internal Committee or, as the case may be, the Local Committee may, for the reasons to be



recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

(2) Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this section". (underline supplied)

16. While coming to the relevant Clauses in Ext.R3(a) Memorandum of Association of IRTC, Clauses 7, 18 and 23.2 are relevant, which read thus;

"7. General Body

7.1 The control, administration and management of the affairs of the Society shall vest in a General Body and the membership shall be distributed in the following manner.

7.1.1 The Director and the Registrar of Integrated Rural Technology Centre, Executive Director and Secretary of Parishad Production Centre and Secretary of IRTC Project Implementation Unit from time to time.

7.1.2 The members of the Executive Committee of KSSP from time to time.

7.1.3 Not more than ten members from among people's science Activities nominated by the Executive Committee of KSSP from time to time.

7.1.4 Not more than ten members from among scientists



and academicians from Educational Institutions, Research Centres, government agencies and such other organisations nominated by the Executive Committee of KSSP from time to time.

7.1.5 The chairperson of the General Body of Integrated Rural Technology Centre shall be the President of KSSP.

7.1.6 The duration of membership shall be for a period of one year unless a member resigns his/her membership or is removed from membership.

7.1.7 The General Body shall function notwithstanding any vacancy in the General Body or defect in the appointment or nomination of any of its members and no act or proceedings of the General Body shall be invalidated, nullified or called in question merely by reason of the existence of any vacancy in the General Body or by the reason of any deficiency in the appointment or nomination of any of its members.

7.1.8 Subject to the provisions of the Societies Registration Act 12 of 1955, the General Body shall be the ultimate authority for the conduct of the affairs of the Society.

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18. Powers, Rights and Duties of the Executive Committee- Subject to the provisions of these rules and regulations, the Executive Committee shall have the following powers and duties and shall perform the following functions.

18.1 The Executive committee shall be responsible to the General Body of the efficient running of the affairs of the society.



18.2 The Executive committee shall execute all powers of the General Body subject to the ratification of the General Body.

18.3 To create within the budget allotment any post and to appoint from time to time such employees on such terms and conditions as it may deem fit for carrying out the management and affairs of the Society.

18.4 To exercise control and discipline over the employees of the society.

18.5 To propose bye-laws including amendments, for any of the matters for which they may be made for consideration and adoption by the General Body.

18.6 To purchase articles and materials as may be needed for the society and its work, within the budget provisions approved by the General Body.

18.7 To maintain proper books and accounts supported by vouchers.

18.8 To arrange for the audit by the Auditors appointed by the General Body, of the accounts of the Society annually.

18.9 To present every year to the General Body an annual report on the working of the Society and audited statements and accounts for consideration of the General Body.

18.10 To frame recruitment rules and terms and conditions of the service of the employees.

18.11 To do all such other legal acts as may be appropriate and necessary for the achievements of any or all of the objectives of the Society including to incur any extraordinary expenditure subject to ratification of the General



Body.

XXXXX

23.2 Director

23.2.1 He/She shall be appointed by Executive Committee of the society.

23.2.2 He/She shall be the Chief Executive Officer of the IRTC and in overall management of the affairs of the IRTC subject to the control and supervision of the Executive Committee and the General Body.

23.2.3 He/ She shall have the power to take decisions regarding urgent and important matters subject to ratification by the Executive Committee.

23.2.4 He/ She shall be responsible for co-ordination with other societies and institutions of the same nature and do his/her best to enable the Society to achieve its aims and objectives.

23.2.5 He/ She shall be responsible for seeing that proposal for research projects, in accordance with the objectives of the Society are prepared and submitted to appropriate funding agencies.

23.2.6 He/ She shall be responsible for selection of suitable manpower for running of these projects and for fixing their remuneration in accordance with the manpower plan and recruitment rules of the Society and such guidelines issued by the Executive Committee from time to time.

23.2.7 He/ She shall prepare the Annual Balance Sheet and Statement of Accounts, get them audited and afterwards present them at General Body Meeting for approval.



23.2.8 He/ She shall be responsible for the financial management of the Society in and shall constitute purchase committees for the purpose in accordance with the purchase manual of the Society.

23.2.9 He/ She shall be authorized to disciplinary action against employees indulging in serious misbehavior, misconduct or acting intentionally against the interests of Society in accordance with the conduct of rules of the Society.

23.2.10 He/she shall place before every General Body Meeting and every Executive Committee Meeting a report on the working of the Society and shall present the Annual Report to the Annual General Body Meeting.

23.2.11 He/ She shall be responsible for management of staff and shall give them appropriate instructions.”

(Underline supplied)

17. During the course of arguments, the learned counsel for respondents 1 to 3 pointed out that Ext.R3(d) is the order by which the ICC was constituted in IRTC. Consequent to the same, Ext.R3(e) office order dated 16.10.2024 was issued by the Registrar of IRTC constituting the ICC. In order to overcome the constitution of ICC by Ext.R3(e) order, the appellant issued Ext.R3(f) order dated 14.05.2024 stating that the ICC constituted by the Registrar on 16.10.2024 is dissolved. From the date of



2026:KER:33013

Ext.R3(f) itself, it is clear that the said document is a creature of the appellant.

18. The combined reading of Sections 4, 6 and 9 of the PoSH Act would make it clear that if a complaint of sexual harassment is raised by an employee in the workplace from the hands of another employee, then the matter has to be enquired into by the ICC. If the complaint is against the employer himself or an ICC is not constituted, then the said complaint has to be enquired into by the LC. Though the appellant contends that he will fall under the definition of employer under Section 2(g) of the PoSH Act, a combined reading of Clauses 7, 18 and 23.2 of Ext.R3(a) Memorandum of Association of IRTC would make it clear that the control, administration and management of the affairs of IRTC is vested with the general body and the executive committee and not with the Director. The overall management of the affairs of IRTC mentioned in Clause 23.2.2 by the Director is subject to the control and supervision of the executive committee and the general body. Clause 23.2.1 makes it clear that the Director is also appointed by the executive committee of IRTC. In such



2026:KER:33013

circumstances, the appellant can only be treated as an employee in IRTC, and therefore, the ICC constituted has the authority to receive and enquire about the complaint raised against the appellant. Though, as per Ext.R3(e) order dated 16.10.2024, the complainant against the appellant is also a member of the ICC of IRTC, the learned counsel for IRTC submitted that she will not be part of the ICC while taking the decision in the complaint in question.

Having considered the pleadings and materials on record and the submissions made at the Bar, we find no ground to hold the impugned judgment of the learned Single Judge as perverse or patently illegal, which warrants interference by exercising appellate jurisdiction.

In the result, the writ appeal stands dismissed.

Sd/-

**ANIL K.NARENDRAN, JUDGE**

Sd/-

sks

**MURALEE KRISHNA S., JUDGE**