INDIALAW

Litigation and Dispute Resolution

POSH Litigation Law Firm for Appeals, Writ Petitions and Workplace Disputes

PRACTICE PROFILE • OCTOBER 2026

Overview

When a POSH Matter Goes to Court

When a POSH matter turns into formal legal proceedings, we represent and advise employers, employees and Internal Committee members. The work covers appeals against committee findings, defence against false complaints, retaliation claims and the employment and reputational issues that follow.

The first route is an appeal under Section 18 of the POSH Act, filed within 90 days of the committee's recommendations, before the appellate authority under the employer's service rules or, where there are none, the authority notified under Rule 11. Findings are also challenged in writ petitions before the High Courts, particularly where the employer is a government body or authority, and in labour and civil proceedings that follow disciplinary action.

Criminal law runs alongside. Sexual harassment is an offence under Section 75 of the Bharatiya Nyaya Sanhita, 2023, which replaced Section 354A of the Indian Penal Code from 1 July 2024. The employer must help the complainant file a criminal complaint if she chooses to (Section 19 of the POSH Act).

Our Services

- Representation in civil and labor courts, High Courts, and quasi-judicial bodies
- Defense in malicious or false complaint cases and IC overreach allegations
- Legal remedies for complainants facing retaliation or victimization
- Drafting legal notices, replies, and petitions related to POSH matters
- Strategic legal counsel on disciplinary actions and employment law interface
- Handling appeals against IC decisions and external inquiries
- Managing media exposure, confidentiality breaches, and reputational fallout

Key Highlights

Grounds commonly raised in challenges to POSH findings

- The committee was not properly constituted, for example without an external member or a senior woman as Presiding Officer
- A party was denied a fair hearing or the evidence relied on
- The findings are not supported by the evidence or give no reasons
- The inquiry ran well beyond the statutory timelines
- Confidentiality was breached
- The employer's action went beyond the committee's recommendations or ignored its own service rules

In Aureliano Fernandes v. State of Goa (2023), the Supreme Court set aside an inquiry against a university teacher because the principles of natural justice had not been followed in the inquiry.

Key Professionals



Nidhi Singh
Partner



Arpita Dutta
Partner



Ratnakar Srivastava
Head: Technology and Data Protection Laws

Frequently Asked Questions

Q1 How do I appeal against an Internal Committee's recommendations?

Under Section 18 of the POSH Act, within 90 days of the recommendations. The appeal goes to the appellate authority under the employer's service rules, or where there are none, to the authority notified under Rule 11 of the POSH Rules.

Q2 Can an employee of a private company file a writ petition against an Internal Committee decision?

Writ petitions under Article 226 lie mainly against the State and bodies performing public functions. High Courts have taken differing views on writs against the committees of private employers, so the Section 18 appeal and civil or labour remedies are usually the starting point.

Q3 Which criminal law applies alongside the POSH Act?

Sexual harassment is an offence under Section 75 of the Bharatiya Nyaya Sanhita, 2023, which replaced Section 354A of the Indian Penal Code from 1 July 2024. The POSH inquiry and any criminal case run independently, and the employer must help the complainant file a police complaint if she chooses to.

Q4 What is the penalty for breaching confidentiality in a POSH matter?

Section 16 bars publishing or disclosing the complaint, the identities of the parties and witnesses, the inquiry proceedings, the recommendations and the action taken. A person who breaches this is liable to penalty under the employer's service rules or, where there are none, a sum of ?5,000 under Rule 12.

Q5 Can an employee be dismissed on the basis of the committee's findings?

The committee recommends and the employer acts, within 60 days, under its service rules. Where there are no service rules, Rule 9 lists the possible actions, from a written apology, warning or reprimand to withholding promotion or increments and termination. The employer's own disciplinary procedure still has to be followed for the action to survive a challenge.

Q6 What can a respondent do about a false complaint?

If the committee concludes that the complaint was false or malicious, or that documents were forged, it can recommend action against the complainant under Section 14. Separate civil or criminal remedies, such as a defamation claim, may also be available depending on the facts, but the confidentiality obligations under Section 16 continue to apply.

Related Practice Areas

Sexual Harassment at Workplace (POSH) | Training and Awareness Programs | Investigations and Proceedings | Internal Committee (IC) Support And Management | POSH Advisory and Compliance