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POSH COMPLAINT WHEN TIME-BARRED?

The Supreme Court (“**SC**”) in the *Vaneeta Patnaik*¹ case upheld the findings of the High Court of Calcutta’s Division Bench (“**HC**”) and further examined the scope of limitation under Section 9 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“**POSH Act**”).

Brief Facts:

- Vaneeta Patnaik, a faculty member at the National University of Juridical Sciences, Kolkata (“**NUJS**”), filed a complaint before the Local Complaints Committee (“**LCC**”) under the POSH Act against the then Vice-Chancellor (“**VC**”) alleging acts of sexual harassment. While the alleged incidents occurred up to April 2023, the formal complaint was lodged only in December 2023. The LCC dismissed the complaint as it was not only beyond the prescribed period of limitation of three months but also beyond the extendable period of six months.
- Patnaik challenged LCC’s order before the Single Judge of the High Court who set aside the LCC’s order and directed reconsideration. On appeal by the VC, the HC reversed this order, ruling that the complaint was indeed time-barred as subsequent events such as Patnaik’s removal from administrative posts and initiation of departmental proceedings were administrative in nature and could not be treated as extensions of sexual harassment. Patnaik then approached SC by way of this Civil Appeal.

Questions of Law:

- Whether the complaint of sexual harassment was barred by limitation under Section 9 of the POSH Act?
- Whether the subsequent administrative actions taken against Patnaik could be treated as continuing acts of sexual harassment extending the limitation period?
- Whether administrative or disciplinary measures taken by NUJS’ Executive Council could amount to “sexual harassment” or “hostile work environment” under Sections 2(n) and 3(2) of the POSH Act?

¹ *Vaneeta Patnaik v. Nirmal Kanti Chakrabarti & Ors.* (2025 INSC 1106). Click here for a [copy](#).

SC's Judgement and Reasoning:

The SC:

- Dismissed the appeal and upheld the HC's view² that the complaint was barred by limitation as the last incident of sexual harassment occurred in April 2023 and the complaint was filed eight months later.
- Emphasized that for later events to extend the limitation, they must be in relation to or connected with the earlier acts of harassment under Section 3(2) of the POSH Act.³
- Drew a distinction⁴ highlighting:
 - A *continuing* wrong is when the injury itself persists; and
 - A *recurring* wrong is when a fresh cause of action arises each time.
- Opined that the alleged sexual harassment acts had ceased by April 2023. The subsequent administrative decisions *i.e.*, removal and inquiry actions taken by administrative bodies were independent consequences and not continuations of the sexual harassment. Furthermore, the actions taken against Patnaik are administrative in nature. They do not create a gender-based hostile work environment, and actions hence, fall short of being continuing actions amounting to acts of sexual harassment.⁵
- Noted that by seeking condonation of delay and citing "mitigating circumstances," Patnaik acknowledged the delay and treated the April 2023 incident as the final act of sexual harassment.⁶
- Dismissed Patnaik's appeal, but directed that its observations form a part of the record of the VC's resume stating that "...the incidents of alleged sexual harassment on part of Respondent No.1 may be forgiven but allowed to haunt the wrongdoer forever."⁷

This *Counselence Connect* contains information in a nutshell on a recent change in law.

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² Paragraph No. 32 of the Judgement.

³ Paragraph 27 of the Judgement.

⁴ Paragraph 28 of the Judgement.

⁵ Paragraph 26 of the Judgement.

⁶ Paragraph 31 of the Judgement.

⁷ Paragraphs 33 and 34 of the Judgement.