

**HIGH COURT OF TRIPURA
AGARTALA**

WA No.135 of 2023

1. The Food Corporation of India represented by its Chairman cum Managing Director, having its Head Office at 16-20 Barakhamba Road, New Delhi – 110001
2. The General Manager (R), Food Corporation of India, Regional Office, NEF Region, Mawlai, Mawroh, Shillong, PIN-793008
3. The Area Manager/Divisional Manager, Food Corporation of India, Divisional Office, Agartala, West Tripura – 799001

.....Appellant(s);

Versus

Smti. Namita Paul, wife of Swapan Kumar Paul, Resident of B.K. Road, Banamalipur, Agartala, P.S. East Agartala, District – West Tripura

.....Respondent(s)

For Appellant(s) : Mr. Binod Kumar Singh, Advocate.

For Respondent(s) : Mr. Raju Datta, Advocate,
Mr. Kundan Pandey, Advocate.

**HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO
HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA**

Order

05/08/2025

Heard the counsel for the appellants.

This appeal is preferred against the judgment dated 10.05.2023 of the learned Single Judge in WP(C) No.960/2022.

The respondent had approached this Court by filing the writ petition alleging that the appellant had unlawfully deducted an amount of Rs.32,47,763/- illegally, arbitrarily, unjustly and without any authority of law, and also in violation of principles of natural justice and sought refund of the said amount.

When the matter was taken up before the learned Single Judge, counsel for the appellants is said to have stated that there was a judgment rendered by the Supreme Court on 18.11.2022 titled ***Food Corporation of India & others v. Abhijit Paul*** which also touches the issue involved in the writ

petition filed by the respondent, and that the appellants will reconsider the case of the respondent. This is recorded in the judgment of the learned Single Judge.

On the basis of the said submission, the writ petition was disposed of setting aside the impugned order dated 05.09.2022 and directing the appellants to consider the case of the respondent in the light of the judgment of the Apex Court referred to supra within three months.

Assailing the same, this writ appeal is filed.

It is the contention of the counsel for the appellants that the counsel who appeared before the Single Judge was not authorized to make such a representation.

Since the direction in the judgment of the learned Single Judge is only to consider the case of the respondent keeping in mind the judgment of the Supreme Court in the case of ***Food Corporation of India*** (supra), the appellants can take a view either in favour of the respondent or against him, by passing a reasoned order. They can also say why the said Supreme Court judgment cannot be applied, if they take the said view. Thus there is no prejudice caused to the appellants by the impugned judgment of the learned Single Judge.

We are therefore of the view that appellants cannot claim to be aggrieved by the impugned judgment of the learned Single Judge.

Therefore the Writ Appeal is dismissed with costs of Rs.20,000/- to be paid by appellants to respondent.

(S. DATTA PURKAYASTHA, J)

(M.S. RAMACHANDRA RAO, CJ)

Pijush/

MUNNA SAHA

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