



LPA-2439-2026 (O&M)

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

124

LPA-2439-2026 (O&M)
Date of Decision :27.08.2026

FOOD CORPORATION OF INDIA AND OTHERS

..Appellants

Versus

GURPREET SINGH SAINI AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE MINDERJEET YADAV**

Present: Mr. Deepak Gupta, Advocate for the appellant.

* * *

Harsimran Singh Sethi, J. (Oral)

CM-5950-LPA-2026

The prayer in the present application is for condonation of delay of 68 days in re-filing the present appeal (**LPA-2439-2026**).

Keeping in view the averments enumerated in the application, which are duly supported by an affidavit, the same is allowed. Consequently, the delay of 68 days in re-filing the present appeal (**LPA-2439-2026**) is condoned.

LPA-2439-2026

1. In the present appeal, the challenge is to the order dated 07.04.2026 passed by the learned Single Judge, by which, the writ petition bearing CWP No. 1480 of 2016 titled as 'Gurpreet Singh Saini and others versus FCI and others' has been allowed and the order holding the

**LPA-2439-2026 (O&M)****2**

respondent guilty and imposing punishment upon him has been set aside on the ground that the co-delinquents, who were proceeded against for the same allegations, were also held guilty by the Inquiry Officer but were subsequently exonerated by the appellate authority.

It may be noticed that, unfortunately, the respondent died in the year 2015 and the proceedings were thereafter continued by his legal representatives.

2. Certain facts, which needs to be mentioned for the correct appreciation of the issue in hand.

3. The respondent joined the respondent-Corporation in the year 1976 and was eventually promoted to the post of Technical Assistant Grade-I on 31.12.2009. While working on the said post, a charge-sheet was served on 09.01.2012, under Regulations 58 of the FCI (staff) Regulations, 1971 (herein after referred to as ('1971 Regulations')) upon him alleging certain tampering in the storage-loss records and acceptance of 15 consignments contrary to the criteria prescribed by the FIFO in July, 2011.

4. Along with the respondent, namely, Bant Singh, Jagjeevan Singh, Meena Kumari and Kamlesh Kumari were also proceeded against in respect of the same allegations. After conclusion of the disciplinary inquiry, the charges were held proved against all the delinquent employees except Jagjeevan Singh, and punishment was imposed upon Bant Singh, Meena Kumari and Kamlesh Kumari. Jagjeevan Singh was let off by the Inquiry Officer as well as by the disciplinary authority.

5. Thereafter, Meena Kumari, Kamlesh Kumari and Bant Singh

**LPA-2439-2026 (O&M)****3**

preferred appeals. The appellate authority exonerated Meena Kumari and Kamlesh Kumari, whereas the punishment imposed upon Bant Singh was maintained. Though, the allegations against all the co-delinquents were the same, but no distinguishing fact or circumstance was noticed by the appellate authority while exonerating Meena Kumari and Kamlesh Kumari and maintaining the punishment imposed upon Bant Singh.

5. The order of punishment was challenged by Bant Singh by filing CWP No. 24614 of 2015. However, in view of another order having been passed by the respondents, the writ petition was withdrawn with liberty to file a fresh petition. Before the fresh petition could be filed, Bant Singh unfortunately died on 18.11.2015. Thereafter, his children in order to remove the blot from the career of the deceased-Bant Singh, filed the writ petition which has been now allowed by the learned single judge.

6. Learned Single Judge has held that once the co-delinquents, who were also charged with the same allegations, have been let off either by the inquiry officer or by the appellate authority, maintaining the punishment against the respondent Bant Singh was discriminatory in nature, as no differentiating fact between the co-delinquents have been noticed or even brought to the notice of this court. The said judgment of the learned single judge dated 07.04.2026 is in appeal.

7. Learned counsel for the appellant submits that the allegations against Bant Singh stood proved in the disciplinary proceedings and, consequently, punishment was rightly imposed upon him, which was also

upheld by the appellate authority. Hence, the same could not have been



LPA-2439-2026 (O&M)

4

looked into by the learned single judge so as to set aside the same.

8. We have heard the learned counsel for the appellant and have gone through the record with his assistance.

9. It is a conceded position that the allegations against all the co-delinquents were identical. The Inquiry Officer exonerated Jagjeevan Singh but held Bant Singh, Kamlesh Kumari and Meena Kumari guilty, pursuant to which punishment was imposed upon all of them by the punishing authority. In the appeals preferred by the delinquent employees, the appellate authority exonerated Kamlesh Kumari and Meena Kumari but maintained the punishment imposed upon Bant Singh.

10. It may be noticed that once the allegations against all the co-delinquents were the same, which is a conceded fact, the action of holding Bant Singh guilty and exonerating the other co-delinquents, without recording any distinction either in the nature of the allegations, the charges or the role attributed to the respective delinquent employees, cannot be sustained. Hence, unless and until the differentiating role is projected, which has not been projected as per the finding recorded by the learned single judge, imposing the punishment only on Bant Singh and exonerating other would be discriminatory in nature and therefore, the learned single judge has rightly exercised the jurisdiction so as to set aside the punishment imposed upon deceased-Bant Singh.

11. Even today in appeal, learned counsel for the appellants has not been able to show any differentiating facts between all the delinquent employees and why different actions were taken though all the employees



LPA-2439-2026 (O&M) 5

were placed on same footing.

- 10. No other argument raised
- 11. Hence, keeping in view the above and as no perversity has been shown to this Court with the impugned order dated 07.04.2026 passed by the learned Single Judge that the same is contrary to the facts or the settled principle of law.
- 12. No ground is made out for any interference by this Court in the facts and circumstances of the present case.
- 13. Accordingly, the present appeal is dismissed.
- 14. Pending civil miscellaneous application(s), if any, stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(MINDERJEET YADAV)
JUDGE

August 27, 2026
Riya

Whether speaking/reasoned :Yes
Whether reportable : No