

**IN THE PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH**

1. CWP No.17179 of 2007

D.K. Shingari

...Petitioner

Versus

Union of India and others

... Respondents

2. CWP No.2093 of 2008

Mulkh Raj Bhagat

... Petitioner

Versus

Food Corporation of India and others

... Respondents

Date of Decision:01.04.2015

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Alok Mittal, Advocate for the petitioner.

Mr. Rajeev Sharma, Advocate for respondent No.1.

Mr. Vaibhav Gupta, Advocate
for respondents No.2 to 4.

1. To be referred to the reporters or not?
2. Whether the judgment should be reported in the digest.

DEEPAK SIBAL, J. (Oral)

This order shall dispose of two similar petitions being **CWP No.17179 of 2007** and **CWP No.2093 of 2008**.

At the very outset, learned counsel appearing on behalf of the parties very fairly state that the present matter is covered by an earlier decision of this Court rendered in CWP No.3354 of 2007 decided on 24.02.2012; Sh. Ashok Kumar Khullar v. Union of India and others wherein it has been held as under:

“1. The petitioner challenges the compulsory retirement issued to the petitioner as not conforming to the extent regulations. The Rule 22(2) of the FCI (Staff) Regulations, 1971 provides for compulsory retirement on grounds of assessment of such a course of action if it is the interest of the Corporation. The counsel for the petitioner argued that the petitioner had 35 years of unblemished service and

he has been issued the impugned order on not valid and justifiable grounds.

2. *The respondents contest the claim by pointing out to the fact that the Committee of higher Officers of the Corporation has observed that the petitioner was handling a sensitive post of being Incharge of the quality control and he was responsible for procurement of valuable foodgrains for the purpose of re-distribution to various centers. The Committee recorded the fact that the petitioner had been chargesheeted in 8 major and 15 minor penalty cases, out of which he had also been imposed penalties in numerous cases. The details have been set out in Annexure R-1. The Committee also took note of the fact that there were still 2 major and 2 minor penalty cases that were pending at the time when his case came up for consideration for compulsory retirement.*

3. *The judicial intervention in compulsory retirement cases could be limited for examining only in a situation if the order is either spirited by malafides or done without adverting to the issue of interest to the Organization and non-application of mind to the mandate of law set through rules or regulations. In this case, the Committee has considered the petitioner's case in the light of objective materials brought against the petitioner through penalties imposed on him or charges attributed to him earlier during his tenure of service. I cannot find any reason to make an intervention in favour of the petitioner to assail the impugned order.*

4. *The challenge to the impugned order fails and the writ petition is dismissed."*

In view of the above, the present petitions being covered by the decision reproduced above are ordered to be dismissed.

No costs.

(DEEPAK SIBAL)
JUDGE

01.04.2015
rajeev