

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-15552-2016 (O&M)

Date of Decision:-26.10.2017.

Chamkaur Singh

.....Petitioner

Versus

Food Corporation of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Kamal Gupta, Advocate and
Mr. Sparsh Gupta, Advocate for the petitioner.

Mr. Chetan Mittal, Senior Advocate with
Mr. J.S. Puri, Advocate and
Mr. Vivek Singla, Advocate for the respondents.

P.B. BAJANTHRI, J. (Oral)

CM-15225-CWP-2017

Heard the CM for recalling the order dated 10.10.2017.

On 10.10.2017, following order was passed:-

*“Learned counsel for the petitioner submitted that 9 statutory review petitions are pending before the Managing Director-respondent No.2. Till date no orders have been passed and communicated to the petitioner. For early disposal of the review petitions, he has cited decision of Supreme Court passed in **S.S. Rathore Vs. State of Madhya Pradesh** wherein it has been held that “Ordinarily a period of three to six months to be the outer limit for consideration of statutory appeal. That would discipline the system can keep the public servant away from a protracted period of litigation.” Therefore, for*

*non-consideration and redressal of the review petitions,
Managing Director is liable to pay cost of ₹ 25,000/-.
The same shall be paid from his own pocket and not
from the FCI.*

List this matter on 26.10.2017.”

In the main petition, prayer of the petitioner is to decide the 9 review petitions which were pending consideration before the Managing Director from 2008 to 2010. Petitioner presented main petition in the month of July, 2016. Notice of motion was ordered on 4.8.2016. On 31.8.2016 respondent-FCI sought time. Thereafter, matter was listed on 2 occasions. On 5.5.2017, there is no representation on behalf of the parties. Thus, matter was once again listed on 10.10.2017. In this background and the fact that the petitioner has sought only direction to dispose of his 9 review petitions which were pending consideration from 2008 to 2010. Therefore, cost of ₹ 25,000/- was imposed on the Managing Director which shall be paid from his own pocket and not from FCI.

Learned counsel for the respondents submitted that Managing Director-Mr. Yogender Tripathi has taken the charge of the post of Managing Director on 31.7.2015. Large number of review petitions and other statutory appeals were pending in the office of Managing Director and the same were disposed of in an efficient manner and he has also placed on record statistics relating to disposal of appeals, review petitions for the year 2014 to 2017 to apprise that necessary action is being taken for disposal of appeals/review petitions. In view of the order dated 10.10.2017 passed in the petition, he has also issued a circular relating to disposal of review petitions within the time bound manner etc. No doubt now Managing Director has opened his eyes for disposal of statutory appeal/review

petition. At the same time see the in action in the matter both in not deciding petitioner's review petition as well as not responding in the present matter for more than a year and the fact that petitioner is retired person. Respondents have not made out a case for recalling the order dated 10.10.2017. However, in the interest of justice, order dated 10.10.2017 is modified to the extent that cost of ₹ 25,000/- is reduced to ₹ 5,000/-. The same shall be paid by the Managing Director from his own pocket and not from the FCI. Cost shall be remitted in the Mediation and Conciliation Center of this Court within a period of 4 weeks from today.

CM stands disposed of.

With the consent of the parties, main matter is taken on Board.

CWP-15552-2016

Pursuant to the order dated 10.10.2017, competent authority has disposed of petitioner's 9 review petitions on 13.10.2017, 17.10.2017 and 18.10.2017 vide Annexures R-1 to R-9. In view of these developments, writ petition do not survive for consideration. Liberty is given to the petitioner to challenge the decision passed in all the 9 review petitions, if he is aggrieved. The respondents are hereby directed to refix pay/pension if any in view of disposal of review petitions and to calculate monetary benefits if any and disburse within a period of 4 months from today.

Petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

October 26, 2017.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.