

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2502 of 2018

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Sri Vijayendra Kumar s/o - Late Ram Tapeswar Singh resident of Village-
Anandpur, P.O. - Anandpur, P.S. - Bihta, Distt. - Patna.

.... Petitioner/s

Versus

1. The Food Corporation of India through the Chairman cum Managing Director, 16-20 Barakhambha Lane New Delhi.
2. The Chief Vigilance Officer Food Corporation of India Vigilance Division Head Quarters New Delhi.
3. Executive Director (East Zone) Food Corporation of India 10-A Middleton Row Kolkata - 71.
4. General Manager (Region) Food Corporation of India Regional Office Arunachal Building, Patna.
5. The Assistant General Manager (Vig) Food Corporation of India, HQ Quarter, 16-20 Barakhambha Lane New Delhi.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Mukesh Kumar No-1

For the Respondent/s : Mr. Prabhakar Tekriwal

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 06-08-2018 The present writ petition has been filed for quashing letter dated 05.01.2018 issued by the Deputy General Manager (Vigilance), whereby and where under the entry of the petitioner in the office premises of the respondents has been banned.

The short facts of the case are that the petitioner after serving the Food Corporation of India retired from service on 31.01.2014 and during his service period he was holding the post of Zonal President FCI Executive Staff Union as well as Additional Regional Secretary of Bihar Region. It is stated by the



petitioner that after retirement he is the Chief Patron and Advisor of the FCI Executive Staff Union Bihar Region as well as President Retired FCI Employee Union.

The only issue to be considered in the present case is as to whether in absence of any allegation to the effect that the petitioner was either roaming about in the premises of the respondents or creating nuisance in the premises of the respondents, the impugned order dated 05.01.2018 can be passed banning the entry of petitioner for no reason.

The learned counsel for the respondents has submitted that the petitioner has not disclosed the current position inasmuch as he is not the Chief Patron and Advisor of the FCI Executive Staff Union Bihar Region. It is further submitted that since the petitioner has given a complaint which has been found to be false, the entry of the petitioner has been banned in the premises of the respondents.

The learned counsel for the respondents has relied upon a judgment rendered by a Single Judge of the Hon'ble Delhi High Court dated 30 March, 1987 passed in the case of *Shri H.L. Sonar Vs. Kendriya Vidyalaya Sangathan and Ors.*

I have heard the learned counsel for the parties and this Court is of the opinion that firstly this Court is not bound to



consider the judgments of Single Judge of other High Courts and secondly, in any view of the matter, the said judgment of the Hon'ble Delhi High Court is distinguishable on the facts and circumstances of the present case inasmuch as in the said case it has been held by the Hon'ble Delhi High Court that the petitioner therein had engaged in disruptive activities in the premises of the respondents and was roaming about in the premises disturbing the employees whereas in the present case there is no such allegation of the petitioner herein having ever gone to the premises of the respondents and created nuisance or having disturbed any of the employees.

This Court further finds that the respondents have failed to produce any rules or regulations of the respondent FCI to demonstrate that the entry of a retired employee can be banned in the premises of the respondents. It is obvious that no such rule can be formulated or postulated since even a retired employee may be required to go to the office for the purposes of availing his retiral dues or for redressal of other grievances. Thus, this Court finds that the impugned order dated 05.01.2018 passed by the Chief Vigilance Officer, Food Corporation of India is perverse and without any basis, hence the same is quashed. Accordingly, the notice issued by the General Manager (Vigilance), FCI dated



12.01.2018 is also quashed.

It is needless to state that the respondents would be at liberty to pass fresh orders in case the situation so demands.

The writ petition is allowed.

(Mohit Kumar Shah, J)

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