

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12385 of 2016

=====

Subhash Chandra Sharma, S/o -Late Triyug Sharma, Resident of Village-
Paltu Chatni P.S. - Naubatpur, Distt.-Patna

... .. Petitioner/s

Versus

1. The Food Corporation Of India through the Chairman, 16-20 Barakhambha Lane, New Delhi.
2. The Chairman , Food Corporation of India 16-20 Barakhambha Lane, New Delhi
3. The Managing Director Food Corporation of India 16-20 Barakhamba Lane, New Delhi.
4. The Executive Director east Zone Food Corporation of India 10-A, Middleton Row Kolkata-71
5. The General Manager Region, Food Corporation of India, Regional Office, Arunachal Building, Exhibition Road, Paatna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No-1, Advocate
For the Respondent/s : Mr.Prabhakar Tekriwal, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 23-05-2019

Heard learned counsel for the petitioner and learned
counsel for the F.C.I.

In the present case, the petitioner is challenging the
order dated 30.09.2013 passed by the Disciplinary Authority in
exercise of the power conferred under Regulation 56 read with the
Regulation 60A of the FCI (Staff) Regulation, 1971 whereby and
whereunder he has imposed token penalty of Rs.3,00,000/- upon
the petitioner in admissible installment to meet the ends of justice.
The petitioner filed an appeal before the Appellate Authority, who



has dismissed the appeal being time barred vide order dated 30.06.2015.

While the petitioner was posted as Godown Manager, there was shortage of 36,945 bags of wheat and 40,984 bags of rice causing financial loss to the tune of Rs.5,59,54,479/-only.

From the records, it appears that there is a huge loss of Rs.5,59,54,479/-, but in token penalty of Rs.3,00,000/-only has been awarded to the petitioner. When there is a huge loss, how only token punishment will not be treated to be suitable punishment.

Counsel for the petitioner submits that his defence was not taken into consideration.

In such view of the matter, the order dated 30.09.2013 passed by the Disciplinary Authority is set aside and the matter is remanded back to the Appellate Authority to decide the case on its own merit after examining the matter deeply and also considering in what manner the loss can be recovered from the erring officials, who were posted at the Depot and proportionately their liability should be fixed and recovery should be made from the person concerned after hearing the petitioner and all the defence should be considered by him.



With this observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	23.05.2019
Transmission Date	N.A.

