

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.818 of 2018

In

Civil Writ Jurisdiction Case No.960 of 1998

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Alok Raj, son of Late Bijay Kumar Ro, resident of Mohalla - North Mandiri,
P.S. - Buddha Colony, District – Patna. Appellant.

Versus

1. The Food Corporation of India through its Managing Director, 16-20 Bara Khambha Lane, New Delhi-1.
2. The Managing Director, Food Corporation of India, Bara Khambha Lane, New Delhi - 1.
3. The Zonal Manager (E), Corporation of India, 10A Middleton Road, Calcutta - 71.
4. The Senior Regional Manager, Food Corporation of India, Regional Office Patna - 1.
5. The District Manager, Food Corporation India, Patna.

... .. Respondents.

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Appearance :

For the Appellant	:	Mr. Jitendra Kumar Rai, Advocate. Mr. Alok, Advocate.
For the Respondents	:	Mr. Prabhakar Tekriwal, Advocate. Mr. Sunil Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date : 19-02-2020

Heard learned counsel for the appellant and learned
counsel for the respondents.

This intra court appeal has been preferred against the
judgment dated 19.04.2018 passed by the learned Single Judge
in C.W.J.C. No.960 of 1998.

The father of the appellant was Depot Incharge
(Assistant Grade-I) at Suriya, Jharkhand during January, 1986 to
21.07.1986. Thereafter, he handed over the charge to one Rama
Nand Prasad. It has been found that during his service tenure as
Depot Incharge of the Food Corporation of India (hereinafter in



short referred to as the 'FCI'), the FCI has suffered loss of huge quantity of rice and other irregularities have also been found against the original writ petitioner. For that, a chargesheet was served upon him comprising three articles of charges mentioned in the enquiry report. Accordingly, the Inquiry Officer was appointed. He participated in the enquiry proceeding. The Inquiry Officer submitted his report that charge nos.2 & 3 have not been found proved against the original petitioner and charge no.1 has partly been proved against him. Thereafter, punishment has been awarded for demotion by five stages. The appellate authority has also affirmed the view of the disciplinary authority. He raised the issue before the Writ Court and the Writ Court did not find any error in the order taken by the management. Hence, this appeal.

Primarily a question has been raised by the appellant that for the same set of charges one Ram Nandan Prasad was inflicted with different punishment. It is further submitted that there is procedural lacuna in conducting the enquiry proceedings.

From perusal of records, it appears that when the chargesheet was served upon him, he had filed his reply in which he had stated that the loss is coming from the past but he had never raised this issue before to any higher authority during his tenure, when the proceeding was initiated where he raised the issue of shortage was coming from past. The records maintained by the FCI does not authenticate his plea. If he was



of the view that there was shortage in stock from earlier period then, at the time of taking charge of his post, he should have mentioned by making such entry and should have written such letter to the higher authority. Learned counsel for the appellant has also placed reliance in the case of **Vasant D. Bhavsar Vs. Bar Council of India and others** reported in (1999) 1 Supreme Court Cases 45 and in the case of **Punjab National Bank Vs. Sri Kunj Behari Misra** reported in 1998 (3) All PLR 93.

So far as the first judgment is concerned, it only talks about following the procedure of natural justice as well as passing the of the speaking order. From perusal of the case record, it appears that the natural justice has been followed, hence this judgment does not serve any purpose in favour of the appellant. In the second judgment, it is held that when the disciplinary authority disagrees with the findings of inquiry officer on any article of charge, then before it records its own findings on such charge, the disciplinary authority was required to record the finding of disagreement and serve the second show cause to file reply so that the delinquent officer should have an opportunity to present his reply on the finding of disagreement. But, in the present case, the disciplinary authority has accepted that the charge nos.2 & 3 have not been proved and charge no.1 as has been accepted by the appellant has partly been proved. Looking to the admission with respect to the charge no.1 mentioned in his explanation as well as



following the proper procedure, the punishment has been awarded of demotion by five stages and the same has been approved.

Having regard to the facts and circumstances mentioned in the foregoing paragraphs, we find no merit in this appeal. Accordingly, this appeal is dismissed.

(Shivaji Pandey, J)

(Anjani Kumar Sharan, J)

Trivedi/-

AFR/NAFR	NAFR
CAV DATE	NA
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