



CWP-9380-2014

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

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Date of Decision: 22.05.2024

Rajeshwar Sahani

...Petitioner

Versus

Food Corporation of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Surinder Sharma, Advocate for the petitioner

Mr. K.K. Gupta, Advocate for the respondents

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order of suspension dated 22.07.2003 (Annexure P-5); order of dismissal dated 30.12.2004 (Annexure P-9); and order dated 24.02.2011 (Annexure P-12) whereby his appeal was dismissed.

2. The petitioner claims that he is 'Rajeshwar Sahani' and has been wrongly declared by respondent-Food Corporation of India (for short 'corporation') as 'Shambhoo Sahni' son of Janak Sahni. The respondent-corporation has dismissed him without issuing show cause notice. He was not given proper opportunity to put forth his stand.



3. Mr. K.K. Gupta, Advocate pointing out reply submits that respondent-corporation conducted detailed enquiry and found that petitioner has impersonated himself as 'Rajeshwar Sahani' whereas he is 'Shambhoo Sahni'. It is a case of impersonation, thus, an FIR was registered. The petitioner has been acquitted in the said case, however, he cannot be reinstated because corporation has made detailed enquiry. This Court cannot re-appreciate evidence collected by the corporation. The similarly situated other employees have approached Central Government Industrial Tribunal (for short 'Tribunal') which is a fact finding authority.

4. I have heard the arguments of learned counsels for both sides and perused the record with their able assistance.

5. From the perusal of record, it is evident that there is a dispute with respect to identity of the petitioner. The respondent-corporation has collected evidence in support of its version that petitioner is actually 'Shambhoo Sahni'. This Court cannot return findings on evidence led by both sides. It is the Tribunal which is the fact finding authority. The issues involved are purely disputed questions of fact and evidence led by both sides needs to be examined.

6. In view of above discussion and findings, this Court finds that appropriate remedy for the petitioner is to approach the Central Government Industrial Tribunal. Accordingly, the present petition is hereby disposed of with liberty to petitioner to approach the Tribunal. If he approaches the



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Tribunal within one month from today, the same would consider his claim on merits.

(JAGMOHAN BANSAL)
JUDGE

22.05.2024
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>