



CWP-1264-2014 and
CWP-2252-2015

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

204+206

CWP-1264-2014
Date of decision: 19.12.2024

Harish Chandra Rai
Versus
....Petitioner

Food Corporation of India and others
...Respondents

CWP-2252-2015

Pitamber Singh
Versus
....Petitioner

Food Corporation of India and others
...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- None for the petitioner in CWP-1264-2014.

Mr. Rajiv Sharma, Advocate
for the petitioner in CWP-2252-2015.

Mr. Maninder Arora and Mr. Harmeet Singh, Advocates
for the respondents-FCI.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in these petitions is for quashing of orders, whereby the review petitions had been rejected.

2. This Court on 03.10.2017 had adjourned the matter to await the decision of the larger Bench as the learned counsel for the petitioner had submitted that the issue involved in the presence case is identical to the issue, where two punishment were imposed, having been referred to it, which has since been decided by the Full Bench of this Court against the petitioner on 24.02.2020 in the case of **Food Corporation of India and others vs.**

Malkiat Singh (deceased) through LRs, LPA-1888-2013, against which no

SLP has been filed, the relevant paras whereof read thus:-



“This appeal has been preferred by the appellants praying for setting aside judgment dated 22.07.2013 passed by the learned Single Judge in CWP No.13752 of 2011 whereby punishment order dated 31.03.2006 has been set aside to a limited extent i.e. minor penalty of recovery, on the ground that major and minor penalty could not be imposed simultaneously and ordered refund of recovered amount within three months, failing which the respondent would be entitled to recover the same with interest @ 8% per annum from the date of recovery till the date of payment. Brief facts of the case are that respondent Malkiat Singh joined the appellant Corporation on 13.06.1979 as Assistant Grade - III (Depot). He was subsequently promoted to the post of Assistant Grade - II (Depot). In the year 1999, he was posted as Assistant Grade - II (Depot) at Rampuraphool Centre, to work in the field and assist one Amarjit Singh, Assistant Grade I (Depot), for receipt/storage/issue of food grains. The respondent requested the concerned authorities not to appoint him in the field, he being handicap and unable to manage the field operations, but his request was not considered by the authorities. Be that as it may, a memorandum dated 16.03.2005 was served upon the respondent, under Regulation 58 of FCI (Staff) Regulations, 1971 (for short, 'Regulations, 1971'), for negligent conduct, laxity/carelessness in performance of his official duties and misappropriation of paddy stock to the extent, detected by the Committee at Rampuraphool, during the year 1999-2000, being custodian of the stocks. The Inquiry Officer, after conclusion of inquiry, declared the charges as proved against the respondent. Consequently, the Punishing Authority, passed an order dated 31.03.2006 and imposed the penalty of compulsory retirement from service and recovery of 2.5 lac. Statutory appeal filed by the respondent against the punishment order was also dismissed by the Appellate Authority vide order dated 28/29.09.2006. Thereafter, review petition was also rejected vide order dated 09.07.2010.

Accordingly, the respondent challenged the aforesaid orders before this Court by filing a writ petition which was partly allowed vide judgment dated 22.07.2013 passed by the learned Single Judge, in the aforesaid terms.

Now, the appellant – Corporation has challenged the aforesaid judgment dated 22.07.2013 passed by the Single Judge.

Heard learned counsel for the parties and perused the record.

The question for adjudication in this case is whether more than one penalties can be imposed under the Regulations, 1971 in respect of one and the same misconduct.

It is pertinent to mention here that for adjudication of the aforesaid question, the matter was referred to a Larger Bench vide order dated 26.11.2013. Accordingly, the aforesaid question has been answered in the affirmative by the Full Bench vide order dated 06.12.2019 in the following manner:-

“The question referred to this larger Bench, namely, whether more than one penalties can be imposed under the Food Corporation of India (Staff) Regulations, 1971 in respect of one and the same misconduct” is accordingly answered in the affirmative in the facts and circumstances of the present case and it is held that the imposition of penalty of compulsory retirement and of recovery of the loss caused to the Corporation on account of misappropriation and dishonesty in collusion with the millers is permissible and is hereby affirmed. It is made clear that the issue is answered as aforesaid in the facts and circumstances prevailing in the present case and with reference to the interpretation given by this Court to Regulation 54 of the Food Corporation of India Regulations.”

It is conceded by the counsel for the respondent – employee (writ petitioner), that issue involved in the instant appeal is squarely covered by the judgment dated 06.12.2019 passed by the learned Full Bench.

In view of the aforesaid discussion, we are of the considered view that impugned order 22.07.2013 passed by the learned Single Judge is not in consonance with the law and is hereby set aside. Consequently, the writ petition is also dismissed. Allowed, in the above terms.”

3. In view of the above, the present petitions are hereby dismissed.
4. A photocopy of this order be placed on the file of connected case.

(AMAN CHAUDHARY)

JUDGE

19.12.2024

Hemant

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No