

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7961 of 2016

Md. Shafiur Rahman s/o Late Fahimuddin r/o Fahim Manzil, Hussain Tola
Ward No. 22 P.S.- Supaul, District- Supaul.

... .. Petitioner/s

Versus

1. The Food Corporation Of India and Ors
2. The Chief Managing Director, The Food Corporation of India, 16-20 Barakhamba Lane, New Delhi.
3. The Chairman, The Food Corporation of India, 16-20 Barakhamba Lane, New Delhi.
4. The Managing Director, The Food Corporation of India, 16-20 Barakhamba Lane, New Delhi.
5. The Executive Director, East, Food Corporation of India 10-A Middleton Road, Kolkatta-71.
6. The General Manager Food Corporation of India, Arunachal Bhawan, Exhibition Road, Patna.
7. The Area Manager, Food Corporation of India, Sahara.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Bhaskar, Advocate

For the Respondent/s : Mr. P.K. Verma, Sr. Adv.

Dr. Anand Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 25-03-2025 Learned Counsel for the petitioner and Learned Sr.
Counsel for the Food Corporation of India are present.

2. Learned Counsel for the petitioner submits that
the original order is dated 29.06.2015, passed by the
Managing Director, which is annexed as Annexure-17.
Counsel further submits that against the said order, the



petitioner preferred an appeal, annexed as Annexure-18, before the Chairman of the Food Corporation of India on 25.08.2015. Counsel further submits that on the petitioner's appeal, an order was passed on 02.02.2016 by the Managing Director again, in exercise of powers conferred under Regulation 72 of the Food Corporation of India Staff Regulations, by which the petitioner's appeal was rejected.

3. Learned Sr. Counsel submits that apparently, it transpires that both orders, i.e., the original order and the appellate order were passed by the concerned Managing Director.

4. In the light of the facts and circumstances of the case, it transpires to this Court that the appellate order is without jurisdiction. A person who passed the original order cannot pass the order on appeal himself. Therefore, without entering into the merits or demerits of the case, this Court sets aside the order dated 02.02.2016, annexed as Annexure- 20, passed by the Managing Director, and directs the Chairman, Food Corporation of India (respondent No. 3), to pass order on the appeal afresh within 90 days from the date of production of the order. At the time of passing the order on appeal, the petitioner shall be at liberty to place any



supplementary pleadings that have developed during the pendency of the writ petition.

5. Accordingly, with the aforesaid direction, the present writ petition stands allowed.

(Dr. Anshuman, J.)

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