

Form J(2)
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**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

Present:

The Hon'ble Justice Aniruddha Roy

WPA 14419 OF 2025

Gama Singh Yadav

Vs.

Food Corporation of India & Ors.

For the petitioner : Mr. Victor Chatterjee, Adv.

For the Respondents : Mr. Devajyoti Barman, Adv.
Ms. Sanjukta Basu Mallick, Adv.

Heard on : September 18, 2025

Judgment on : September 18, 2025

Aniruddha Roy, J. :

1. Affidavit-of-service, filed in Court today, is taken on record.
2. Mr. Victor Chatterjee, learned Advocate appears for the petitioner.
3. Mr. Devajyoti Barman, leaned Advocate appears for the FCI/respondents.
4. On the prayer of Mr. Victor Chatterjee, learned Advocate appearing for the petitioner leave is granted to file supplementary affidavit to the petitioner. The supplementary affidavit filed today in Court, is taken on

record. Copy has been served upon the learned Advocate appearing for FCI today in Court.

Facts :

5. Through this writ petition the petitioner has challenged the initiation of a disciplinary proceeding followed by the charge sheet dated **June 10, 2025, Annexure-P11 at page 44** to the writ petition. Article of Charges are appended to the charge sheet at **page 46** to the writ petition.
6. The petitioner is an employee of FCI. The three sets of charges, appearing from the Article of Charges according to the petitioner, are preconceived, predetermined and the alleged misconduct mentioned therein is not in conformity with the provisions laid down under **Clause 15** of the relevant standing order.

Submissions :

7. Learned Advocate Mr. Victor Chatterjee appearing for the petitioner submits that, the promotion of the petitioner took place in **2013** and the surreptitious complaints were lodged in **2022**, on the basis whereof the disciplinary proceeding has been initiated.
8. The petitioner has already received a Show Cause Notice dated **December 6, 2024** at **page 35** to the writ petition, to which the petitioner has replied by his letter dated **January 6, 2025 at page 41** to the writ petition.
9. Learned Advocate for the petitioner further submits that, on a plain reading of the alleged charges it appears that, contemporaneous and

existing records appended to the writ petition would clearly demonstrate the initiation of the disciplinary proceeding followed by issuance of the said charge sheet is without application of mind and is a result of *mala fide* exercise of power on the part of the employer. The entire proceeding including the charge sheet, according to Mr. Chatterjee, is wholly illegal and without jurisdiction. The charges are stale.

10. Mr. Devajyoti Barman, learned Advocate appearing for FCI has opposed this writ petition on the principal plea that, the charge sheet does not show something, *ex facie* on the face of it, for which the same should be interfered with by this Writ Court. The jurisdictional authority had initiated the disciplinary proceeding and issued the charge sheet following the same. The petitioner has not yet replied to the charge sheet, instead applied through this writ petition.

11. Learned Advocate Mr. Barman appearing for FCI has taken the point of demurer on the ground that, the disputes out of which the disciplinary proceeding arose, which has culminated into the charge sheet, as of now, is an industrial dispute and this Court is not the forum to deal with the same. The writ petition is premature.

Decision :

12. After considering the rival contentions of the parties and upon perusal of the materials on record, this Court first reiterates the law governing the field.

13. A constitutional Court in exercise of its power under Article 226 of the Constitution of India shall not interfere with the charge sheet, unless an *ex facie* illegality or a clear jurisdictional error is apparent on the face of it. When a charge sheet has been issued, the petitioner would have ample opportunity to defend the charges following the principle of natural justice. Considering the charges mentioned in the Article of Charges, if a Writ Court finds that factual inquiries are necessary, then the Writ Court shall not interfere with the same.
14. In the light of the above settled proposition of law, the case made out in the writ petition is taken up for a scrutiny by this Court.
15. On a plain reading of the charges appearing in the Article of Charges appended to the charge sheet, it appears to this Court that, unless a detail fact-finding inquiry is made upon granting proper opportunity of witness action of the relevant witnesses, the charges cannot be adjudicated upon. Conducting such a fact-finding inquiry is not the job of this Constitutional Court in exercise of its prerogative Writ jurisdiction, which is otherwise a summary proceeding.
16. The charge sheet on the face of it does not show that, the same suffers from any jurisdictional error or that any *mala fide* is apparent on the face of it at the instance of the employer.
17. If the Article of Charges are tried before the disciplinary authority strictly in accordance with law, the petitioner would have adequate opportunity to defend the charges.

18. In view of the foregoing reasons and discussions, this Constitutional Court in exercise of its power under Article 226 of the Constitution of India is of the considered and firm view that, ***this is not the stage*** where the said disciplinary proceeding followed by the charge sheet with the Article of Charges appended thereto ***should be interfered with.***
19. However, in compliance with the principle of natural justice and for the ends of justice, the petitioner shall be at liberty to file his detailed reply in answer to the charge sheet positively within a period of ***four weeks*** from date.
20. The adjudicating authority then upon prior notice to the petitioner shall commence the hearing of the disciplinary proceeding positively within ***two weeks*** from the date of receiving reply from the petitioner and then shall come to its logical conclusion on the same positively within a period of ***eight months*** from the date of the ***first hearing*** of the disciplinary proceeding.
21. It is needless to mention that, opportunity of hearing shall be granted to the petitioner and the conclusion of the disciplinary proceeding must be followed by a reasoned order to be passed by the adjudicating authority, strictly in accordance with law.
22. It is made clear that, this Court has not gone into the merits of the allegations and counter allegations of the parties and the parties shall be at liberty to urge all their respective points in the disciplinary proceeding before the adjudicator by relying upon whatever records and

documents they wish to rely upon but the same shall not travel beyond the scope of the Article of Charges, already framed.

23. The adjudicating authority while conducting the disciplinary proceeding shall not grant any unnecessary adjournment.
24. With the above observations and directions, this writ petition, **WPA 14419 of 2025** stands **disposed of**, without any order as to costs.
25. The parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Aniruddha Roy, J.)