



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-901-2023
Date of decision: 11.02.2025

AMIT KUMAR

.....Petitioner

VERSUS

FOOD CORPORATION OF INDIA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. D.S. Patwalia, Senior Advocate with
Mr. Armaan Dahiya, Advocate
for the petitioner.

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

VINOD S. BHARDWAJ, J. (Oral)

Challenge raised in the present petition is to the proceedings pertaining to charge sheet dated 29.09.2021 as well the order dated 17.05.2022 whereby punishment of compulsory retirement from service has been imposed upon the petitioner. A subsequent prayer has also been made for seeking quashing of the order dated 23.11.2022 passed by the Appellate Authority upholding the order passed by the punishing authority.

2. A preliminary objection has been raised by the Counsel appearing on behalf of the respondent-Food Corporation of India to the effect that as per the FCI (Staff) Regulations, 1971, Regulation 74 provides for a statutory review before the Board of Directors. The said remedy has not been availed and a preliminary objection to the said effect has also been raised by them in the reply.

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3. Responding to the above, Counsel for the petitioner has relied upon the E-mail received by him from the official as per which the reviewing authority is stated to be the Chairperson. He thus contends that it was for the said E-mail that the present writ petition has been filed. Learned Senior Counsel for the petitioner, however, does not dispute that the E-mail shall not confer the authority to be exercised under the Regulation 74 of the FCI (Staff) Regulations, 1971 and it is on the authority which is actually vested with the said power i.e. the Board as defined under Section 2 (b) of the FCI Regulations, 1971 which is competent.

4. Counsel for the respondent-FCI himself submits that the statutory power of review as to the Board of Directors which is an authority higher than the Chairperson is the Appellate Authority in its ex-officio capacity.

5. In view of the efficacious alternative remedy available to the petitioner, the present writ petition is disposed of at this juncture without commenting on the merits of the case and with a direction to the respondent to treat the present writ petition as a review petition and to pass a reasoned and speaking order thereupon after granting an opportunity of hearing to the petitioner within a period of three months from receipt of certified copy of this order.

(VINOD S. BHARDWAJ)
JUDGE

FEBRUARY 11, 2025*Vishal Sharma*

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No