



214

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

LPA-1446-2019 (O&M)

Date of Decision: 27th October, 2025

THE EXECUTIVE DIRECTOR (NORTH), FOOD CORPORATION OF INDIA, ZONAL OFFICE (NORTH), A-2A-2B, SECTOR 24, NOIDA, UTTAR PRADESH AND OTHERS

.....Appellant(s)

V/s

INDER SINGH EX. AG-III (D) (SINCE DIED) THROUGH HIS TWO LEGAL REPRESENTATIVES (I) SMT. BALWINDER KAUR AND (II) SH. SHALINDER SINGH.

.....Respondent(s)

CORAM: **HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA**
HON'BLE MR. JUSTICE ROHIT KAPOOR

Present Mr. K.K. Gupta, Advocate for the appellants-FCI.

None for the respondent(s).

ASHWANI KUMAR MISHRA, J. (Oral)

1. This Appeal is by the Food Corporation of India, assailing the judgment dated 23.10.2017, passed by the learned Single Bench, whereby the benefit of selection grade has been extended to the respondent/writ petitioner (Inder Singh) from 03.02.2004 till his attaining the age of superannuation on 31.12.2010.

2. The undisputed facts of the case are that the benefit of selection grade was extended to the respondent-writ petitioner (Inder Singh) on 13.12.2002, but its actual benefit was not released on account of pendency of two disciplinary proceedings which were initiated against him on 09.07.2002 and 28.10.2002. These disciplinary proceedings ultimately concluded with imposition of penalty on the respondent-writ petitioner on 06.01.2003 and 02.02.2004 respectively. The penalty was in the nature of

recovery as also issuance of warning. The respondent-writ petitioner was ultimately promoted to the post of Assistant Grade-II (D) on 24.01.2005. However, he did not accept the promotion and continued to work on his previous post till he attained the age of superannuation on 31.12.2010. It is in this context that the cause was brought before the Court in the year 2015 for extending the benefit of selection grade to the respondent-writ petitioner. The claim of the respondent-writ petitioner has been allowed by the learned Single Bench vide the order impugned.

3. Learned counsel for the appellant-FCI submits that the benefit of selection grade was on account of stagnation in respective grade/scale and since, actual promotion was already granted to the respondent-writ petitioner in January 2005, which the respondent refused to accept, as such there was no case of stagnation and consequential benefit of higher pay scale was inadmissible.

4. During the pendency of the Appeal, respondent-writ petitioner has died. The legal representatives of the respondent-writ petitioner have been substituted. Notices upon the substituted respondents have been held to be sufficient. None appeared on their behalf. In such circumstances, we proceed to adjudicate the matter on merits, without the assistance extended on behalf of the substituted respondents.

5. It is by now well settled that the benefit of selection grade in the Food Corporation of India, vide circular dated 30.12.1992, was with an intent to evade the hardship caused on account of stagnation in respective grade/scale. The exigency, in which such selection grade is to be extended, is dependent upon the existence of necessary condition i.e. stagnation in

respective grade/scale. In a case where it is found that actual promotion has been offered to an employee and he/she refuses to accept such promotion, the benefit of selection grade cannot be extended to him/her. This is so as no stagnation is shown to exist. Once that be the position, as is admitted in the facts of the present case, the claim of the respondent-writ petitioner for grant of selection grade could not have been allowed by the learned Single Bench.

6. For the reasons aforesaid, this Appeal succeeds and is **allowed**. The impugned judgment dated 23.10.2017 of the learned Single Bench is set aside. The Writ Petition consequently stands dismissed.

7. All pending applications in this case, if any, are disposed of accordingly.

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

October 27, 2025
Ess Kay

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>