2025:PHHC:076049

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

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**RSA-4228-2014 (O&M)
DECIDED ON:02.05.2025**

FOOD CORPORATION OF INDIA & OTHERS

...APPELLANTS

VERSUS

BRIJ MOHAN ARORA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ish Puneet Singh, Advocate
for the appellants.

Mr. Sandeep Khunger, Advocate and
Mr. Saksham Khunger, Advocate
for the respondent.

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SANDEEP MOUDGIL, J

1. Prayer

The present appeal has been preferred against the judgment and decree dated 15.01.2014 passed by learned Additional District Judge, Amritsar whereby, a well reasoned judgment and decree dated 06.01.2011 passed by learned Additional Civil Judge (Sr. Division), Amritsar has been set aside.

2. Facts

The respondent-plaintiff, Brij Mohan, instituted a civil suit seeking a declaration that he was illegally reverted from the post of Technical Assistant-I (TA-I) to Technical Assistant-II (TA-II) by the Food Corporation of India (FCI), and that such reversion was arbitrary, without jurisdiction, and

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violative of the principles of natural justice and the FCI (Staff) Regulations, 1971.

It is the case of the respondent-plaintiff that he initially joined the services of FCI on 28.03.1972 as Technical Assistant-III (TA-III), and was thereafter promoted to the post of TA-II on 07.08.1976 and subsequently to the post of TA-I on 29.12.1984 pursuant to orders issued by the Zonal Manager. While posted at FSD Bhagtanwala, District Amritsar, in the capacity of TA-I, the respondent-plaintiff was served with a charge-sheet alleging failure to maintain absolute integrity and devotion to duty. The specific allegation was that he had accepted BRL (Below Rejection Limit) stock of raw 'A' grade rice in contravention of established norms and thereby caused pecuniary loss to the Corporation. It was further alleged that the stock was accepted under the supervision of D.K. Sharma, Assistant Manager (Quality Control), and during a surprise inspection by officials from the CBI and FCI on 06.02.1999, samples were drawn from stock no. 3-8/3 in the presence of the respondent-plaintiff and forwarded to CLR Dehradun for analysis. The analysis allegedly confirmed the stock to be of BRL quality. Consequently, a charge-sheet dated 01.03.2001 was issued against both the respondent-plaintiff and Shri D.K. Sharma, and a joint departmental inquiry was conducted by Lt. Col. J.L. Kapoor (Retd.), the Inquiry Officer. The respondent-plaintiff contested the veracity of the sample analysis on the ground that while the charge-sheet referred to samples being analyzed by CLR Dehradun, the report produced during inquiry was from CFL Dehradun. Furthermore, the certificate of analysis from CFL Ghaziabad was dated 26.05.1999, whereas the letter from the Superintendent of Police, CBI, Chandigarh, referred to an analysis report dated 24.05.1999. These inconsistencies, coupled with the omission of the name of the centre to which the samples pertained, cast serious doubt on

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the reliability of the analysis report. It was also contended that the stock had been jointly analyzed by officials from the DFSC department at the time of acceptance and had been found to be conforming to specifications. The said stock was thereafter issued through the normal channel as per the priority list prepared by the Assistant Manager (QC), and no quality-related complaints were received from the consignee. Therefore, the Corporation did not suffer any financial loss. Despite the above, the Inquiry Officer, vide report dated 29.09.2001, returned a finding of guilt against the respondent-plaintiff. It is alleged that the findings were reached with a closed and prejudiced mind. The respondent-plaintiff was given an opportunity to submit his comments on the inquiry report; however, the points raised by him on merits were not duly considered. Consequently, the Senior Regional Manager, FCI, vide order dated 20.12.2001, imposed upon the respondent-plaintiff the penalty of reversion to the lower time scale of TA-II for a period of two years, with the stipulation that during the said period, he would draw pay at the stage applicable to him had he not been promoted, and that after the expiry of the said period, he would be eligible for promotion subject to his suitability.

It is the specific contention of the respondent-plaintiff that the aforementioned punishment order was passed without jurisdiction and in contravention of the mandatory provisions of the FCI (Staff) Regulations, 1971, and the principles of natural justice.

It is also alleged that Shri J.L. Kapoor, the Inquiry Officer, returned similar findings of guilt against Shri D.K. Sharma on the same charges. However, Shri D.K. Sharma preferred an appeal against the order of punishment passed by the Zonal Manager (North Zone) before the Managing Director, FCI, who accepted the appeal, set aside the order of punishment, and exonerated Shri D.K. Sharma after considering the same points of defence.

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Aggrieved by the order dated 20.12.2001, the respondent-plaintiff preferred an appeal before the Zonal Manager, which was dismissed. Thereafter, he submitted a review petition through proper channel before the Managing Director, FCI, on 10.11.2004, but no decision has been taken on the same till date. In these circumstances, the present suit came to be instituted.

3. Submissions
On behalf of appellant-FCI

Learned counsel for the appellant-FCI has submitted that the impugned judgment and decree is legally unsustainable, being contrary to established service law principles and the facts on record. It is contended that the disciplinary proceedings against the respondent-plaintiff were conducted lawfully, in accordance with the FCI (Staff) Regulations, 1971, and in compliance with the principles of natural justice.

It is asserted that the respondent, while serving as TA-I at FSD Bhagtanwala, was found responsible for accepting Below Rejection Limit (BRL) stocks of 'A' grade rice, thereby violating quality standards and causing potential financial loss to the Corporation. A CBI-FCI joint inspection on 06.02.1999 led to the sampling and subsequent testing of rice, which confirmed substandard quality.

A joint charge-sheet dated 01.03.2001 was issued to the respondent and one D.K. Sharma (AM-QC), and a common inquiry was conducted by an independent Inquiry Officer, Lt. Col. J.L. Kapoor (Retd.), who found the charges proved. The respondent was given full opportunity to defend himself, and a penalty of reversion to TA-II for two years was imposed by the Senior Regional Manager, who is the competent authority.

It is argued that minor discrepancies in laboratory names or report dates do not vitiate the inquiry findings. The exoneration of co-charged officer

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D.K. Sharma by the Managing Director does not entitle the respondent to similar relief, as each case depends on individual merits.

Lastly, it is submitted that the civil suit is not maintainable, as courts cannot interfere in disciplinary matters unless there is a jurisdictional defect or gross procedural violation, which is not evident in the present case.

On behalf of respondent-plaintiff

Learned counsel for the respondent-plaintiff contends that the disciplinary proceedings and consequent order of reversion from TA-I to TA-II were arbitrary, without jurisdiction, and in violation of the principles of natural justice and the FCI (Staff) Regulations, 1971. It is submitted that the inquiry was biased, and material irregularities, including inconsistencies in the analysis reports (reference to both CLR and CFL labs with conflicting dates), render the findings unreliable. The respondent asserts that the rice stocks were jointly analyzed with the DFSC department at the time of acceptance and were found to conform to specifications, with no quality complaints received from consignees. Moreover, co-accused Shri D.K. Sharma was exonerated by the Managing Director on identical charges, highlighting discriminatory treatment. It is further argued that the disciplinary authority failed to consider the respondent's detailed representation, and the punishment imposed is therefore illegal, excessive, and liable to be set aside.

4. Analysis & Conclusion

Upon careful consideration of the pleadings, evidence on record, and rival submissions advanced by learned counsel for both parties, this Court is of the considered view that the appeal is devoid of merit and deserves to be dismissed.

The respondent-plaintiff has successfully demonstrated that the disciplinary proceedings suffered from procedural irregularities and violation

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of principles of natural justice. The reliance on laboratory reports which carried conflicting details such as the name of the testing lab (CLR vs. CFL), mismatch in report dates, and lack of clarity regarding sample origin raises serious doubts about the reliability of the core evidence used to establish misconduct. Further, the fact that co-accused Shri D.K. Sharma, charged on identical grounds, was exonerated by the Managing Director of FCI reinforces the respondent's claim of arbitrary and unequal treatment.

It is also apparent that the Disciplinary Authority failed to consider the respondent's defence in a meaningful manner. The stock in question had been jointly analyzed with the DFSC department and accepted as conforming to specifications. No quality complaints were received from consignees, and there is no evidence of actual pecuniary loss caused to the Corporation. These aspects were disregarded in the inquiry as well as in the punishment order dated 20.12.2001.

In light of the above, this Court finds no infirmity in the judgment and decree dated 15.01.2014 passed by the learned Additional District Judge, Amritsar and the same is upheld. The appeal, being without merit, is accordingly **dismissed**. No order as to costs.

Pending applications, if any shall also stands disposed off, accordingly.

(SANDEEP MOUDGIL)
JUDGE

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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