

2025:PHHC:105428-DB



LPA-3170-2024 (O&M)

Date of Decision: 13.08.2025

Food Corporation of India Executive Staff Union ...Appellant

Vs.

Food Corporation of India and others ...Respondents

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

Present: Mr. Anurag Chopra, Advocate for the appellant.

Mr. Deepak Gupta, Advocate with
Mr. Avikaran Bansal, Advocate for the respondent (FCI).

ASHWANI KUMAR MISHRA, J. (Oral)

1. This appeal is by the Executive Staff Union of the Food Corporation of India (for short 'the Corporation;'), assailing an order passed by the learned Single Bench dated 21.08.2024, whereby the claim for parity in the number of working days at district level offices with regional /zonal offices, has been rejected.

2. Learned counsel for the appellant contends that the number of working days in a week in the regional offices/zonal offices is only five ,whereas the employees of the district level offices are being called upon to work for six days in a week. It is, therefore, submitted that this amounts to unequal treatment being meted out to the employees of the corporation working at district level and, therefore, the judgment of the learned Single Bench merits interference. In support of his contentions, learned counsel for the appellant placed reliance upon a judgment of the Hon'ble Supreme Court in the case of **Union of India and others vs. Munshi Ram 2024 (4) SCT 699**, wherein, the Hon'ble Supreme Court held as under:-

“7. It cannot be disputed that employees working in different divisions/zones in the Railways are under the very same employer – Railway Board which is under the Ministry of Railways. There are 16 Zones and 68 Divisions in the Railways. Therefore, the employees working under the same employer – Railway Board working in different Zones/Divisions are required to be treated similarly and equally and are entitled to similar benefits and are entitled to the same treatment. As rightly submitted on behalf of the respondents, there cannot be any discrimination inter se. Under the circumstances, on the ground of parity, the Commission Vendors/bearers working in the Northern Railway are entitled to the same benefits which are held to be entitled to all the similarly situated Commission Vendors/Bearers working under different Zones/Divisions. There cannot be different criteria/parameters with respect to similarly situated employees – Commission Vendors/bearers working in different Zones/Divisions, but working under the same employer.”

3. It is submitted that though the judgment in Munshi Ram case (supra) was relied upon by the appellant in the writ petition before the learned Single Bench and the same was also noticed but has not been dealt with in the impugned judgment.

4. Learned counsel for the respondents, on the other hand, contends that the requirement of work in zonal/regional offices vis-à-vis district offices is separate and distinct. So far as zonal/regional offices are concerned, the work is mostly supervisory and administrative in nature, whereas the work at district levels relates to fields for which the employees would be required to work for six days. Learned Single Bench has also taken note of the stand of the respondents according to which the actual working hours in district and regional/zonal offices are almost same inasmuch as the office timings in the regional/zonal offices is 09:30 am to 06:00 pm, whereas in the district offices

it is 10:00 am to 5:30 pm. The narration of facts in this regard is contained in the judgment of the learned Single Bench and the same is reproduced as under:-

“Learned counsel for the respondents has vehemently opposed the prayer and averments made by the petitioners and relied upon the para 6 of the reply to demonstrate that the number of working hours in the Regional Office and District Office are almost same and there is only half an hour difference in timing. Moreso, there is no discrimination or inequality for the reason that the petitioners who are posted in the District Offices have to do field job and the operational requirements require the work of 6 days in a week. Just to bring around parity, the timing and the working hours were reduced in the District Office and their working hours are from 10:00 am to 5:30 pm with a lunch break but in the Regional Office, the timing is from 9:30 am to 6:00 pm with a lunch break and the net effect is only a difference of half an hour in a month.”

5. It is with these observations that the learned Single Bench has proceeded to hold that there is no discrimination meted out to the employees of the corporation working at the district level.

6. Before we proceed to consider the respective contentions, it would be worthwhile to notice that the nature of work which is expected to be performed by an employee will have to be determined by the employer. Though the employer cannot act arbitrarily but it will have the discretion to choose working hours or working days for its employees depending upon the nature of work to be performed. The contention of the employer that at regional/zonal offices the work is primarily administrative in nature while the nature of work in district offices is more of field area and, therefore, distinct nature of duties are required to be performed by respective employees, would constitute a rational basis for specifying separate timings of work as well as

days for its employees. The discretion of the employer to fix days of work as well as determining the office timing depending upon the nature of work, cannot be interfered with lightly.

7. So far as the judgment of the Hon'ble Supreme Court in Munshi Ram is concerned, the Court had taken note of the fact that the Railway is divided into 16 Zones and 68 Divisions and the work performed at all zones and divisions is similar and, therefore, there cannot be discrimination with regard to the conditions of work for such employees. However, the facts of the present case are distinct inasmuch the employer has disclosed the basis for a differential treatment being meted out to the employees posted at district level vis-à-vis regional/zonal levels.

8. This Court would not like to venture any further into the exact nature of work which is performed by each employee at different levels so as to interfere with the decision of the employer in fixing different days of work and timings for the regional/zonal offices vis-à-vis district offices.

9. In such view of the matter, we do not find any perversity in the judgment passed by the learned Single Bench. The appeal fails and is accordingly dismissed.

10. All pending misc. application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

13.08.2025

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1. Whether speaking/reasoned?	:	Yes/No
2. Whether reportable?	:	Yes/No