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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 94/2024 & CM APPL. 6627/2024

FOOD CORPORATION OF INDIA

.....Appellant

Through: Mr. Manoj and Ms. Aparna Sinha,
Advocates.

versus

NARENDER KUMAR & ORS.

.....Respondents

Through: Mr. Vikram Jetly, CGSC with Ms.
Shreya Jetly, Advocate for R-2 and 3.

CORAM:

HON'BLE MR. JUSTICE DINESH MEHTA

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

ORDER

28.11.2025

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1. Learned counsel for the appellant submitted that by way of order dated 29.08.2023, learned Single Judge has allowed the writ petition being ***Writ Petition (C) 12005/2018***, filed by respondent no. 1-Narender Kumar and directed the appellant herein to appoint him as Assistant Grade III (General) at Food Corporation of India (*hereinafter referred as 'FCI'*).
2. He submitted that despite the fact that the result of respondent no. 1-Narender Kumar was withheld, due to inadvertence or otherwise, vide letter dated 11.02.2021, the respondent no. 1 was called for document verification for the appointment to the post of Assistant Grade III (General), at FCI by the appellant, and in furtherance thereto, he appeared before the appellant and informed that he has been appointed by the Education Department, Government of Haryana.
3. On coming to know that the respondent no. 1 has been appointed by the Education Department, Government of Haryana, the appellant asked him



to produce a 'No Objection Certificate' (*hereinafter referred as NOC*) from Education Department, for which, he sought some time and despite giving four months' time to produce NOC, he failed to produce the same. Therefore, respondent no. 1's appointment for the post of Assistant Grade III (General) was cancelled vide office order dated 04.07.2021.

4. Learned counsel submitted that since these facts could not be brought to the notice of the learned Single Judge, when the writ petition being ***Writ Petition (C) 12005/2018*** was being argued. On 15.12.2023, an order came to be passed and he was ordered to be accorded appointment. He further submitted that an application being ***C.M.A No. 64975/2023***, in the nature of a review petition came to be filed before learned Single Judge bringing all those facts to his notice, but learned Single Judge summarily rejected the application vide the impugned order dated 15.12.2023, for which, the appellant has been constrained to prefer the present Letters Patent Appeal.

5. It is to be noted that on 05.02.2024, a Co-ordinate Division Bench had issued notice, while noticing all these facts in detail. In furtherance thereof, respondent no. 1 himself did appear before the Court on 14.11.2024, whereafter he did not turn up.

6. We have every reason to believe that respondent no. 1-Narender Kumar having been appointed in the Education Department, Government of Haryana and despite being granted the opportunity, could not produce the NOC (as claimed by the appellant) and is not interested in the subject appointment and thus, his appointment order stood cancelled on 04.07.2021, (which has been placed on record at page 69, Annexure -7) which does not affect him.

7. It is asserted by the learned counsel for the appellant that said order



dated 04.07.2021 has not been challenged by the appellant. Obviously, because he has got another job in Haryana.

8. As these facts were not known to the appellant (respondent in the writ petition) and, therefore, the Writ Court had decided the writ petition being completely oblivious of these facts. According to us, learned Single Judge ought to have reviewed his order when the appellant brought these facts on record by way of review petition. The Review Petition has been wrongly rejected. We, therefore, allow the present appeal by setting aside the order of learned Single Judge dated 29.08.2023, asking the appellant to give respondent no. 1-Narender Kumar an appointment in order to obviate any action for non-compliance of the order passed by learned Single Judge. The order dated 15.12.2023 passed in Review Petition is also set aside.

9. We are conscious of this fact that neither the respondent no. 1 nor any counsel *etc.*, on his behalf is available to represent, though he has been served.

10. The appeal stands allowed as indicated above.

11. In case, respondent no. 1-Narender Kumar has any grievance or concern about the order instant, he shall be free to move application for revival of the present appeal in accordance with law.

12. The Registry is directed to send a certified copy of the present order to the respondent no. 1 by way of registered post, acknowledgment due.

DINESH MEHTA, J.

VIMAL KUMAR YADAV, J.

NOVEMBER 28, 2025/MR