

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.323 of 2019

In

Civil Writ Jurisdiction Case No.8223 of 2014

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- 1.1. Deepak Kumar Singh Son of Late Devendra Prasad Singh, At present resident of Vill. - Old Bahadurpur, Near Bajar Samiti, P.O.- Rajendra Nagar, P.S.- Bahadurpur, District - Patna.
 - 1.2. Renu Singh, daughter of Late Devendra Prasad Singh, At present resident of Vill. - Old Bahadurpur, Near Bajar Samiti, P.O.- Rajendra Nagar, P.S.- Bahadurpur, District - Patna.
 - 1.3. Ruby Singh, daughter of Late Devendra Prasad Singh, At present resident of Vill. - Old Bahadurpur, Near Bajar Samiti, P.O.- Rajendra Nagar, P.S.- Bahadurpur, District - Patna.
 - 1.4. Reena Singh, daughter of Late Devendra Prasad Singh, At present resident of Vill. - Old Bahadurpur, Near Bajar Samiti, P.O.- Rajendra Nagar, P.S.- Bahadurpur, District - Patna.
 - 1.5. Dheeraj Singh, son of Late Devendra Prasad Singh, At present resident of Vill. - Old Bahadurpur, Near Bajar Samiti, P.O.- Rajendra Nagar, P.S.- Bahadurpur, District - Patna.
 - 1.6. Kevla Devi, Wife of Late Devendra Prasad Singh, At present resident of Vill. - Old Bahadurpur, Near Bajar Samiti, P.O.- Rajendra Nagar, P.S.- Bahadurpur, District - Patna.

... .. Petitioner/s

Versus

1. Syalin Abbasi, the Chairman and Managing Director Food Corporation of India Headquarters,16-20,Barakhamba Lane,New delhi-110001
2. B.Subha Laxmy ,The Executive Director(East zone) Food Corporation of India,10A,Middlelon Row,Kolkata-700071
3. Avinash Kumar The General manager(Law) Food Corporation of India,Arunachal Building,exhibition Road,Patna-800001

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajeev Shekhar, Advocate Mr.Abhay Kumar Thakur, Advocate Mr.Arunendra Kumar Thakur, Advocate Mrs.Sukriti Kumari, Advocate
For the Opposite Party/s :		Mr.Prabhakar Tekriwal
For the FC -9	:	Mr.P.K.Verma, Sr. Advocate Mr.Dr.Mankeshwar Tiwari, Advocate Mr.Sanjay Kumar Ghosarveri, Advocate Mr.Saurav Kumar Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR

ORAL ORDER

13 08-05-2026

Heard the learned counsel for the parties.



2. The present contempt petition has been filed for non-compliance of order dated 29.06.2018 passed in C.W.J.C. No. 8223 of 2014, whereby the order passed by the Departmental authorities contained in Annexures-5, 7 and 10 to the writ petition were found to be not sustainable and were quashed. The respondent no. 3/O.P. No.-3 herein was directed to pay gratuity and earned leave amount and other terminal benefits of the petitioner within three months from the date of receipt/production of copy of the order. No interest was awarded on the amount of gratuity, earned leave and terminal benefits, if the same will be paid within three months and it was further directed that if same was not paid within three months then the amount will carry simple interest @ 8% per annum.

3. It appears that when the order was not being complied with, the deceased petitioner filed the present contempt petition. During pendency of the contempt petition, he died leaving behind his legal heirs, who were substituted vide order dated 05.10.2023. A show-cause and supplementary show-cause have been brought on record by the O.P. No. 3.

4. From perusal of the supplementary show-cause filed on behalf of O.P. No. 3, it would appear that three separate departmental proceedings were initiated against the deceased



petitioner.

5. In the first departmental proceeding, he was held guilty and vide Memo No. 4149 dated 24.07.2012, the order of dismissal from service and forfeiture of terminal benefits, including gratuity was passed. In another departmental proceeding which is related to the gross delay of more than two months in submitting factual report of paddy procurement at the Dumrao P.P.C., the penalty order was passed and same was challenged by filing C.W.J.C. No. 8223 of 2014. The writ petition was allowed and the L.P.A. and S.L.P. filed by the Food Corporation of India was also dismissed. For compliance of the said order, the present contempt petition has been filed.

6. In the second departmental proceeding, the deceased was chargesheeted and held guilty for the charges. He was awarded penalty of dismissal from service and forfeiture of terminal benefits, including gratuity vide Memo No. 4157-60 dated 24.07.2012. The deceased employee filed appeal before the Managing Director of the Food Corporation of India which was disposed of by order dated 16.05.2013, whereby the order passed by the disciplinary authority was modified and the penalty of removal from service and forfeiture of terminal benefits, including gratuity was passed. It has specifically been



pointed out that the petitioner did not challenge the order passed by the appellate authority on 16.05.2013, thereby the same attained finality.

7. It has further been stated that in the third departmental proceeding, which was initiated on 02.06.2011, the delinquent deceased petitioner was found guilty of the charges and was awarded penalty of reduction in rank at the initial post of AG-I (depot). Further, the period under suspension from 17.03.2011 to 02.06.2011 was directed to be treated as not spent on duty. A departmental appeal was filed and vide order dated 02.08.2017, the appeal was kept in abeyance. The petitioner never questioned the penalty orders before any Court and therefore, the order of penalty attained finality.

8. The learned Senior counsel for the O.P. No. 3 submits that the supplementary affidavit filed by the legal heirs of the deceased petitioner on 12.02.2026, in the present case, with regard to unpaid dues of the deceased petitioner was examined. It was found that the entire pay and salary for the period, during which he remained in service has been paid to him. Further the amount relating to terminal benefits including gratuity was forfeited, in view of the penalty, which was imposed in the second departmental proceeding, which



according to him was never questioned by the employee and has attained finality. Thus, the terminal benefits including gratuity has been forfeited by the Opposite Parties herein. He further submits that so far the contributory provident fund amount of the deceased petitioner is concerned, the same has been paid to the deceased petitioner in the year 2012 and the details have been mentioned in para no. 7(i) to (iv) of the affidavit filed on 08.04.2026. He further submits that in view of the second penalty order, now nothing remains to be paid to the deceased petitioner.

9. Per contra, the learned counsel appearing on behalf of the petitioners submits that once a dismissal order was passed against the deceased petitioner, there was no question of passing any further punishment order and once the order of dismissal was interfered with and quashed by the Hon'ble Single Judge of this Court, there is no question of challenging another order, which is said to have been pending against the deceased petitioner. He submits that the deceased petitioner is entitled for all the terminal benefits and gratuity in terms of the order passed by the writ Court in CWJC No. 8223 of 2014.

10. Having heard the learned counsel for the parties and on perusal of materials available on record, this Court is of



the opinion that once the order of punishment is there, whether it is a right order or wrong order, it cannot be seen contempt jurisdiction. In view of the of penalty existing in favour of the deceased petitioner and the same has never been challenged, which has not been disputed by the petitioners herein, this Court is of the opinion that no contempt will lie against the Opposite Parties herein. Accordingly, the present contempt petition is dismissed.

(Ritesh Kumar, J)

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