

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4123 of 2026

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Ankush Agarwal Son of Late Arun Kumar Agarwal, Resident of Ward No. 1,
Ujiyarpur, Post Office- Ujiyarpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The Food Corporation of India through its Managing Director, 16-20, Barakhamba Lane, New Delhi- 110001.
2. The Managing Director, Food Corporation of India, 16-20, Barakhamba Lane, New Delhi- 110001.
3. The Executive Director (East), Food Corporation of India, Kolkata.
4. The General Manager (Region), Food Corporation of India, Arunachal Bhawan, 3rd and 4th Floor, Exhibition Road, Patna, 800001.
5. The Divisional Manager, Food Corporation of India, Hajipur Division, Hajipur (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. P.K Shahi, Sr. Advocate
	:	Mr. Sanjeet Kumar, Advocate
	:	Mr. Pranav Ranjan, Advocate
	:	Mr. Aditya Dev, Advocate
For the Respondent/s	:	Mr. Sanjay Kumar, Advocate
For the FCI	:	Mr. Brajesh Verma, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 20-07-2026

Heard learned counsel for the parties.

2. The following reliefs have been sought by the
petitioner in the present writ application:-

“1. That the present writ application is being



filed for quashing of the order bearing No. RO BR-16.00110/11/2024 dated 26.12.2025. issued under the signature of Regional Manager (Region), from Regional Office. Patna by which the petitioner who was working as Handling-cum-Transportation Agent, PWS Daraunda, by which the agreement executed for the period from 08.07.2024 to 07.07.2026, has been cancelled with immediate effect, and further direction has been issued that the work for the remaining period, shall be completed on the cost of the petitioner by appointing another contractor and the entire security money is being forfeited and further the petitioner has been debarred from participating in Tender of the Corporation for 2 Years.

2. That the petitioner further prays for direction upon the respondents to permit the petitioner to complete the work as Handling-cum-Transporting Agent for PWS Daraunda, for the entire period of agreement for which agreement was signed on 06.07.2024 and the period of agreement is valid for the period from 08.07.2024 up to 07.07.2026.

3. That the petitioner further prays for direction upon the respondents to pay the following amount, which have been illegally recovered/withhold either which were deposited by the petitioner, at the time of signing of the agreement or, have been recovered from the running bills of the petitioner, details of which are follows:-

(I) SD Amount- Rs. 26,66,100/-

(II) BG Amount Rs. 53,32,400/-

(III) Bills Rs. 6,00,000/-

(IV) Additional Recovery- Rs. 3,87,000/-

3. The case of the petitioner is that pursuant to the Notice Inviting Tender dated 04.11.2024, issued by the Regional Office of the Food Corporation of India, Patna, the petitioner



participated in the tender process and was declared successful in both the technical and financial bids. Thereafter, an agreement was executed and a work order was issued in favour of the petitioner for a period of two years. According to the petitioner, although several notices alleging inadequate deployment of labour, delay in unloading and transportation of food grains, and violations of the provisions of the Model Tender Form (MTF) were issued by the authorities from time to time, the petitioner submitted replies and representations explaining that the delays were attributable to factors beyond his control, including the poor condition of the approach road, inadequate infrastructure at the PWS Godown, delayed opening of the godown, and lack of advance intimation regarding arrival of rakes. It is further the petitioner's case that the respondent authorities proceeded to terminate the contract, forfeit the security deposit, debar the petitioner from future tenders and impose other consequential penalties without duly considering his explanations and representations, thereby violating the principles of natural justice. Aggrieved thereby, the petitioner has preferred the present writ petition seeking quashing of the impugned order of termination and the consequential actions.

4. Mr. P.K. Shahi, learned senior counsel for the



petitioner submits that the impugned order is primarily founded upon an enquiry report which was neither supplied to the petitioner nor prepared in his presence. It is submitted that the enquiry was conducted behind the petitioner's back without affording him any opportunity to participate or rebut the allegations, yet the findings thereof have been relied upon for terminating the contract, forfeiting the security deposit and debarring the petitioner. It is further submitted that the petitioner's detailed replies and representations explaining the actual difficulties faced in execution of the work were not considered, rendering the impugned order arbitrary and violative of the principles of natural justice.

5. It is further submitted that the petitioner had consistently pointed out that the delay in execution of the work was attributable to factors beyond his control, including poor approach roads, inadequate infrastructure and non-cooperation at the PWS Godown, and had repeatedly requested the authorities to conduct a physical inspection. However, without considering these aspects, the respondents proceeded to pass the impugned order. It is, therefore, prayed that the impugned order be set aside.

6. Per contra, learned counsel appearing on behalf of



the respondent-Food Corporation of India submits that the petitioner repeatedly failed to ensure deployment of adequate labour and vehicles, resulting in delay in unloading foodgrains, imposition of demurrage and wharfage charges, financial loss to the Corporation and disruption of public welfare schemes. Accordingly, after affording due opportunity of hearing, the competent authority rightly invoked the relevant provisions of the MTF and terminated the contract, forfeited the security deposit and debarred the petitioner.

7. Learned counsel further submits that the petitioner's challenge founded on the enquiry report is misconceived. According to the respondents, the enquiry report was merely an internal fact-finding exercise undertaken for administrative purposes and the impugned order is not founded solely upon the said report but on a series of contemporaneous records, repeated notices, operational reports and the petitioner's admitted defaults. It is submitted that the substance of the allegations was duly communicated to the petitioner through the show cause notices, adequate opportunity was afforded to submit his explanation and, therefore, there is no violation of the principles of natural justice.

8. The limited issue which arises for consideration



before this Court is as to whether the impugned order of termination, forfeiture of security deposit and debarment is vitiated on account of violation of the principles of natural justice, particularly on the ground that the enquiry report relied upon by the respondents was not supplied to the petitioner before passing the impugned order.

9. The principal contention advanced on behalf of the petitioner is that the impugned order of termination of contract, forfeiture of security deposit and debarment is vitiated for non-compliance with the principles of natural justice, inasmuch as the enquiry report, which forms the basis of the impugned action, was never supplied to the petitioner despite specific reliance being placed thereon. It is the petitioner's case that although the show cause notice dated 14.11.2025 specifically referred to an enquiry report and stated that the same was being enclosed, no such report was ever furnished, thereby depriving the petitioner of an effective opportunity to rebut the findings recorded therein before the impugned order came to be passed.

10. On the other hand, the respondents have contended that the enquiry report was merely an internal fact-finding exercise undertaken for administrative purposes and that the impugned order is founded not solely on the said report but



also on repeated notices, operational records and the petitioner's persistent defaults under the contract.

11. Having considered the rival submissions and perused the materials available on record, this Court finds that the show cause notice dated 14.11.2025 admittedly refers to an enquiry report relating to the alleged operational lapses and abnormal demurrage charges and proposes action against the petitioner on the basis of the allegations contained therein. The petitioner has consistently asserted that though the notice mentioned that the enquiry report was enclosed, the same was never supplied to him. Significantly, the respondents have not produced any material to demonstrate that a copy of the enquiry report was ever furnished to the petitioner before passing the impugned order.

12. Once the respondents chose to rely upon the enquiry report while initiating the proposed action and the competent authority took the same into consideration while passing the impugned order, fairness demanded that the petitioner be supplied with a copy thereof. Merely informing the petitioner of the proposed action through various show cause notices cannot substitute the requirement of furnishing the very material relied upon by the authority for arriving at its



conclusion. Without access to the enquiry report, the petitioner was deprived of an effective opportunity to controvert its findings or explain the circumstances recorded therein.

13. The Constitution Bench of the Hon'ble Supreme Court in *Managing Director, ECIL v. B. Karunakar, reported in (1993) 4 SCC 727*, has categorically held that where the disciplinary authority relies upon an enquiry report before imposing civil consequences, the delinquent is entitled to receive a copy of such report before the final decision is taken so as to enable him to make an effective representation. The Court held that denial of the enquiry report amounts to denial of reasonable opportunity and violates the principles of natural justice. The relevant part of the said order reads as follows:

“26. The reason why the right to receive the report of the enquiry officer is considered an essential part of the reasonable opportunity at the first stage and also a principle of natural justice is that the findings recorded by the enquiry officer form an important material before the disciplinary authority which along with the evidence is taken into consideration by it to come to its conclusions. It is difficult to say in advance, to what extent the said findings including the punishment, if any, recommended in the report would influence the disciplinary authority while drawing its conclusions. The findings further might have been recorded without considering the relevant evidence on record, or by misconstruing it or unsupported by it. If such a finding is to be one



of the documents to be considered by the disciplinary authority, the principles of natural justice require that the employee should have a fair opportunity to meet, explain and controvert it before he is condemned. It is negation of the tenets of justice and a denial of fair opportunity to the employee to consider the findings recorded by a third party like the enquiry officer without giving the employee an opportunity to reply to it. Although it is true that the disciplinary authority is supposed to arrive at its own findings on the basis of the evidence recorded in the inquiry, it is also equally true that the disciplinary authority takes into consideration the findings recorded by the enquiry officer along with the evidence on record. In the circumstances, the findings of the enquiry officer do constitute an important material before the disciplinary authority which is likely to influence its conclusions. If the enquiry officer were only to record the evidence and forward the same to the disciplinary authority, that would not constitute any additional material before the disciplinary authority of which the delinquent employee has no knowledge. However, when the enquiry officer goes further and records his findings, as stated above, which may or may not be based on the evidence on record or are contrary to the same or in ignorance of it, such findings are an additional material unknown to the employee but are taken into consideration by the disciplinary authority while arriving at its conclusions. Both the dictates of the reasonable opportunity as well as the principles of natural justice, therefore, require that before the disciplinary authority comes to its own conclusions, the delinquent employee should have an opportunity to reply to the enquiry officer's findings. The disciplinary authority is then required to consider the evidence, the report of the



enquiry officer and the representation of the employee against it.”

14. In the present case, although the respondents have sought to contend that the enquiry report was only an internal document, the fact remains that the said report has been specifically referred to in the show cause notice and forms part of the material considered by the competent authority while passing the impugned order. Once such reliance has been placed upon the enquiry report, its non-supply cannot be treated as an inconsequential procedural irregularity. The petitioner was entitled to know the contents of the report so as to effectively answer the allegations before any adverse action affecting his contractual rights and civil consequences was taken against him.

15. This Court, therefore, is of the considered opinion that the decision-making process stands vitiated for failure to furnish the enquiry report relied upon by the respondents, thereby denying the petitioner an effective opportunity of hearing in violation of the principles of natural justice.

16. Accordingly, the issue is answered in favour of the petitioner.

17. In view of the aforesaid, order dated 26.12.2025 (Annexure- P/1) is hereby, set aside.

18. The matter is remitted to the concerned authority



with a direction to furnish a copy of the enquiry report to the petitioner. Thereafter, the authority shall give the petitioner an opportunity of personal hearing and pass a fresh, reasoned order in accordance with law.

19. Accordingly, the present writ application stands allowed.

20. Pending application (s), if any, shall also stand disposed of.

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

Suruchi/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	27.07.2026
Transmission Date	NA

