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

+ **W.P.(C) 12645/2022 & CM APPL. 38368/2022**

KEDARNATH MALLICK

.....Petitioner

Through: Mr. Tarunveer Singh Taggar and Mr.
Tushar Ranjan Mohanty, Advocates.

versus

FOOD CORPORATION OF INDIA

.....Respondent

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

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

17.02.2026

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1. The present petition was filed challenging the major penalty charge-sheet dated 11th April, 2022. While issuing notice on 1st September, 2022, this Court directed that the inquiry proceedings may continue and a final order may be passed; however, the same shall not be implemented without the leave of this Court.
2. The challenge was premised on several grounds, including delay in initiation of the inquiry proceedings, which, according to the Petitioner, caused him substantial prejudice.
3. Notwithstanding the alleged prejudice, the Petitioner participated in the proceedings. It is now undisputed that the said charge-sheet culminated in an inquiry report dated 19th December, 2022, wherein the articles of charge were not proved. The Petitioner has handed over a copy of the rejoinder along with a copy of the inquiry report dated 19th December, 2022,



which is taken on record.

4. Despite the inquiry report being favourable to the Petitioner, the Disciplinary Authority, by a disagreement memorandum dated 13th March, 2023, disagreed with the findings of the Inquiry Officer in respect of Article No. 2 and, accordingly, by order dated 31st October, 2023, imposed the penalty of compulsory retirement upon the Petitioner. A copy of the order dated 31st October, 2023 has been supplied to counsel for the Petitioner. A copy has also been handed over across the board and is taken on record.

5. In view of the fact that the charge-sheet has culminated in an inquiry report in favour of the Petitioner, the Court finds no basis to further examine the challenge to the charge-sheet itself. The Petitioner's grievance now survives only in respect of the decision taken by the Disciplinary Authority, for which the Petitioner has an appropriate remedy.

6. The impugned order had earlier been directed not to be given effect to. The order records that no recovery is to be effected from the gratuity or pension payable to the Petitioner. In view thereof, no further orders on the interim protection are called for.

7. The Petitioner now has the remedy of filing a statutory appeal before the Chairman, FCI.

8. Accordingly, the present petition is disposed of with liberty to the Petitioner to avail the statutory appeal within the prescribed period commencing from today. In the event the Petitioner's grievance remains unredressed, he shall be at liberty to avail appropriate remedies in accordance with law.



9. The petition is disposed of along with pending application.

SANJEEV NARULA, J

FEBRUARY 17, 2026

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