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

\# **CNR No. DLHC010496262026**

\+ LPA 843/2026 & CM APPL. 71535/2026, CM APPL. 71536/2026, CM APPL. 71537/2026

FOOD CORPORATION OF INDIA .....Appellant

Through: Mr. Manoj, Ms. Aparna Sinha, Advs.

versus

RAJEEV KUMAR MISHRA & ANR. .....Respondents

Through: Mr. Sanjoy Ghosh, Sr. Adv. with Mr. Akshat Hansaria, Adv. for R-1.
Mr. Himanshu Pathak, SPC with Mr. Mohit Gupta, Adv. for R-2.

CORAM:
HON'BLE MR. JUSTICE VIVEK CHAUDHARY
HON'BLE MS. JUSTICE NISHA SAHAY SAXENA

O R D E R

% 27.10.2026

1. The present appeal assails the order dated 03.09.2026 passed by the learned Single Judge in W.P.(C) 10610/2023, whereby the premature retirement of the Respondent No.1 was set-aside and he was directed to be reinstated in service. The appellant was also directed to decide whether it proposed to hold a departmental inquiry and, if so, to do so within the time stipulated in the said impugned order.

2. Heard learned counsel for the parties.

3. After arguing at some length, learned counsel for the appellant submits that grievance of the department in the present appeal will be met, if looking into the facts and circumstances of the case, the respondent no.1 does not attend the office during the pendency of departmental inquiry.

4. Learned senior counsel for the respondent no.1 states that he should be

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given suspension allowances as per law for the said period.

5. In view of the aforesaid, it is directed that respondent no. 1 shall not attend the office till the conclusion of the inquiry proceedings. It is made clear that during the said period, he shall remain under suspension and shall be paid suspension allowance as permissible under law.

6. It is clarified that the period for initiating the departmental inquiry and conclusion thereof, as per the directions of the learned Single Judge, shall be treated to have commenced from today.

7. With the aforesaid modification, the impugned order dated 03.09.2026 passed by the learned Single Judge is affirmed.

8. The appeal is accordingly disposed of. All pending applications also stand disposed of.

VIVEK CHAUDHARY, J

NISHA SAHAY SAXENA, J

OCTOBER 27, 2026/r/nc

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