



2026:CGHC:20840-DB



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 369 of 2026

Kamal Kishor Shondilya S/o Late Shri Balaram Shondilya Aged About 52
Years R/o Bungalow No.31, Dolphin Plaza, Daldalseoni Road, Mowa, Raipur,
District Raipur (C.G.) 492014.

... Appellant

versus

1 - Food Corporation Of India Through The Chairman Cum-Managing
Director, Head Quarter 16-20, Barakhamba Road, New Delhi- 110001.

2 - Review Committee Through The Chairman Cum-Managing Director, Food
Corporation Of India, 16-20, Barakhamba Road, New Delhi- 110001.

3 - Representation Committee Through The Chairman Cum-Managing
Director, Food Corporation Of India, 16-20, Barakhamba Road, New Delhi-
110001.

4 - General Manager (Region) Food Corporation Of India, Vidhan Sabha
Road, Kapa, Raipur, District Raipur (C.G.) 492005.

---- Respondents

(Cause title taken from Case Information System)

For Appellant	:	Mr. Sudeep Johri, Advocate along with Mr. Damrudhar Yadav, Advocate
For Respondents/State	:	Mr. R.S. Patel, Advocate .



Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, C.J.

05/05/2026

1. This writ appeal under Section 2(1) of the Chhattisgarh High Court (Appeal to Division Bench) Act, 2006 has been preferred by the appellant assailing the judgment and order dated 28.02.2026 passed by the learned Single Judge in WPS No. 9001 of 2023, whereby the learned Single Judge, while allowing the writ petition and quashing the order of compulsory retirement dated 01.05.2023 as well as the rejection of representation dated 06.07.2023, directed reinstatement of the appellant in service, however, declined to grant back wages for the intervening period. The present appeal is thus confined to the limited question as to whether the appellant is entitled to full back wages and consequential monetary benefits for the period between the date of compulsory retirement and reinstatement, in the facts and circumstances of the case.
2. The facts of the case in brief are that the appellant was appointed as Manager (Trainee) in the year 2005 in the Food Corporation of India and was subsequently confirmed as Manager (Depot) in 2006. During his tenure, he served at various places and was ultimately posted as Divisional Manager at Bareilly (Uttar Pradesh). Certain anonymous complaints alleging irregularities in procurement were made against him, which were investigated by a Committee headed by the Chief General Manager, Noida, and the allegations were found to be either



incorrect or non-verifiable. A subsequent reinvestigation conducted by senior officers also concluded that the complaints were frivolous. Despite such exoneration, disciplinary proceedings were initiated against the appellant and a charge-sheet dated 15.06.2021 was issued. The Enquiry Officer, however, exonerated the appellant of all charges. Notwithstanding such findings, a penalty was imposed by the Disciplinary Authority.

Thereafter, the appellant was compulsorily retired from service under Regulation 22(2) of the FCI (Staff) Regulations, 1971 vide order dated 01.05.2023. The appellant challenged the said order along with rejection of his representation before the learned Single Judge. The learned Single Judge, after considering the material on record, held that the appellant had not attained the age of 50 years at the time of issuance of the order of compulsory retirement and that the action of the respondents was unsustainable in law. Accordingly, the order of compulsory retirement was quashed and reinstatement was directed, but without back wages, which has led to filing of the present appeal.

3. Learned counsel for the appellant submits that once the order of compulsory retirement has been held to be illegal and has been quashed by the learned Single Judge, the natural and logical consequence ought to have been grant of full back wages along with all consequential benefits. It is contended that the denial of back wages, despite categorical findings regarding illegality, arbitrariness and absence of requisite jurisdictional facts, is contrary to settled principles of law. It is further submitted that in view of the proviso to



Clause 22(2)(A)(ii) of the FCI (Staff) Regulations, 1971, once the order of premature retirement is set aside by a Court of law, the intervening period is required to be treated as spent on duty for all purposes including pay and allowances.

It is also argued that the appellant was fully exonerated in departmental proceedings as well as in the CBI investigation and his service record throughout remained unblemished with consistent “Very Good” and “Outstanding” gradings. In such circumstances, the denial of back wages amounts to penalizing the appellant for no fault of his. Reliance has been placed on the judgment of the Hon’ble Supreme Court in *Shobha Ram Raturi vs. Haryana Vidyut Prasaran Nigam Ltd.* to contend that when an employee is illegally kept out of service, he is entitled to full back wages. It is thus prayed that the impugned order be modified to the extent of granting full back wages.

4. Per contra, learned counsel appearing for the respondents/FCI supports the impugned order to the extent it denies back wages and submits that grant of back wages is not automatic upon reinstatement and is subject to the discretion of the Court, depending upon the facts and circumstances of each case. It is contended that the learned Single Judge has exercised such discretion judiciously while directing reinstatement without back wages, considering the overall service record of the appellant and the fact that certain disciplinary proceedings and penalties were indeed imposed upon him during his service tenure.

It is further submitted that the appellant did not render any



service during the intervening period and therefore, applying the principle of “no work no pay”, he is not entitled to claim full back wages as a matter of right. It is also contended that even though the order of compulsory retirement has been set aside on technical grounds, the conduct and past record of the appellant cannot be completely ignored while considering the issue of back wages. It is thus urged that no interference is warranted in the limited scope of the present writ appeal.

5. We have heard learned counsel for the parties and considered their rival submissions made herein above and also gone through the entire records of the case with utmost circumspection.
6. The learned Single Judge, after hearing learned counsel for the parties and perusing the material available on record, has passed the following order:-

“13. Admittedly, the date of birth of the Petitioner is 17.5.1973 and as such, on 1.5.2023, the date the impugned order of premature retirement was issued, the Petitioner had not yet completed 50 years of age. Since attaining the age of 50 years is a condition precedent for invoking the power of premature retirement under the relevant Rules and Regulations, the impugned order is legally unsustainable on this count alone.

14. Now, the second question for consideration is whether the Petitioner can be classified as ‘deadwood’ for the Department. While punishment orders were previously issued



against the Petitioner, it is pertinent to note that upon appeal, all such orders were modified to minor penalty of 'Censure'. Furthermore, in the instant matter, the Enquiry Officer initially exonerated the Petitioner of all the charges and even in the subsequent enquiry, the Petitioner was found to be innocent and duly exonerated. Furthermore, even a CBI enquiry directed against the Petitioner culminated in an exoneration. Despite this, the respondents proceeded to pass a punishment order, which the Petitioner subsequently challenged before the Appellate Authority. During the pendency of the departmental appeal, the impugned premature/compulsory retirement order was passed on 1.5.2023. The Petitioner alleges that Respondent No.1 has acted with malafide intent and personal bias. This is evident from the fact that when after the initial enquiry, the Petitioner was not found guilty, Respondent No.1 directed a re-enquiry. When that re- enquiry similarly failed to establish guilt, a CBI investigation was initiated. However, in the CBI enquiry also, when nothing was found, the concerned respondent authority, without there being any case, proceeded to pass a punishment order against the Petitioner. The said order is presently the subject of an appeal before the Appellate Authority, which is pending final adjudication.

15. An overall view of these facts shows that the respondents are intent on penalizing the Petitioner and ensuring his removal from service by any means necessary. It is evident that the respondents, anticipating that the pending



punishment might be set-aside by the Appellate Authority, acted with undue haste and in a preemptive manner. Instead of awaiting the outcome of the statutory appeal, the respondents chose to issue the order of premature retirement. It emerges from the record that the service of the Petitioner has been consistently meritorious. His Annual Performance Appraisal Reports reflect 'Outstanding', 'Very Good' and 'Good' remarks. When the service record is viewed cumulatively, it is evident that the the Petitioner does not, by any stretch of imagination, constitute 'deadwood' for the Department whose removal would be in the public interest.

21. The settled principle governing compulsory retirement is that such an order must be necessitated by the public interest. To invoke this power, the concerned authority must establish that the delinquent's performance has deteriorated to the extent that his continued service is no longer beneficial to the administration effectively rendering him 'deadwood' for the Department. This is the sole criteria upon which an employee may be prematurely retired before reaching the prescribed age of superannuation.

22. Considering the facts and circumstances of the case and in light of the principles laid down in the aforementioned judgments, this Court is of the view that the requisite subjective satisfaction was not recorded by the respondent authorities before passing the order of compulsory retirement. On the contrary, the impugned order was passed in a hurry and haste manner, de hors



the settled principles of law. Such an order, actuated by the whims and caprices of the officers concerned, is legally unsustainable and cannot be permitted to operate.

23. For the foregoing, reasons, the impugned order dated 1.5.2023 (Annexure P/1) and the rejection order (representation) dated 6.7.2023 (Annexure P/2) are hereby quashed/set-aside. The Respondent Authorities are directed to reinstate the Petitioner in service with immediate effect, however, such reinstatement shall be without back wages.

24. With the aforesaid observations/directions, the Petition is disposed of.”

7. It is not in dispute that the learned Single Judge has set aside the order of compulsory retirement primarily on the ground that the appellant had not attained the requisite age of 50 years at the relevant time, thereby rendering the action legally unsustainable. However, the question that arises for consideration in the present appeal is limited to the entitlement of the appellant to back wages. It is well settled that grant of back wages is not an automatic or necessary consequence of setting aside an order of termination or compulsory retirement and depends upon various factors including the nature of illegality, conduct of the employee and overall facts of the case.
8. In the present case, it is evident from the record that although the appellant was ultimately exonerated in certain proceedings, there were multiple instances where disciplinary action had been initiated against him and penalties, albeit modified, were imposed. The learned Single



Judge, after considering the entire factual matrix, exercised discretion in directing reinstatement without back wages. We do not find such exercise of discretion to be arbitrary or perverse warranting interference in an intra-court appeal. The reliance placed on the proviso to Regulation 22(2) does not ipso facto mandate grant of full back wages in every case, particularly when the Court has consciously chosen to mould the relief in the facts of the case.

9. In view of the foregoing discussion, we are of the considered opinion that no case for interference is made out. The writ appeal, being devoid of merit, is accordingly **dismissed**. No order as to costs.

Sd/-
(**Ravindra Kumar Agrawal**)
Judge

Sd/-
(**Ramesh Sinha**)
Chief Justice

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