

GAHC010051792025



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WA/338/2025

THE MANAGING DIRECTOR FOOD CORPORATION OF INDIA AND ORS.
16-20 BARAKHAMBA LANE, NEW DELHI-110001.

2: THE EXECUTIVE DIRECTOR FCI
N.E. ZONE ULUBARI
GLP BUILDING
G.S. ROAD,
GUWAHATI 781007

3: THE GENERAL MANAGER (R)
REGIONAL OFFICE
ASSAM REGION PALTAN BAZAR
GUWAHATI 78100
ASSAM

VERSUS

ANKIT KUMAR
SON OF SRI GOPAL SHARAN, LAO KHOWA ROAD, HAIBORGAON, PO AND
PS -NAGAON, ASSAM,
PIN-782002.

For petitioner/appellant(s): Mr. P. K. Roy, Sr. Advocate
Ms. A. Chakraborty, Advocate
For respondent(s) : Mr. G. K. Gupta, Advocate

– BEFORE –
HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

29.10.2025

(Ashutosh Kumar, CJ)

We have heard Mr. P. K. Roy, learned senior Advocate for the appellants/Food Corporation of India (FCI) and Mr. G. K. Gupta, learned Advocate for the respondent/Ankit Kumar.

The appellant/FCI has questioned the judgment dated 18.12.2024, passed by a learned Single Judge in WP(C) 4606/2023, whereby the fine slapped on the respondent herein of Rs. 1,80,000/-, has been interfered with and set aside and it has also been directed that the petitioner/respondent herein be not penalised, so far as his promotional avenues are concerned. The appellant herein must resort to “sealed cover” procedure with respect to the respondent's promotion to higher post.

It appears that 249 quintals of rice was found short in two of the storage sheds of the FCI, of which the respondent was the in-charge. The disciplinary authority found that the respondent was to be blamed for the unusual loss of 240 quintals of rice, which could not have been attributed to storage loss and therefore he was slapped with a fine proportionate to his guilt, to the tune of Rs. 1,80,000/-, as referred to above.

Though initially it was proposed to subject him and two others to a departmental proceeding for major penalties for the huge losses, but on

perusal of the explanation offered by the respondent, it was decided that the respondent be proceeded against under Regulation 60 of the Food Corporation of India (Staff) Regulation, 1971, which provides for minor penalties.

In the appeal preferred by the respondent against the order imposing the penalty of fine, however, the order of the disciplinary authority was sustained, though with a stronger reason, indicating as to how the loss detected could not have been attributed to merely storage loss.

The learned Single Judge, after having gone through the entire records of the case, more particularly, the Circular dated 12.02.2008 issued by the respondent authorities, preventing holding of officers or employees of FCI to be responsible for storage loss, and there being no material disclosed during the departmental proceeding that the loss was due to any fault on the part of the respondent, set aside the original as well as the appellate order holding the respondent guilty to the extent of his liability.

During the course of hearing, this Court has been informed by Mr. Roy, learned counsel for the appellants that two other persons, who had also been held responsible for the losses referred to above and were saddled with fine, have filed separate appeals before this Court. However, out of the said two appeals, only one appeal has been registered as WA 297/2025 and, in respect of the other appeal, the delay

in filing the appeal is yet to be condoned.

Let this appeal be listed on **19.01.2026** along with WA No. 297/2025.

JUDGE

CHIEF JUSTICE

Comparing Assistant