

GAHC010054722025



2026:GAU-AS:4019

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

1. Writ Appeal No.58 of 2026

1. The Managing Director, Food Corporation of India, 16-20 Barakhamba Lane, New Delhi – 110001.
2. The Executive Director, Food Corporation of India, N.E. Zone, Ulubari, G.L.P. Building, G.S. Road, Guwahti – 781007.
3. The General Manager (R), Regional Office, Assam Region, Paltan Bazaar, Guwahati – 781008.

.....Appellants

-Versus-

Shri Ranjeet Singh,
Son of Shri Basudeo Prasad,
Resident of Bishnu Nagar, Bishnu Rabha Path, PO & PS;
Tezpur, Assam, PIN – 784001.

.....Respondent

2. Writ Appeal No.297 of 2025

1. The Managing Director, Food Corporation of India, 16-20 Barakhamba Lane, New Delhi – 110001.
2. The Executive Director, Food Corporation of India, N.E. Zone, Ulubari, G.L.P. Building, G.S. Road, Guwahti – 781007.
3. The General Manager (R), Regional Office, Assam Region, Paltan Bazaar, Guwahati – 781008.

.....Appellants

-Versus-

Shri Pradeep Kumar,
Son of Birjnandan Prasad,
Resident of Chitrlekha Nagar,
PO & PS: Tezpur, Assam, PIN – 784001.

.....Respondents

3. Writ Appeal No.338 of 2025

1. The Managing Director, Food Corporation of India, 16-20 Barakhamba Lane, New Delhi – 110001.
2. The Executive Director, Food Corporation of India, N.E. Zone, Ulubari, G.L.P. Building, G.S. Road, Guwahati – 781007.
3. The General Manager (R), Regional Office, Assam Region, Paltan Bazaar, Guwahati – 781008.

.....Appellants

-Versus-

Shri Ankit Kumar,
Son of Shri Gopal Sharan,
Resident of Lao Khowa Road, Haiborgaon, PO & PS:
Nagaon, Assam, PIN – 782002.

.....Respondent

– BEFORE –

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

For the Appellant(s)	: Mr. P.K. Roy, Sr. Advocate, assisted by Mrs. A. Chakraborty, Advocate.
For the Respondent(s)	: Mr. G.K. Gupta, Advocate.
Date of hearing	: 19.03.2026.
Date of Judgment	: 19.03.2026.

JUDGMENT & ORDER (ORAL)

(Ashutosh Kumar, CJ)

All the 3(three) appeals have been heard together and are being disposed off by this common judgment.

2. We have heard Mr. P.K. Roy, learned Senior Advocate for the appellant/Food Corporation of India (FCI) and Mr. G.K. Gupta, learned Advocate for the respondents in all the 3(three) appeals.

3. The appellant/FCI has questioned 3(three) separate judgments, all dated 18.12.2024, passed by a learned Single Judge of this Court in WP(C) No.2921/2023; WP(C) No.4486/2023 and WP(C) No.4606/2023, whereby the fine slapped on the respondents herein have been interfered with and set aside with a direction that the respondents shall not be penalized so far as their promotional avenues are concerned.

The further direction in the judgments impugned is that the appellant/FCI must resort to "sealed cover" procedure with respect to promotion of the respondents to the higher posts.

4. During audit, huge quantities of food grains were found short in the storage sheds of the appellant/FCI of which the respondents were the In-charge. The Disciplinary Authority found that the respondents were to be blamed for the unusual losses which were directly attributable to the negligence of the respondents. Hence, all the respondents were separately slapped with a fine, which, according to the appellant/FCI, was proportionate to their guilt.

5. It appears from the records of all the 3(three) appeals that initially the appellant/FCI wanted to initiate Departmental Proceeding for major penalties against the respondents for the huge losses which had occurred in the storage depots of which they were In-charge, but on the basis of the explanations offered by the respondents, it was decided that they be proceeded against under Regulation 60 of the Food Corporation of India (Staff) Regulations, 1971 (*hereinafter to be referred as the "Regulation of 1971"*), which provides for minor penalties.

6. The respondents had challenged the afore-noted decision of saddling them with fine said to be proportionate to their guilt before the Departmental Authorities, which were rejected and the Review Petitions preferred by the respondents before the Chairman & Managing Director, FCI also could not be sustained. In fact, the review orders, as perused by this Court, gives somewhat stronger reason for slapping the fines on the respondents by explanation that the loss detected in the respective storage depots could not have been mere storage loss and that the explanations offered by the respondents did not actually explain their *bona fides* so far as their negligence was concerned.

7. A perusal of the impugned judgments reflects that the learned Single Judge, after having gone through the records of each of the case files and the Circular dated 12.02.2008 issued by the appellant/FCI, preventing holding of officers or employees of the FCI to be responsible for a storage loss and there being no material disclosed during the Departmental Proceedings that the loss was due to any fault on the part of the respondents, set aside the original as well as the appellate and the

review orders holding the respondents guilty to the extent of their liabilities.

8. Animadverting against the afore-noted judgments, Mr. Roy, learned Senior Advocate appearing for the appellant/FCI submitted that in fact the records provide *res ipsa loquitur* that it was only the negligence of the depot In-charge or otherwise the losses would not be of such magnitude. It is a matter of common knowledge that during the storage, there are some losses but losses of the magnitude reported would not have been possible without the depot In-charge being negligent in recording the stock or being vigilant against any purloining of the food grains.

Mr. Roy, learned Senior Advocate has also pointed out an advisory issued by the appellant/FCI with respect to the rate at which the recovery could be made from the FCI staff. This advisory also confirms that in the event of any losses found due to willful negligent of any FCI official, recovery proceedings be made but only as per the procedure laid down on the subject and as per the Regulation of 1971 and the recovery of such losses from FCI staff is to be made at economic cost prevalent during the period. However, it was further emphasized in the afore-noted advisory that resort to such recovery would only be permissible when negligence is *prima facie* established.

9. The contention of the respondents before the learned Single Judge and before this Court as well has been that because of the losses reported, there is an inferential guilt which the FCI was under an obligation to establish, at least *prima facie*, for it to order for recovery

from its employees.

10. True it is that a summary procedure was adopted where it might not have been extremely necessary to sift through the materials with the aid of judicial colander but then seeking recovery from an employee on facts which are not established would be against the public policy and would also be against the Circulars issued from time to time by the appellant/FCI and its advisory for the process or the procedure to be evenly followed pan India.

11. The contention of the respondents is that the learned Single Judge took note of the fact that such losses were because of wrong reporting in the stock which was not possible for the respondents to tinker with, especially, when they had joined the respective depots at a time when that shortage was pre-existing.

12. True it is that such losses had to be reported but only if it were evident at the time of joining of the respondents in the respective depots or during their tenure as storage/shed In-charge. This discovery was made much later in the regular audit for which the respondents could not have been blamed.

13. We have perused the records and the evidence before the authorities, mindful of the fact that it was a summary proceeding under Regulation 60 of the Regulation of 1971, and are of the considered view that the negligence attributable to the respondents for the losses could not be established for the FCI to initiate the recovery proceedings.

Thus, we sustain the judgments impugned in the present set of

appeals so far as stoppage of recovery is concerned.

14. Since only a summary procedure was initiated against the respondents, there was no sufficient occasion for the employer/FCI to determine the guilt of negligence of the respondents. It would be open for the appellant/FCI to initiate requisite proceeding against the respondents individually, should it be deemed necessary for the efficient working of the Corporation in general.

15. Any observation made by the learned Single Judge in the impugned judgments regarding no proceeding being initiated against the respondents shall not be given effect to.

16. With the afore-noted modifications in the impugned judgments, all the 3(three) appeals are disposed off.

JUDGE

CHIEF JUSTICE

**Mukut
Sharma** Digitally signed
by Mukut
Sharma
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Comparing Assistant