

GAHC010095302025



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

**Case No. : WA/195/2025**

FOOD CORPORATION OF INDIA AND 8 ORS.  
REP. BY THE GENERAL MANAGER FOOD CORPORATION OF INDIA  
REGIONAL OFFICE, ASSAM, PALTAN BAZAR, GUWAHATI-701008.

2: EXECUTIVE DIRECTOR (NORTH EAST ZONE)  
FCI  
G.L. PUBLICATION BUILDING  
G.S. ROAD  
GUWAHATI-781008.

3: GENERAL MANAGER  
FCI  
REGIONAL OFFICE  
ASSAM  
PALTAN BAZAR  
GUWAHATI-781008.

4: DIVISIONAL MANAGER  
FCI  
ULUBARI  
MITRA BUILDING  
GUWAHATI-781007.

5: DIVISIONAL MANAGER  
FCI  
A.T. ROAD  
HAIBORGAON  
NAGAON  
PIN-782002.

6: MANAGER ACCOUNTS  
FCI  
ULUBARI  
MITRA BUILDING

GUWAHATI-781007.

7: MANAGER ACCOUNTS  
FCI.  
A.T. ROAD  
HAIBORGAON  
NAGAON-782002.

8: MANAGER (IR)  
FCI.  
ULUBARI  
MITRA BUILDING  
GUWAHATI-781007.

9: MANAGER DEPOT FOOD STORAGE DEPOT.  
NEW GUWAHATI  
BAMUNIMAIDAM  
GUWAHATI-781021

VERSUS

BINDESWARI SINGH AND 11 ORS.  
S/O. JHARI LAL SINGH, R/O. KARBI NAGAR, H/NO. 10, BAMUNIMAIDAM,  
GUWAHATI-21.

2:NAWAL SAH  
S/O. LT. KAMAL SAH  
R/O. VILL.- BILPAR OF SUNCHALI  
H/NO. 46  
NOONMATI  
GUWAHATI20.

3:RADHE MAHATO  
S/O. BAJRANGI MAHATO  
R/O. SANKAR NAGAR LAST GATE  
H/NO. 2  
DIST. KAMRUP (M)  
GUWAHATI-20.

4:RAM CHALITRA YADAV  
S/O. SHIV NANDAN YADAV  
R/O. BISHNU RAVA NAGAR  
H/NO. 5  
NOONMATI  
GUWAHATI-20

5:JIBACH SAHANI  
S/O. PRADIP SAHANI

R/O. GANESHMANDIR  
SHIVAM PATH  
BYE LANE NO. 3  
H/O. NO. 9  
P/O. NOONMATI  
GUWAHATI-20  
ASSAM.

6:SULENDRA KR. SAHANI  
S/O. LT. ANANDI SAHANI  
R/O. BISNI RAVA NAGAR  
H/NO. 18  
P/O. NOONMATI  
GUWAHATI-781020  
ASSAM.

7:RAM ISWAR KUMAR  
S/O. RADHEY RAY  
R/O. JANTA NAGAR  
H/NO. 15  
P/O. NOONMATI  
DIST. KAMRUP (M)  
GUWAHATI-781020  
ASSAM.

8:ARVIND KUMAR SAHANI  
S/O. ANUPLAL SAHANI  
R/O. 6 NO. RAILWAY GATE  
H/NO. 144  
P/O. BAMUNIMAIDAM  
DIST. KAMRUP  
GUWAHATI-781021  
ASSAM.

9:DILIP KUMAR YADAV  
S/O. RAMU YADAV  
R/O. BISHNU RAVA NAGAR  
NOONMATI  
GUWAHATI-781020  
ASSAM.

10:SHIV SHANKAR SHARMA  
S/O. MATUKDEV SARMA  
R/O. VILL.- SAHANKAR NAGAR  
H/NO. 33  
P/O. NOONMATI  
GUWAHATI-781020  
ASSAM.

11:DIPLAL SAH  
S/O. MAHINDRA SAH  
R/O. BISHNU RAVA NAGAR  
H/NO. 22  
P/O. NOONMATI  
GUWAHATI-781020  
ASSAM.

12:RANJIT KUMAR RAY  
S/O. RAMDEO RAY  
R/O. GANESH MANDIR PATH  
BYE LANE NO. 30  
P/O. NOONMATI  
GUWAHATI-781020  
ASSAM

For the appellants : Mr. P.K. Roy, Sr. Advocate  
Mr. S.K. Chakraborty, Advocate  
For the respondents : Mr. A. Dasgupta, Sr. Advocate  
Mr. B. Das, Advocate

– B E F O R E –

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

**23-03-2026**

***(Ashutosh Kumar, C.J.)***

We have heard Mr. P.K. Roy, learned Senior Advocate for the appellants/Food Corporation of India and others and Mr. A. Dasgupta, learned Senior Advocate for the respondents.

At some point of time in the past, an audit by the Controller and

Auditor General (CAG) was made of the expenses made by the Food Corporation of India (hereinafter to be referred as "FCI") towards payments made to the labourers between October, 2013 and March, 2014 and in that audit, it was found that there were discrepancies in the work certification. The stock accounts displayed that there were only 57,521 bags of food grains which were lifted but payments were made to the labourers for lifting of 12,43,312 bags. The audit therefore revealed an over-certification of 11,85,791 bags.

The natural corollary of this disclosure was that undue payments were made to the labourers beyond their entitlements.

On the basis of the afore-noted audit report by the CAG, recovery from such labourers were initiated from their respective salaries/wages. This initiation of recovery process was questioned by many of the labourers, relying on the decision of the Hon'ble Supreme Court in **State of Punjab & Ors. Vs. Rafiq Masih (2015) 4 SCC 334**, which resulted in a Coordinate Bench passing an order of stopping the recovery presently and resume it only after an opportunity was given to the labourers to explain their cause and further quantification of the amount which was sought to be recovered. While directing for such contingent proceedings, this Court had permitted the appellant/FCI to conduct disciplinary enquiries. However, by that time, with respect to those labourers, who had challenged such decision of the FCI, recoveries had already been made. The commencement of the disciplinary enquiries was thus not made contingent on the refund of the recovered amounts paid to the respective labourers.

It further appears from the records that after the enquiry, it was found that it was not only a mistake on the part of the FCI authorities but it was a fraudulent over-certification in which the labourers also had played a role. The decision to recover the excess amount paid to the labourers, therefore, was taken, which we are not aware, whether was questioned by the labourers in a separate proceeding.

In the case of the twelve respondents in this appeal, the recoveries had already been made but there was no show-cause notice to them prior to such recovery.

The learned Single Judge in their cases [WP(C) 1223/2023] permitted the FCI to conduct an enquiry but only after refunding the recovered amounts first.

This condition was not there in the earlier proceedings with respect to other labourers. That part of the order passed by the learned Single Judge has been impugned in the present appeal with the assertion by the FCI that such condition was very onerous and if the amount recovered would be refunded and it so happens that the respondents are not in the service of FCI, it would be very difficult to claim it back after they are found to be in cahoots with the authorities of FCI in over-certification and payment.

We find substance in the afore-noted submission of the learned Senior Advocate for the appellant/FCI.

Mr. A. Dasgupta, learned Senior Advocate for the respondents submits that he shall take instructions whether the respondents are still in the service of the FCI or have superannuated.

Re-notify on **05.05.2026**.

**JUDGE**

**CHIEF JUSTICE**

**Comparing Assistant**