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

**Case No. : WA/62/2026**

1. THE FOOD CORPORATION OF INDIA AND ORS.  
HEAD QUARTERS, 16-20, BARAKHAMBA LANE, NEW DELHI-1100.

2: THE MANAGING DIRECTOR  
FOOD CORPORATION OF INDIA  
HEAD QUARTER 16-20 BARAKHAMBA LANE  
NEW DELHI-1100

3: THE ZONAL MANAGER  
NE THE FOOD CORPORATION OF INDIA  
ZONAL OFFICE NEZ GHY-781007

4: THE SENIOR REGIONAL MANAGER  
THE FOOD CORPORSTION OF INDIA  
REGIONAL OFFICE ASSAM REGION  
G.S. ROAD ULUBARI GUWAHATI-781007

5: THE ASSTT. GENERAL MANAGER P  
THE FOOD CORPORSTION OF INDIA  
REGIONAL OFFICE ASSAM REGION  
G.S. ROAD ULUBARI GUWAHATI-781007

6: MANAGER ADMN.  
THE FOOD CORPORSTION OF INDIA  
REGIONAL OFFICE ASSAM REGION  
G.S. ROAD ULUBARI GUWAHATI-78100

VERSUS

1. SMTI KHARGESWARI BASUMATARI AND ORS  
W/O LATE BHUBAN CH. BASUMATARY, RESIDENT OF CHIRING CHAPARI  
SANTOSHI MAA ROAD, DIBRUGARH-786001.

2:SRI DIBYAJIT BASUMATARY  
S/O. LT. BHUBAN CH. BASUMATARY  
R/O. CHIRANG CHAPARI SANTOSHI MAA ROAD  
DIBRUGARH-786001

3:SMT. LIPIKA BASUMATARY  
D/O. LT. BHUBAN CH. BASUMATARY  
R/O. CHIRANG CHAPARI SANTOSHI MAA ROAD  
DIBRUGARH-786001

4:SMT. MODALASHA BASUMATARY  
D/O. LT. BHUBAN CH. BASUMATARY  
R/O. CHIRANG CHAPARI SANTOSHI MAA ROAD  
DIBRUGARH-78600

For the Appellant(s) : Mr. P.K. Roy, Senior Advocate assisted by Ms. A.  
Chakraborty, Advocate.

For the Respondent(s) : Mr. Sishir Dutta, Senior Advocate assisted by Mr. D.J. Medhi,  
Advocate.

**- B E F O R E -**

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

**01.04.2026**

*(Ashutosh Kumar, CJ)*

The Food Corporation of India & Others/appellants have challenged the judgment dated 20.05.2025 passed by a learned Single Judge of this Court in WP(C) No.4379/2012, setting aside the punishment imposed upon the respondent, who is not in the world of living today and to accord him notional monetary benefits, which shall be received by his heirs and in this case, particularly his wife.

In the year 1997-1998, serious irregularities were discovered at Dikom Storage Depot of the FCI in Dibrugarh. The Depot was manned by

the employee/Late Bhuban Chandra Basumatary as the In-charge of that Depot.

It was found in the inquiry that in just one year, there was an abnormally high storage loss of foodgrains to the extent of 15% in one month against the permissible limit of 0.5%. The investigations reveal many irregularities, including mis-match in the stock ledgers and the number of gunny bags which were used for lifting the foodgrains.

The appellant/FCI had initiated a departmental inquiry against the afore-noted employee in the year 2003. In the afore-noted domestic inquiry, charges were proved and the employee was visited with the penalty of reversion to the lower post with pay fixed at the minimum of that scale till retirement.

Close on the heels of the afore-noted domestic proceedings, another departmental inquiry was initiated against the employee, where also he was visited with the punishment of censor and recovery of Rs.1,96,875/-.

The employee chose to question the correctness of the conclusion of the second inquiry and was successful in that attempt. The order passed by the Disciplinary Authority was set aside.

All this while, there was no challenge by the employee against the punishment imposed on him in the first inquiry where the punishment of reversion to the lower post was saddled on him till his retirement. He remained in service for about seven years and demitted his office sometimes in 2012. It was only after his retirement that he preferred a writ petition before this Court vide WP(C) No.4379/2012, questioning the 2005

reversion order.

During the pendency of that petition, unfortunately, the employee died on 08.10.2016 and the writ petition was pursued by his wife and children, who were later substituted in his place.

It was in this context that Mr. P.K. Roy, learned Senior Advocate for the appellants/FCI submits that the learned Single Judge was actuated more by sympathy than by the merits of the case in setting aside the punishment imposed upon the employee and directing to give the notional monetary benefit to the employee.

Mr. Sishir Dutta, learned Senior Advocate for the respondents submits that he shall address this Court on the afore-noted aspect on the next date.

Re-notify on 26.05.2026.

**JUDGE**

**CHIEF JUSTICE**

**Comparing Assistant**