



2026:AHC:43618-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
PUBLIC INTEREST LITIGATION (PIL) No. - 230 of 2026

Avishar Katiyar

.....Petitioners(s)

Versus

Union of India and 9
others

.....Respondents(s)

Counsel for Petitioners(s)	: Siddharth Niranjana, Sr. Advocate
Counsel for Respondent(s)	: A.S.G.I., Gaurav Bishan, Rahul Srivastava, Santosh Kumar Mishra

Chief Justice's Court

HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE KSHITIJ SHAILENDRA, J.

1. Heard Shri D.P. Singh, learned Senior Counsel, assisted by Shri Siddharth Niranjana, Advocate appearing for the petitioner, Shri Gaurav Bishan, Advocate appearing for respondent no. 1 and Shri Santosh Kumar Mishra, Advocate appearing for respondent-Food Corporation of India and its officials.

2. This petition, in purported public interest, has been filed with a prayer to direct the Director, Central Bureau of Investigation ('CBI') to inquire and investigate the whole scandal being carried out by Food Corporation of India ('FCI') in the State of U.P. Further prayer has been made to direct the Chairman-cum-Managing Director, FCI to manage for handing over the relevant records to CBI so as to facilitate investigation in the matter.

3. The petitioner claims himself to be 'Internal Whistle Blower' having full knowledge of working of FCI and its branches all over the

country. It is stated in the petition that the petitioner has remained posted in different parts of India and, therefore, has sufficient knowledge regarding misdeeds, usurpation of the large amount in crores per year and bad quality of supply and distribution of food by FCI. The petitioner has given details of his tenure of service in FCI in the following manner:-

- (i) 04.10.2011-Date of Joining at post of Assistant General Manager(Movement) in Food Corporation of India;
- (ii) 04.10.2011 to 09.04.2013 FCI, Headquarters, New Delhi;
- (iii) 09.04.2013 to May, 2013- Waiting Time, after surrender order in violation Regulation, 1971; to FCI Staff
- (iv) May 2013 to June 2013 Regional Office, Patna & Divisional Manager, Saharsa, under Bihar Region of FCI, East Zone;
- (v) July 2013 to Jan 2015 FCI, Zonal Office(NE) under FCI, North-East Zone;
- (vi) Jan 2015 to Aug 2015- Regional Office, Arunachal Pradesh Region under FCI. North-East Zone;
- (vii) Aug 2015 to Sep 2015 Zonal Office (NE) under FCI, North-East Zone;
- (viii) Sep 2015 to Nov 2015 Regional Office, Assam Region & Divisional Manager, Tezpur, under FCI, North-East Zone;
- (ix) Nov 2015 to Feb 2016 -Zonal Office(NE) under FCI, North-East Zone;
- (x) Feb 2016 to July 2018 Zonal Office (North) under FCI, North Zone;
- (xi) July 2018 to July 2021- Regional Office, Lucknow & Divisional Manager, Saharanpur under Uttar Pradesh region of FCI, North Zone;

(xii) August 2021 to March, 2023 Regional Office, Jaipur & Divisional Manager, Udaipur under Rajasthan Region of FCI, North Zone;

(xiii) May 2023 to January 2025- Regional Office, Trivandrum under Kerala Region of FCI, South Zone;

(xiv) Receipt of Appointment Letter dated 03.08.2021 at post of APS to MOS (Food), MOCAF&PD

(xv) Petitioner was dismissed from services by order dated 29.01.2025 passed by Managing Director of FCI.

4. The petitioner has further described dictionary meaning of 'Whistle Blowing', explained various abbreviations used in various communications on record, quoted Statement of Object and Reasons behind enactment of the Whistleblowers Protection Act, 2011, setting up of CBI by Government of India, jurisdiction exercised by CBI, enactment of Central Vigilance Commission Act, 2003 and it is alleged that in the capacity of a 'Whistle Blower', the petitioner sent a communication dated 09.04.2023 to FCI pointing out financial misappropriation in the nature of non-compliance to Linear Programming in rake movement from Haryana and Punjab Region (North Zone). Based upon identical communications and certain reports and alleging that on account of steps taken by the petitioner, he also faced transfer from one zone to another, it is stated that in view of report dated 06.01.2022 submitted by the Assistant General Manager (Fin.) and Assistant Grade-1 (A/CS) (Annexure-6 to the petition), investigation should be handed over to CBI. The allegation is that Monthly Stock Account ('MSA') of nearly all the depots of Lakhimpuri Kheri District and of FCI District Office, Sitapur were fictitious for the financial year 2020-21 and, therefore, independent Auditors are required to verify the accuracy of these accounts and report on any variation of MSA.

5. It is further stated in the petition that there is farce consumption of medicines for treatment of fictitious food-grain stock stored in various depots and fictitious inspection for quality control ('QC') by supervisory

officers of QC cadre is being done. In sum and substance, the petitioner has attempted to contend that entire functioning of FCI, its various branches and offices and depots etc. rests on misdeeds and corruption only and officials are involved in managing the things contrary to the interest of the Corporation and, therefore, CBI may be asked to conduct investigation.

6. Learned Senior Counsel appearing for the petitioner submits that in view of specific allegations made in the petition made out from record collected by the petitioner based upon his working experience in FCI and also pursuant to information received under the RTI Act, bungling, mis-handling and misappropriation of resources has stood revealed and, therefore, once the officers of the Corporation are themselves involved in such illegal activities, inquiry/investigation be directed to be conducted through CBI.

7. On the first date of hearing of this matter, instructions were called from the learned counsel appearing for the FCI. Today, instructions have been furnished by him wherein, mainly and qua issues raised in the complaints, following stand has been taken:-

(a) A complaint dated 19.07.2020 was received through WhatsApp from Mobile No. 9140160809 to CVO, FCI, regarding inward rake movement at Lakhimpur Khiri Revenue district from ex-North (Punjab/Haryana) to manage shortage of foodgrains in depot especially outward stock was moved from Lakhimpur Khiri via road movement upto March 2020, etc.

(b) Vigilance Division, FCI Headquarters received complaints dated 07.08.2020 & 11.08.2020 lodged by one A.K. Jaiswal, M/S Veena Traders, Lucknow against the petitioner, levelling allegations of demand and collection of illegal gratification. The complainant A. K. Jaiswal was a partner in M/s Veena Traders, a partnership firm, and M/s Veena Traders was HTC (Handling & Transport Contractor) of SWC Lakhimpur Kheri & SWC Bhansariya at 0% ASOR up to 31.07.2020 under FCI Divisional Office Sitapur. He had also provided 03 audio clips in respect of conversation between

him and the petitioner; two audio clips were attached with e-mail dated 07.08.2020 & one audio clip was attached with email dated 11.08.2020. Accordingly, Vig. Division, FCI, Hqrs., vide letter dated 27.08.2020, requested GM (R), FCI RO (UP) to investigate the complaint. Meanwhile, complainant A. K. Jaiswal, vide e-mail/letter dated 16.08.2021, communicated that he had lost his mobile handset (No. 8081461142) containing aforementioned original audio clips and he had also lodged FIR in this regard. Hence, he requested to withdraw the complaint as he was not in possession of audio clips mentioned in the complaint due to loss of evidence. Accordingly, it was instructed to FCI, ZO (N), vide letter dated 25.08.2021 to finalize the investigation to its logical conclusion and furnish the report along with proposal/recommendations to FCI Hqrs at earliest. Accordingly, after investigation FCI, RO (UP) committee submitted its report dated 06.10.2021 finding the petitioner guilty.

(c) After completion of departmental inquiry and examination of the response received from the petitioner, the Disciplinary Authority imposed a penalty of dismissal from service on the petitioner vide order dated 29.01.2025. The petitioner preferred Review Petition dated 28.04.2025 that was placed before the Board along with all connected case records on priority basis. Board, FCI, after carefully going through all the case records and submissions put forth by the petitioner during personal hearing, dismissed the review petition on merits.

(d) Thereafter, the petitioner has filed a writ petition no.14519/2025 in Lucknow bench of this Court, which is pending.

(e) The allegations regarding financial misappropriations in the subject matter are completely misleading and baseless as the payment made to Railways is 100% through DD or online and directly from one Central organisation to another therefore, no individual can gain anything in this Govt. to Govt. transaction.

(f) Monthly Stock Account (MSA) is an internal accounting document used by FCI for stock accounting, reconciliation, Internal audit and financial reporting. On the basis of depot-wise MSAS,

the accounts of the Food Corporation of India are compiled and subsequently subjected to Internal Audit and statutory audit by C&AG. As per records, a committee was constituted by Regional Office, Lucknow vide order dated 16.06.2021 to investigate the issue relating to delay/non-submission of Part-II of MSA for the period December 2020 to March 2021 at DO Sitapur. The committee submitted its report on 06.01.2022.

(g) The committee report primarily highlighted deficiencies such as non-maintenance of proper records, submission of MSA data through informal channels (e.g., WhatsApp), and absence of a standardized record management system at the divisional office and depot level but never observed that MSA was fictitious for financial year 2020-21. Further action on the recommendations including disciplinary proceedings against responsible officials has already been initiated at the competent level.

(h) Reconciliation of MSA and related records is undertaken as per prescribed procedures and standing instructions of FCI. MSA is prepared at depot level to capture monthly stock transactions including receipts, issues and balances, and forms the basis for stock accounting and financial reporting within FCI. The accounts prepared on the basis of MSAs undergo Internal Audit and thereafter statutory audit by the Comptroller & Auditor General (C&AG). Any material variation observed during audit is examined as per prescribed procedures. Apart from the above statutory audit C&AG also conduct transaction Audit of each divisional Unit. Thus, an established audit framework already exists for verification of such records.

(i) The committee report points out procedural irregularities such as improper maintenance of records and delayed submission of MSAS. However, the report does not quantify any financial loss nor does it establish malafide intent or fraudulent operations. Appropriate administrative and disciplinary measures have been undertaken in accordance with rules to address the identified lapses.

(j) Various QC Inspections like MIR, QIR, SIR and other QC inspection are being done by Officers/Officials as per standing

instructions of FCI/ Gol. No incident has been reported so far for any fictitious chemical consumption and QC inspection by Officer/ Officials. Further, maintenance of MSA and conduct of Physical Verifications including QPV, APV, ISI-PV and Super PV are carried out as per laid down procedures, guidelines and standing instructions. MSA figures are reconciled with SLS and Physical Verification reports as part of the established accounting process.

(k) No financial claim on account of transportation charges due to diversion of the release order has ever been preferred by the State Government to FCI, nor has any such claim been processed. As no financial expenditure has been claimed or reimbursed, the question of violation of the provisions does not arise. In the absence of any financial claim, loss to the exchequer, or deviation from the prescribed procedure, the allegation seeking investigation or transfer of the matter to the Central Bureau of Investigation is wholly misconceived, baseless, and untenable in law, and is therefore denied.

(l) A complaint dated 11.01.2026 made by the petitioner, has been received through CVC CMS portal Regd No. 139262/2026 on 31.01.2026. The same is under examination and will be handled as per Complaint Handling Policy of FC/CVC.

8. Various other aspects explaining working and functioning of FCI have been thoroughly indicated in the instructions, however the Court does not deem it appropriate to mention the same, as it is not required considering the frame of the writ petition. Apart from the above, reference to various other writ petitions arising out of service matter has been given in the instructions. In sum and substance, the contention is that the FCI and its officials are working strictly in accordance with the established procedures and no inquiry, as prayed for by the petitioner, is warranted.

9. With reference to the instructions received from the FCI, it has been contended by learned counsel for FCI that filing of the petition is an abuse of the process of law, inasmuch as not only the allegations levelled are contrary to the factual position and the petitioner himself

was penalized in terms of penalty of ‘dismissal from service’ vide order dated 29.01.2025 and, therefore, the petition has been filed as a retaliation to the proceedings held against the petitioner.

10. We have considered the submissions made and perused the material available on record.

11. Apparently, the petitioner has served FCI over a long period of time and his services were terminated. The Court is not concerned with the litigation in relation to the service matter of the petitioner as the same is beyond the scope of the present petition, however, qua filing of the petition in purported public interest seeking to invoke writ jurisdiction of this Court so as to direct investigation by CBI, there have to be very exceptional circumstances apparent on the face of the record and it is only in that event when the Court may, in its discretion, proceed to direct investigation by CBI.

12. In **Secretary, Minor Irrigation & Rural Engg. Services UP Vs. Sahgoo Ram: (2002) 5 SCC 521**, the Hon’ble Supreme Court had the occasion to deal with a direction of High Court whereby CBI was directed to hold an inquiry into the allegations made against the then Minister for Minor Irrigation and Rural Engineering Services in government of Uttar Pradesh. While setting aside the impugned order therein it was observed that while none can dispute the power of the High Court under Article 226 to direct an inquiry by CBI, the said power can be exercised only in cases where there is sufficient material to come to a prima facie conclusion that there is a need for such inquiry. It is not sufficient to have such material in the pleadings. On the contrary, there is a need for the High Court on consideration of such pleadings to come to the conclusion that the material before it is sufficient to direct such an inquiry by CBI.

13. In **State of W.B. v. Committee for Protection of Democratic Rights: (2010) 3 SCC 571**, it was observed that despite wide powers conferred by Articles 32 and 226 of the Constitution, the Courts must bear in mind certain self-imposed limitations on the exercise of these

constitutional powers. The very plenitude of the power under the said articles requires great caution in its exercise. Insofar as the question of issuing a direction to CBI to conduct investigation in a case is concerned, although no inflexible guidelines can be laid down to decide whether or not such power should be exercised but such an order is not to be passed as a matter of routine or merely because a party has levelled some allegations. This extraordinary power must be exercised sparingly, cautiously and in exceptional situations where it becomes necessary to provide credibility and instill confidence in investigations or where the incident may have national and international ramifications or where such an order may be necessary for doing complete justice and enforcing the fundamental rights. Otherwise, CBI would be flooded with a large number of cases and with limited resources, may find it difficult to properly investigate even serious cases and, in the process, lose its credibility and purpose with unsatisfactory investigations.

14. In **Shree Shree Ram Janki, Asthan Tapovam Mandir Vs. State of Jharkhand: (2019) 6 SCC 25**, the High Court in a P.I.L, had issued a direction to CBI to investigate and to take appropriate action qua allegations involving illegal transfer of temple trust property by trust members in collusion with public officials. On challenge, the Hon'ble Supreme Court quashed the impugned direction and observed that the sweeping remarks that the allegations are against the Government and the Board which consist of government functionaries, therefore, the matter requires to be investigated by CBI, are wholly untenable and should not have been made as the functioning in the Government is by different officers and the working of the Executive has in-built checks and balances.

15. The aforesaid judgments have been discussed by the Hon'ble Supreme Court, recently, in the case of **Legislative Council U.P. Lucknow and others Vs. Sushil Kumar and others: AIR 2025 SC 5137**.

16. In the light of the above decisions, if we peruse the allegations levelled in the petition and their response given by FCI in the instructions, as indicated above, we find that normal functioning of the FCI, its various branches and depots etc. has been sought to be projected so as to impress upon the court that investigation by CBI in the present case is necessary, however, we do not find any such circumstances existing in the present case. The extraordinary power under Article 226 of the Constitution of India for the purpose of issuing a direction to CBI, as noted above, must be exercised sparingly and cautiously and only in exceptional situations otherwise not.

17. As regards filing of petitions in purported public interest, in **Jaipur Shahar Hindu Vikas Samiti versus State of Rajasthan and others : (2014) 5 SCC 530**, the Hon'ble Apex Court has observed as under :-

"49. The concept of public interest litigation is a phenomenon which is evolved to bring justice to the reach of people who are handicapped by ignorance, indigence, illiteracy and other downtrodden people. Through the public interest litigation, the cause of several people who are not able to approach the court is espoused. In the guise of public interest litigation, we are coming across several cases where it is exploited for the benefit of certain individuals. The courts have to be very cautious and careful while entertaining public interest litigation. The judiciary should deal with the misuse of public interest litigation with iron hand. If the public interest litigation is permitted to be misused the very purpose for which it is conceived, namely, to come to the rescue of the poor and downtrodden will be defeated. The courts should discourage the unjustified litigants at the initial stage itself and the person who misuses the forum should be made accountable for it."

18. In **Tehseen Poonawalla vs. Union of India and another (2018) 6 SCC 72**, the Hon'ble Supreme Court, while dealing with the object of a public interest litigation and its mis-utilization by persons with personal agenda, observed as under:

"97. Yet over time, it has been realised that this jurisdiction is capable of being and has been brazenly mis-utilised by persons with a personal agenda. At one end of that spectrum are those cases where public interest petitions are motivated by a desire to seek publicity. At the other end of the spectrum are petitions which have been instituted at the behest of business or political rivals to settle scores behind the facade of a public interest

litigation. The true face of the litigant behind the facade is seldom unravelled. .

.....

98. The misuse of public interest litigation is a serious matter of concern for the judicial process. Both this court and the High Courts are flooded with litigation and are burdened by arrears. Frivolous or motivated petitions, ostensibly invoking the public interest detract from the time and attention which courts must devote to genuine causes. This court has a long list of pending cases where the personal liberty of citizens is involved. Those who await trial or the resolution of appeals against orders of conviction have a legitimate expectation of early justice. It is a travesty of justice for the resources of the legal system to be consumed by an avalanche of misdirected petitions purportedly filed in the public interest which, upon due scrutiny, are found to promote a personal, business or political agenda. This has spawned an industry of vested interests in litigation. There is a grave danger that if this state of affairs is allowed to continue, it would seriously denude the efficacy of the judicial system by detracting from the ability of the court to devote its time and resources to cases which legitimately require attention. Worse still, such petitions pose a grave danger to the credibility of the judicial process. This has the propensity of endangering the credibility of other institutions and undermining public faith in democracy and the rule of law. This will happen when the agency of the court is utilised to settle extra-judicial scores. Business rivalries have to be resolved in a competitive market for goods and services. Political rivalries have to be resolved in the great hall of democracy when the electorate votes its representatives in and out of office. Courts resolve disputes about legal rights and entitlements. Courts protect the rule of law. There is a danger that the judicial process will be reduced to a charade, if disputes beyond the ken of legal parameters occupy the judicial space."

19. In the totality of facts and circumstances of the present case, where the petitioner himself has been an officer in the Corporation for 14 years and faced disciplinary proceedings culminating into his dismissal from service where against his petitions are pending before this Court and some appear to have been decided, invoking jurisdiction of this Court at his behest in purported public interest so as to seek a direction to CBI to intervene and investigate the matter, does not appear to be justified. Further, the respondents are themselves taking care of their activities on periodical basis, as reflected from the stand taken in instructions, and on receiving complaint from the petitioner also, they are entertaining the same as per the procedure.

20. Even otherwise, there being no public interest involved in the present matter, we don't find the matter worth exercising our discretionary jurisdiction under Article 226 of the Constitution of India.

21. The petition has no merit. The same is, accordingly, **dismissed**.

(Kshitij Shailendra, J) (Arun Bhansali, CJ)

February 25, 2026

AKShukla/-