



2026:AHC-LKO:21049

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 3142 of 2003

Gokaran Lal And Ors.

.....Petitioner(s)

Versus

Food Corp.Of India And 2 Ors.

.....Respondent(s)

Counsel for Petitioner(s)	: S.K.Mehrotra, I D Shukla
Counsel for Respondent(s)	: Ashutosh Kr. Singh, Ashok Kumar Singh, Ashok Mehrotra, Kamesh Gupta

Court No. - 4

HON'BLE IRSHAD ALI, J.

1. Heard Sri Durgesh Kumar Pathak, Advocate holding brief of Sri I.D. Shukla, learned counsel for the petitioners and Sri Kamesh Gupta, learned counsel for the respondents.

2. By means of the present writ petition, the petitioners are challenging the orders dated 27.3.2003 and 4.4.2003, passed by the respondent No.2- Zonal Manager (North) contained as Annexures-1 and 2 to the writ petition. Further prayer has been made that respondents be directed not to recover from the salary of the petitioners on the basis of the impugned orders.

3. Factual matrix of the case is that on 7.6.1999, a memorandum alongwith statement of article of charge and other documents was issued by the Senior Regional Manager, Regional Office Lucknow, disciplinary authority of the petitioners who were posted as A.G.-I (Depot) charging them with having deputed staff to work on overtime and to have verified their work hours on overtime basis for payment of overtime allowance to them.

4. One R.K. Sharma was appointed as Inquiry Officer to hold enquiry against the petitioners, who recorded evidence and submitted his enquiry report with the finding that the article of charge was not proved against each of the petitioners in respective enquiry report. The Zonal Manager (North) (respondent No.2) issued a show cause notice to the petitioners

calling upon each of them to submit their reply to show cause as to why action should not be taken against them on 22/23.4.2002.

5. Petitioners submitted their replies on 17.5.2002 and 4.7.2002 respectively. Thereafter, the respondent No.2 issued the punishment order against the petitioners by a non-speaking order without holding a fresh enquiry in accordance with the procedure prescribed in the Staff Regulation in violation of principles of natural justice on 27.3.2003/4.4.2003.

6. Submission of learned counsel for the petitioners is that prior to passing of the impugned orders, the petitioners have not been provided opportunity of hearing. Statement of fact in this regard has been made in paragraphs-4, 23, 24 and 25 of the writ petition. Next submission is that the impugned orders are non-speaking orders and no reasons whatsoever have been recorded in coming to the conclusion, awarding punishment to the petitioners. Next submission is that contents of representation filed by the petitioners on 17.5.2002 and 4.7.2002 have nowhere been considered in passing the impugned order.

7. Learned counsel for the petitioners submits that in case the respondent No.2 was in disagreement with the report of the Inquiry Officer, then by recording reasons, fresh enquiry was to be conducted but the punishing authority has not directed for fresh enquiry in the matter and proceeded to pass the impugned order, wherein no reasons have been recorded that why he is in disagreement with the Inquiry Officer.

8. On the other hand, learned counsel for the respondents tried to submit that the impugned orders are reasoned order and there was no requirement to give opportunity of personal hearing as show cause notice was issued to the petitioners and they submitted their reply to the same. It is further submitted that the impugned orders do not suffer from any infirmity or illegality and are just and valid orders.

9. After having heard the rival submission of learned counsel for the parties, I perused the material on record.

10. For consideration of the claim setup by the petitioners that no proper

opportunity of hearing was provided to them while passing the impugned orders, recital in this regard has been made in paragraphs-4, 23, 24 and 25 of the writ petition and reply of the same has been given in paragraphs-8, 21 to 23 of the counter affidavit and there is no specific denial of the statement of fact given in the writ petition and no material has been found to satisfy that principles of natural justice have been followed, therefore, in view of admission in the aforesaid paragraphs of the counter affidavit due to non supply of material facts that personal hearing was provided to the petitioners, it is found that no personal hearing was provided to the petitioners, therefore, the orders impugned are patently illegal and are in violation of principles of natural justice.

11. The respondent No.2 deferred from the enquiry report submitted by the Inquiry Officer in respect of each of the petitioners without properly appreciating the contents of the enquiry report. The respondent No.2 issued a show cause notice to the petitioners to show cause as to why action may not be taken against them. Once the respondent No.2 was the person who considered the report of the Inquiry Officer and was in disagreement with the enquiry report, he did not pass any order for fresh enquiry in the matter and proceeded to issue a show cause notice in the matter. He was not competent as he was a party to the case.

12. The impugned orders also do not consider the report of the Inquiry Officer and in case the respondent No.2 was in disagreement with the report, then he would have directed to hold a fresh enquiry in the matter and without any fresh enquiry, the impugned order could not have been passed, therefore, the impugned orders deferring from the enquiry report in not holding a fresh enquiry, suffer from apparent illegality and are liable to be set aside. The impugned order also does not record reasons to arrive at conclusion in awarding punishment to the petitioners, therefore, the order, in absence of reasons on coming to the conclusion, is liable to be set aside.

13. The argument advanced by learned counsel for the respondents that impugned orders are just and valid orders does not satisfy this Court and the argument advanced is not considerable in the matter.

14. In view of the reasons recorded above, facts and circumstances of the case clearly demonstrate that the impugned orders have been passed in utter violation of principles of natural justice, non reasoned orders and non speaking orders. The impugned orders suffer from above referred irregularities and are liable to be set aside. Accordingly, the impugned orders dated 27.3.2003 and 4.4.2003 are hereby set aside.

15. Consequently, the writ petition succeeds and is **allowed**.

(Irshad Ali,J.)

March 24, 2026

Gautam