



CWP-27725-2013 (O&M) & connected cases -1-

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

201+114 +280

**CMs-995,996 & 1316-CWP-2023 in
CWPs-5463 & 5258 of 2016 &**

**CM-19843-CWP-2024
in CWP-2995-2016 &**

**CM-18895-CWP-2023 &
CM-19442-CWP-2024 in/&
CWP-27725-2013 (O&M)
Date of Decision :14.05.2025**

**Punjab State Warehousing Corporation Field
Employees Union**

...Petitioner

Versus

Union of India & others

...Respondents

CWP-11011-2020 (O&M)

Puneet Kumar

...Petitioner

Versus

Union of India & others

...Respondents

CWP-12101-2021

Rajinder Kumar and others

...Petitioners

Versus

Union of India & others

...Respondents

CWP-12417-2024



CWP-27725-2013 (O&M) & connected cases -2-

Ajay Khurana and another

...Petitioners

Versus

**The Appellate Authority, the Punjab State Civil Supplies
Corporation Ltd. & others**

...Respondents

CWP-12972-2021

Ranjit Singh

...Petitioner

Versus

Union of India & others

...Respondents

CWP-13794-2020

Bhagwan Dass and others

...Petitioners

Versus

Union of India & others

...Respondents

CWP-14074-2024

Pankaj Vasdev

...Petitioner

Versus

**The Appellate Authority, the Punjab State Civil Supplies
Corporation Ltd. & others**

...Respondents

CWP-14966-2024

Ajay Pathania and another

...Petitioners



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Versus

**The Appellate Authority, the Punjab State Civil Supplies
Corporation Ltd. & others** **...Respondents**

CWP-15343-2024

Manjinder Singh **...Petitioner**

Versus

**The Appellate Authority, the Punjab State Civil Supplies
Corporation Ltd. & others** **...Respondents**

CWP-15444-2024

Sukhdeep Singh **...Petitioner**

Versus

**The Appellate Authority, the Punjab State Civil Supplies
Corporation Ltd. & others** **...Respondents**

CWP-15471-2024

Sukhdeep Singh **...Petitioner**

Versus

**The Appellate Authority, the Punjab State Civil Supplies
Corporation Ltd. & others** **...Respondents**

CWP-17302-2024



CWP-27725-2013 (O&M) & connected cases -4-

Deepak Kumar

...Petitioner

Versus

**The Appellate Authority, the Punjab State Civil Supplies
Corporation Ltd. & others**

...Respondents

CWP-15307-2022 (O&M)

Maan Singh and others

...Petitioners

Versus

**Ministry of Consumers Affairs, Food and Public Distribution
& others**

..Respondents

CWP-15620-2023

Sarvdeep Singh Bedi

...Petitioner

Versus

Union of India & others

...Respondents

CWP-15800-2020

Yashpal Chopra

...Petitioner

Versus

Union of India & others

...Respondents

CWP-1932-2021

Lovely and others

...Petitioners



CWP-27725-2013 (O&M) & connected cases -5-

Versus

Union of India & others

...Respondents

CWP-19641-2020

Sukhjeevan Singh

...Petitioner

Versus

**The Appellate Authority/Board of Directors, The Punjab
Agro Industries Corp. and others**

...Respondents

CWP-20794-2015 (O&M)

Gurdarshan Singh and others

...Petitioners

Versus

The Food Corporation of India and others

...Respondents

CWP-24143-2020

Haricharan

...Petitioner

Versus

Union of India and others

...Respondents

CWP-24157-2023

Thoru Ram

...Petitioner

Versus

**Punjab State Civil Supplies Corporation Ltd.
& another**

...Respondents

CWP-2499-2020 (O&M)

Angrej Singh

...Petitioner



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CWP-15290-2013

Bikramjit Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CWP-16301-2018 (O&M)

Baljeet Singh Gill

...Petitioner

Versus

**Punjab State Agro Industries Corp.
& another**

...Respondents

CWP-17590-2013

Baljeet Singh Gill and others

...Petitioners

Versus

Union of India and others

...Respondents

CWP-3602-2014

Kulwant Singh and others

...Petitioners

Versus

Union of India and others

...Respondents

CWP-19380-2019

Sukhdev Singh Walia & another

...Petitioners



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Versus

Union of India and others

...Respondents

CWP-19779-2009

Harbhajan Dass Bhatia and others

...Petitioners

Versus

Union of India and others

...Respondents

CWP-22944-2013

PAFC Feild Employees Union and others

...Petitioners

Versus

Union of India and others

...Respondents

CWP-23606-2017

Babu Singh

...Petitioner

Versus

**The Punjab Agro Industries Corp. Ltd.
and another**

...Respondents

CWP-23844-2017

Ram Parvesh

...Petitioner

Versus

**The Punjab Agro Industries Corp. Ltd.
and others**

...Respondents

CWP-24475-2019 (O&M)



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Makhan Singh

...Petitioner

Versus

**The Punjab Agro Industries Corp. Ltd.
and others**

...Respondents

CWP-24863-2019 (O&M)

Rupinder Singh

...Petitioner

Versus

**The Punjab Agro Industries Corp. Ltd.
and others**

...Respondents

CWP-2523-2015

Kikar Singh

...Petitioner

Versus

Union of India and others

...Respondents

CWP-25390-2017

Joginder Singh

...Petitioner

Versus

The Punjab Agro Industries Corp. Ltd. and another

...Respondents

CWP-6686-2014

Rajinder Singh and others

...Petitioners

Versus



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Union of India and others

...Respondents

CWP-3842-2017

Iqbal Singh

...Petitioner

Versus

Union of India and others

...Respondents

CWP-5258-2016 (O&M)

**The Punjab State Warehousing Field Employees Union
and another**

...Petitioners

Versus

Union of India and others

...Respondents

CWP-5311-2019

Parshotam Lal

...Petitioner

Versus

**The Additional Chief Secretary-cum-Financial Commissioner
and others**

..Respondents

CWP-5463-2016

Mangal Singh & others

...Petitioners

Versus

**The Punjab State Warehousing Corp.
and another**

...Respondents

CWP-15612-2022

Manjit Singh

...Petitioner

Versus



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**Board of Director, Punjab Agro Industries
Corp and others**

...Respondents

CWP-5695-2018

Raspreet Singh

...Petitioner

Versus

Punjab Agro Industries Corp. and another

...Respondents

CWP-6742-2023

Gurdev Singh and another

...Petitioners

Versus

**The Reviewing Authority, Punjab State Civil Supplies
Corporation Ltd. (PUNSUP) & others**

..Respondents

CWP-7543-2020 (O&M)

Kamal Kishore

...Petitioner

Versus

Punjab State Warehousing Corporation & others

..Respondents

CWP-28600-2024

Surinder Singh

...Petitioner

Versus

Ministry of Consumers Affairs, & others

..Respondents

CWP-14375-2021

Navdeep Singh

...Petitioner

Versus

Union of India & others

..Respondents



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CWP-11265-2021

Nitin Jindal

...Petitioner

Versus

Union of India & others

..Respondents

CWP-34552-2024

Amandeep @Amandeep Gupta & others

...Petitioners

Versus

Appellate Authority PUNSUP & others

..Respondents

CWP-2529-2025

Shivdev Singh and another

...Petitioners

Versus

**Appellate Authority Punjab State Civil Supplies Corp.
Ltd. & others**

..Respondents

CWP-34746-2024

Satish Kumar

...Petitioners

Versus

**Punjab State Civil Supplies Corp.
Ltd. & others**

..Respondents

CWP-1118-2025

Varun Kumar

...Petitioner

Versus

**The Appellate Authority, The Punjab State Civil Supplies
Corp. Ltd. & others**

..Respondents



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CWP-1586-2025

Ajay Kumar

...Petitioner

Versus

**Punjab State Civil Supplies
Corp. Ltd. & another**

..Respondents

CWP-2376-2025

Gagandeep Singh

...Petitioner

Versus

**The Appellate Authority, The Punjab State Civil Supplies
Corp. Ltd.**

..Respondents

CWP-2377-2025

Akash Verma

...Petitioner

Versus

**The Appellate Authority, The Punjab State Civil Supplies
Corp. Ltd.**

..Respondents

CWP-3164-2024

Gagandeep Singh @ Gagandeep

...Petitioner

Versus

**Ministry of Consumers Affairs, Food and Public
Distribution & others**

..Respondents

CWP-34118-2024 (O&M)



CWP-27725-2013 (O&M) & connected cases -14-

**Rajender Kumar @ Rajinder Kumar
& another**

...Petitioners

Versus

**Ministry of Consumers Affairs, Food and Public Distribution
& others**

..Respondents

CWP-7205-2020

Suresh Kumar and others

...Petitioners

Versus

Union of India and others

..Respondents

CWP-12345-2025

Rupinder Singh

...Petitioner

Versus

**The Appellate Authority, The Punjab Agro
Industries Corporation**

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Jagdeep Bains, Advocate (through V.C.)with
Mr. Tahaf Bains, Advocate (through V.C.)for the petitioner(s)
in CWP-27725-2013, CWP-20794-2015,CWP-29925-2016,
CWP-5258-2016,CWP-5463-2016, CWP-37837-2018,
CWP- 5311-2019, CWP-19641-2020, CWP-7543-2020,
CWP-20139-2020, CWP-25473-2021,CWP-15307-2022,
CWP-6742-2023,CWP-14074-2024, CWP-12417-2024,
CWP-15343-2024,CWP-15444-2024, CWP-15471-2024
CWP-3164-2024, CWP-2529-2025, CWP-12345-2025
CWP-28600-2024, CWP-2377-2025, CWP-1118-2025
CWP-2995-2016 & CWP-2376-2025

Mr. J.P.Rana, Advocate for the petitioner
in CWP-17302-2024 & CWP-17302-2024.

Mr. Nitesh Garg, Advocate for the petitioner
in CWP-11265-2021.

Mr. H.S. Saggu, Advocate for petitioner in CWP-24457-2019.

**CWP-27725-2013 (O&M) & connected cases -15-**

Mr. Raman Kaplish, Advocate with Mr. Shiv Kumar, Advocate and Mr. Love Dev Singh, Advocate for the petitioner(s) in CWP-11011-2020, CWP-12101-2021, CWP-12972-2021, CWP-14506-2021, CWP-15839-2021, CWP-1932-2021, CWP-2499-2020, CWP-7205-2020, CWP-27725-2013 and CWP-8247-2019.

Mr. Parveen Kumar Garg, Advocate for the petitioners in CWP-3649-2007, 17590, 22944 of 2013, CWP-16301, 5695 of 2018, CWP-24863 of 2019, CWP-13794-2020, CWP-24143 & 24157 of 2023.

Mr. Gurminder Singh, Senior Advocate with Mr. Jatinder Singh Gill, Advocate for respondent No.4 in CWP-27725-2013.

Mr. Naresh Kumar Manchanda, Advocate in CWP-15800-2020.

Mr. Anil Kumar Sharma, Advocate for respondents No.1 & 2 in CWP-7543-2020.

Mr. Ashish Rawal, Advocate for respondent-UI in CWP-7205-2020 & CWP-21383-2023.

Mr. Padam Kant Dwivedi, Advocate for the petitioner in CWP-27014-2023, CWP-34746-2024 & CWP-21383-2023.

Mr. Rahul Kumar Prashar, Advocate for the petitioner in CWP-14966-2024.

Mr. Himanshu Setia, Advocate & Mr. Parvez Chugh, Advocate for the petitioner(s) in CWP-3602-2014, CWP-6686-2014 & CWP-3842-2017

Mr. Jartinderjit Singh & Mr. Pankaj Advocate for the petitioner in CWP-15612-2022.

Ms. Gunjan Sachdeva, Advocate for Mr. Puneet Sharma, Advocate for the petitioner in CWP-15620-2023.

Mr. T.P.S. Chawla, Senior DAG, Punjab.

Mr. Shubham Thakur, Advocate for respondent-PUNSUP in CWP-24157-2023.

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Ms. Sunint Kaur, Advocate for respondent-PUNSUP
in CWP-14966-2024 & CWP-3455-2024.

Mr. Vikas Singh, Advocate
for respondent No. 5 – MARKFED in CWP-2995-2016.

Mr. Randeep Tanwar, Advocate for respondent-HSWC
in CWP-15307-2022.

Ms. Pushpanjali Bisht, Advocate for
Mr. T.S. Sidhu, Advocate for respondent No.4,5 &6
-PUNGRAIN
in CWP-15620-2023 and
for the respondent-PUNSUP in CWP-17302-2024.

Mr. Ranjit Singh Kalra, Advocate with
Ms. Mona Yadav, Advocate for respondents-PUNSUP
& Punjab Agro Industries Corp. Ltd.

Mr. K.K. Gupta, Advocate
for respondent Nos.3 and 4 in CWP-5311-2019.

Mr. Naveen Chopra, Advocate
for the respondent-ICAR in CWP-7543-2020
CWP-13794-2020, CWP-37837-2018, CWP-15307-2022
& CWP-6742-2023.

Mr. S.K. Gupta, Advocate and
Mr. Sumit Narang, Advocate for respondent No.7 in CWP-
19779-2009 and for respondent No.8 in CWP-24475-2019.

Mr. Somesh Gupta, Advocate for respondent-Punjab Agro
in CWP-17590-2013.

Mr. Sunish Bindlish, Standing Counsel for respondent-FCI.

Mr. Udit Garg, Advocate & Mr. Himanshu Chauhan, Advocate
for respondents in CWP-34118-2024

Mr. Anupam Singla, Advocate for respondent No.4 in
CWP-14375-2021 and respondents No.6 and 7
in CWP-22944-2013, CWP-3602-2014,
and for respondents in CWP-23606-2017.

Mr. M.S. Batth, Advocate for respondent/PUNSUP
in CWP No.15290 of 2013, CWP-3649-2007,
CWP-27014-2023, CWP-15343-2024, CWP-15444-2024
and CWP-15471-2024.

**CWP-27725-2013 (O&M) & connected cases -17-**

Mr. Amanpreet (A.P.) Singh, Advocate
for the respondent-PSWC in CWP-5463-2016.

Mr. Nitesh Bansal, Advocate for
Mr. Jatinder Singh Gill, Advocate for the respondent-PSWC.

Mr. Avikaran Bansal, Advocate for respondent-PUNSUP
in CWP-6742-2023.

Mr. Deepak Gupta, Advocate
for respondent-PUNSUP in CWP No. 24143 of 2023,
CWP-6742-2023 and CWP-12417-2024.

Mr. M.S. Virk, Advocate
for Dr. Puneet Kaur Sekhon, Advocate
for respondent Nos.3 and 4 in CWP-20794-2015.

Mr. Deepak Balyan, Advocate for respondent-ICAR
in CWP-27725-2013, CWP-25473-2021, CWP-25775-2023
& CWP-8482-2023

Mr. Vishal Ahuja, Advocate for respondents No.6 and 7
in CWP-3842-2017.

Mr. Anil Chawla, Senior Panel Counsel
respondent No.1-UOI in CWP-5258-2016.

* * *

Harsimran Singh Sethi, J. (Oral)

**CMs-995,996 & 1316-CWP-2023 &
CM-19843-CWP-2024 &
CM-18895-CWP-2023 & CM-19442-CWP-2024**

As prayed for, application are allowed.

CM-996-CWP-2023 in CWP-5463-2016

Present application has been filed for bringing on record the legal representatives of petitioner No.1-Mangal Singh, who unfortunately died during the pendency of the present appeal.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed. Legal representatives of r petitioner No.1-Mangal Singh, details of whom have

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been given in para-2 of the application are ordered to be brought on record subject to all just exceptions.

Amended memo of parties is also taken on record.

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1. In the present bunch of petitions, details of which have been given in the heading, the grievance being raised by the petitioner(s), who are the employees of the various procuring Food Agencies of the respondent-State of Punjab whose job profile was to store and supply the food grains to the Food Corporation of India is that the policy issued by the Government of India dated 22.10.2021 in respect of the issue as to how loss of gain of weight of stored foodgrains is to be measured as well as acceptance of the said policy vide letter dated 30.05.2022 is not being applied in the case of the petitioner(s) so as to decide the allegations which were alleged against them on the ground that same is applicable only prospectively.

2. As per the petitioner(s), food grains, which were stored by the various procuring food agencies of the respondent-State of Punjab, duty of maintaining of which was upon the petitioner(s)-employees, which duty included as how much should be the weight of the food grains after particular time of storage of such food grain had to be qua which dispute has been pending between the various agencies and their employees. The agencies were demanding gain/loss in the weight of the stored food grains caused due to the moisture, which factum was being disputed by the employees keeping in view the number of years the said food grains remained in storage.



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3. A Coordinate Bench of this Court passed an order dated 24.08.2012 in **CWP-11967-2009 titled as, Punjab State Ware Housing Field Employees Union vs. Union of India and others** dealing with the said issue in detail. As the employees were being issued charge sheets qua the said aspect with the allegations that they were not performing their duties in accordance with law so as to allege that weight of the stored food grain was not in accordance with law and punishment of recoveries were imposed upon them hence, in order to streamline the said process in order to decide for once and all about the issue regarding the weight gain/loss during the storage of food grain, a policy was directed to be framed and that too after getting expert's opinion on the said issue.

4. Ultimately, the issue was sought to be resolved by the State in consultation with the various Food Agencies. The reports of the experts from Indian Council for Agriculture Research (hereinafter referred to as 'ICAR') was sought for. After getting the reports from the said experts qua the aspect as to how the weight gain/loss in food grains was to be decided, policies/standard operating process dated 22.10.2021 and 30.05.2022 attached with the main writ petition at page No.251 & 269 respectively were issued thereby through policy dated 22.10.2021 recommendation of expert committee for fixing norms for storage loss/gain on wheat and rice based on recommendation ICAR-CIPHET formula for calculation of storage loss/gain along with the correct procedure to do so has been stipulated which policy has come into effect from 01.11.2021 and through letter dated 30.05.2022, the policy dated 22.10.2021 has been directed to be applied to all agencies with respect to CAP storage of wheat with effect



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from Rabi marketing season 2023-2024.

5. The implementation of said policy/standard operating process dated 22.10.2021 and letter dated 30.05.2022 issued by the Government of India, Ministry of Consumers Affairs, Food and Public Distribution is in question qua it being prospective in nature.

6. Learned counsel appearing on behalf of the petitioner(s) submits that though, the said policy qua the determination of weight gain/loss of the stored food grain has been issued but their claims are not being considered keeping in view said policy dated 22.10.2021 read with letter dated 30.05.2022 on the ground that the said policy is not to be made applicable qua the disputes pending prior to the issuance of the said policies and the same will only be prospective in nature and there is also challenge to the said policies on the ground that certain aspects noted while issuing the said policy are also causing prejudice to the employees.

7. Learned counsel appearing on behalf of the Food Agencies submits that unless the said policy/standard operating process dated 22.10.2021 and 30.05.2022 are made operational to be made applicable upon the pending disputes either inter se between the Food Agencies and the employees or inter se between the Food Agencies, the benefit, which is being sought by the petitioner(s) cannot be extended in view of the terms and conditions of policy dated 22.10.2021 and the letter dated 30.05.2022.

8. Learned counsel appearing on behalf of Food Agencies of the State of Punjab submits that it is the State which has to take decision on the said issue as agencies are only implementing the directions of policies of the State and Union on their own.

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9. Learned counsel appearing for the Food Corporation of India submits that keeping in view the policy which existed when the wheat was lifted by the Food Agencies so as to supply the same, certain objections were raised by the Food Corporation of India with the Food Agencies qua the weight gain/loss of the food grains lifted and those objections have to be dealt with on the basis of the norms which existed at the time of lifting of food grains and the issue not be reopened so as to deal those objection on the basis of the newly formed policy dated 22.10.2021.

10. Learned counsel appearing on behalf of the Food Agencies of the State of Punjab argues that in case the argument of the learned counsel for the Food Corporation of India is accepted then, the policy/standard operating process dated 22.10.2021 and letter dated 30.05.2022 have to be deemed to be prospective in nature and the employees cannot claim retrospective benefit of the same.

11. I have heard learned counsel for the parties and have gone through the record with their able assistance.

12. The question which is put before this Court for determination is whether the policy/standard operating process dated 22.10.2021 and letter dated 30.05.2022, which have been framed by the State Government on the advice of the experts and by associating various Food Agencies, are to be made applicable prospectively or not and whether any dispute pending between the employees and the agencies or between the Food Agencies on the issue of weight gain on the date of issue of the said policies, the same needs to be decided on the basis of the said policies or not.

13. The issue has to be understood while keeping in mind that

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scientific reasons have been given while forming the said policy qua the aspect as to how the food grains are to be stored and what norms are to be made applicable to assess the weight gain/loss at the time when the food grain is lifted. The said issue is a scientific one and has been dealt with by the experts of ICAR. On the recommendation of the experts, the policy/standard operating process dated 22.10.2021 and letter 30.05.2022 have been framed by the Government of India. Once, the said issue has been scientifically decided and policy has been issued on the basis of the said scientific recommendations made to the Government, the said policy has to be made applicable on all the pending issues existing either between the employees and Food agencies or inter se between the food agencies on the date when the policies have been issued by the Government of India. It cannot be said that the issues which were pending when the policy was published are to be dealt with according to the old policy whereas, the same issues which arose after the forming of said new policies which also concerns the weight gain/loss while storing food grains is to be dealt by keeping in mind the newly formed policy/standard operating process dated 22.10.2021 and letter dated 30.05.2022.

14. The scientific nature of the weight gain/loss in the food grain during storage remains the same even prior to the issuance of the said policy and is a factual aspect and not a policy aspect therefore, all the pending disputes inter se between the Food Agencies including the Food Corporation of India and other Food Agencies of the Government of Punjab are to be dealt with as per the policy/standard operating process dated 22.10.2021.

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15. Further, in case the policy dated 22.10.2021 issued by the Government of India is only made applicable prospectively, it will cause discrimination between the similarly situated employees. An employee, who was the incharge of the storing the food grain up to 21.10.2021 under the similar circumstances will be dealt in a different manner whereas, the same employee or the employee discharging the same duties facing allegations on the similar facts qua the same food grain stored but lifted after 21.10.2021 will be dealt in a different manner such a scenario which will only cause prejudice between the similarly situated employees. The prejudice needs to be removed as there is no scientific basis to adopt the said cut off date to treat the policy dated 21.10.2021 prospectively.

16. The nexus sought to be achieved by the policy dated 22.10.2021 is to be determine the weight gain/loss of the food grains while being stored, which aspect remains the same even prior to 21.10.2021 and even after issuance of policy dated 22.10.2021. By using the norms set by the policy to address the issue of weight gain/loss of the food grains stored and taking two different decision on the same issue by adopting the said policy prospectively will be arbitrary and illegal and will be discriminatory and cannot be sustained.

17. Further, it is not the case that vide policy dated 22.10.2021 any benefit which existed was enhanced or reduced. The factual aspects have been established, which need to be taken into consideration while deciding the issue of weight gain/loss of the food grain stored hence, implementing the norms set by policy dated 22.10.2021 and taking it as a cut off date so as to implement it prospectively is not correct as it would amount to excluding

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the employees, who were also facing similar allegations and whose dispute arose before the said policy, whereas issue faced by them is already covered by the policy dated 21.10.2021.

18. It has been brought to the notice of this Court that the Food Corporation of India raised the objection with regard to the certain weight gain/shortage in the food grains during the time they were stored and lifted without even controverting the same, the said objections were accepted by the Food Agencies of the State of Punjab and the said allegations were being passed upon the employees of the food agencies to hold them guilty of the said objections so as to punish them.

19. It is directed that any dispute pending consideration on the allegations for which employee faced various charge sheets/punishment on the said issue are also to be decided on the basis of the policy/standard operating process dated 22.10.2021 and letter dated 30.05.2022, which has been framed after due inputs by the experts on the issue of the weight gain by the food grains during the storage. The said policy will be made applicable for all intent and purposes on the issue which are pending consideration *inter se* between food agency i.e. Food Corporation of India as well as by the various Food Agencies of the Government of Punjab as well as upon the claim being raised by the employees wherein they have been alleged to have misconducted themselves qua the aspect of the weight gain/loss in the food grains during the time they were stored or any punishment, which may have been imposed upon them which has still not attained finality. The non-attaining of finality of the issue between the parties means also the pendency of the writ petitions by such employees

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before this Court, which will also be treated as pending disputes so as to give jurisdiction to such employees to decide the allegations alleged against them of punishment imposed to be decided in view of the policy dated 22.10.2021.

20. Keeping in view the facts and circumstance of the present case and the observations of this Court, it is directed that in case, any employee raises any grievance who is before this Court, whose punishment or charge sheet has not attained finality, will be free to raise his/her objection with regard to action taken against them qua the aspect of shortage/the weight gain/loss in the food grains, which were in the custody of such employee with the authorities concerned by filing appropriate representation that the allegations alleged against them or the allegations accepted against them are contrary to the policy, which has been issued by the Government of India dated 22.10.2021 which are to be made applicable upon them.

21. In case any such grievance is raised by the employees concerned, the Agency concerned will be under an obligation to look into the aspect/grievances raised by such employee in terms of the policy/standard operating process dated 22.10.2021 of the Government of India and pass an appropriate speaking order whether any action/order passed by such agency needs reconsideration or not in view of the policy/standard operating process dated 22.10.2021. In case, it is found that the objections raised by the employee concerned are meritorious, appropriate decision be taken either to withdraw the disciplinary proceedings or where punishment orders have been passed then to suitably modify the punishment order keeping in view the facts and circumstances of

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each case in light of the policy in question.

22. Further, with regard to the objections being taken by the Food Corporation of India on the basis of which the employees have been issued charge sheets or punishment orders, the said objections of the Food Corporation of India will also be looked into on the basis of the policy/standard operating process dated 22.10.2021 and letter dated 30.05.2022 which have been framed on the basis of the inputs by the experts. In case, the objections of the Food Corporation of India are valid in terms of the policy/standard operating process dated 22.10.2021 and letter dated 30.05.2022, appropriate decision will be taken by the Food Agencies of the Government of Punjab and appropriate order will be passed otherwise agencies will be free to pass appropriate order in light of the policy dated 22.10.2021. In case, the Food Corporation of India is aggrieved in any manner qua the non-acceptance of their claim by the respective Food Agencies, they can avail appropriate remedy before the appropriate Forum.

23. In case, the Food Agencies do not accept the objections of the Food Corporation of India and reject the deductions made by the Food Corporation of India, they will be within their right to claim the deducted amount in accordance with law.

24. Further, in some of the petitions, there is a challenge to the policies/standard operating process dated 22.10.2021 and letter dated 30.05.2022 issued by the Government of India.

25. At the time of hearing, learned counsel for the petitioner(s) submits that the challenge was only qua whether these policies will be applied retrospectively or prospectively, which issue has already been



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clarified by this Court by the present order and hence, at this stage, the said claim be treated as not pressed with liberty that in case, any ambiguity arises, the petitioner(s) can avail appropriate remedy.

26. Further, there are interim orders for stay on the punishment imposed upon the petitioner(s) employees as well as the proceedings which are being initiated against the employees qua the aspect of weight gain/shortage in the food grains stored, which fact has now to be reconsidered in case raised by an employee concerned hence, any employee who raises the objections with regard to the punishment imposed or the proceedings initiated by placing reliance upon the policy/standard operating process dated 22.10.2021 and letter dated 30.05.2022, till the said claim is decided by the authorities concerned, no coercive action be taken against them. However, after the decision of the authorities concerned on such representation, agencies concerned they will be within their right to get the said order implemented.

27. It may be noticed that only the representation which is made up to 30.06.2025 will be looked into by the authorities concerned in terms of the present order.

28. Present petitions are disposed of in above terms.

29. Civil miscellaneous applications pending, if any, is also disposed of.

30. A photocopy of this order be placed on the file of connected cases.

May 14, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No