



**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**



**CWP-27725-2013 (O&M) & connected cases -3-**

**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**

**Sukhjeewan 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**



**CWP-27725-2013 (O&M) & connected cases -6-**

**Versus**  
**Union of India and others** ...**Respondents**

**CWP-25473-2021**

**Harvinder Singh** ...**Petitioner**

**Versus**  
**Punjab Agro Industries Corporation & others** ...**Respondents**

**CWP-27014-2023**

**Vikram Singh and others** ...**Petitioner**

**Versus**  
**Union of India and others** ...**Respondents**

**CWP-2995-2016 (O&M)**

**The Punjab State Corporative Supply and Marketing Federation Field Employees Union and others** ...**Petitioners**

**Versus**  
**Union of India and others** ...**Respondents**

**CWP-3649-2007 (O&M)**

**Hans Raj and others** ...**Petitioners**

**Versus**  
**Union of India and others** ...**Respondents**



**CWP-27725-2013 (O&M) & connected cases -7-**

**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



**CWP-27725-2013 (O&M) & connected cases -8-**

**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)**



**CWP-27725-2013 (O&M) & connected cases -9-**

**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**



**CWP-27725-2013 (O&M) & connected cases -10-**

**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**



**CWP-27725-2013 (O&M) & connected cases -11-**

**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**



**CWP-27725-2013 (O&M) & connected cases -12-**

**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**



**CWP-27725-2013 (O&M) & connected cases -13-**

**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. Saggi, 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 Advocae with Mr. Jatinder Singh Gill, Advocate for respondent No.4 in CWP-27725-02013.

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

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

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

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

**CWP-27725-2013 (O&M) & connected cases -16-**

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 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.

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

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 reamined 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 ssue.

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 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 polices 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**  
*aarti*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

*Whether speaking/reasoned : Yes*

*Whether reportable : No*