

CWP No.15330 of 2012

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

CWP No.15330 of 2012 (O&M)

Date of decision: 12.04.2016

Food Safety Officer's Association

....Petitioner

Versus

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?
- 2) To be referred to the Reporters or not ?
- 3) Whether the judgment should be reported in the Digest ?

Present: - Mr. Arjun Partap Atma Ram, Advocate, for the petitioner.
Mr. Varun Issar, Advocate, for respondent No.1.
Mr. S.S. Chandumajra, Addl. A.G., Punjab.

PARAMJEET SINGH DHALIWAL, J. (ORAL)

Instant writ petition has been filed for quashing the order dated 19.06.2012 (Annexure P-18) and order dated 20.07.2012 (Annexure P-19) and for directing the State to appoint Designated Officers in accordance with the Food Safety and Standards Act, 2006 (for short 'the Act') and Rules framed thereunder considering the claims of the petitioner association.

Vide notification dated 19.06.2012 (Annexure P-18) District Health Officers in the State of Punjab were notified as Designated Officers Food Safety under the Food Safety & Standards Act, 2006 and vide order dated 20.07.2012 (Annexure P-19) it was held that notification in respect of District Health Officers of the State appointing

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them as Designated Officers is legal and demand was rejected. As per provisions of the Act, no person can be given additional charge of Designated Officer as such the impugned notification is not valid one. Even the qualification for the post of Designated Officer has not been laid down.

At this stage, learned counsel for the State submits that Government of Punjab, Department of Health and Family Welfare vide notification dated 31.03.2016 has already framed the Rules known as “Punjab Food and Drug Administration (Technical Group-A) Service Rules, 2016” wherein qualification in consonance with the provisions of the Act has been laid down. Copy of the notification dated 31.03.2016 is taken on record.

In view of this, present petition is dismissed as infructuous. However, authorities shall take a decision with regard to appointment of Designated Officers preferably within a period of two months from the date of receipt of certified copy of this order.

If the petitioner is aggrieved against the order, he will be at liberty to challenge the same.

(Paramjeet Singh Dhaliwal)
Judge

April 12, 2016
R.S.