

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 20.12.2018

CORAM
THE HON'BLE DR.JUSTICE S.VIMALA
W.P.No.33898 of 2018

K.Vijaya Sarangan

....Petitioner

Vs

1.The Chief Executive Officer

Food Safety and Standards Authority of India
Government of India, FDA Bhawan, Kotla Road
New Delhi-1.

2.The Secretary to Government of India

Ministry of Food Processing Industries
New Delhi.

.....Respondents

For Petitioner : Mr.V.Vijay Shankar

For Respondents : Mr.Su.Srinivasan,
Standing counsel

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the 1st respondent to consider and dispose of the petitioner's representation dated 03.07.2017 for absorption into [Food Safety and Standards Authority of India] FSSAI viz., the 1st respondent herein.

O R D E R

This writ petition has been filed seeking direction to the first respondent to consider and dispose of the petitioner's representation dated 03.07.2017 for absorption into FSSAI (Food Safety and Standards Authority of India).

2. The petitioner joined as Inspector and promoted as Junior Inspecting Officer in the Ministry of Food Processing Industries. In the mean time, Food Safety and Standards Act came into force, by which the petitioner's services was transferred to FSSAI (Food Safety and Standards Association of India). At the time of absorption to FSSAI, options were called for. The petitioner wanted a clarification as to whether the past services in the Government of India would count for pension, gratuity etc., for which there was no response. Hence, the the petitioner opted for service under Government of India. In 2013, the petitioner reverted to parent department, but was declared surplus and was posted to Income Tax Department, where

he is working now as Inspector. The Government of India, during March 2017, issued a Memorandum of Understanding that past services of such absorbed employees to FSSAI will count for pension and gratuity. Hence, the petitioner sent a representation on 03.07.2017, requesting to revoke the option exercised by him on 26.03.2012 and seeking absorption into FSSAI in order to avail the benefits extended to the absorbed employees.

3. Mr.Su.Srinivasan, learned Standing Counsel takes notice on behalf of the respondents.

4. In view of the limited nature of the prayer, the respondents are directed to consider the representations of the petitioner dated 03.07.2017, in proper perspective, and pass orders thereon, within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Chief Executive Officer,
Food Safety and Standards Authority of India
Government of India,
FDA Bhawan, Kotla Road,
New Delhi-1.

2.The Secretary to Government of India,
Ministry of Food Processing Industries
New Delhi.

+1cc to Mr.V.Vijay Shankar, Advocate, S.R.No.89234

W.P.No.33898 of 2018

KJ(CO)

rrs 25/01/2019

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