

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPIL No. 113 of 2017**

Virendra Pandey S/o Late Shri B.B.Pandey, Aged About 66 Years R/o 31/666,
New Shanti Nagar, 4th House, 4th Lane, Raipur, Tahsil And District Raipur,
Chhattisgarh

---- Petitioner**Versus**

1. Union Of India Through CEO, Food, Safety And Standard Authority Of India, FDA Bhawan, Kotla Road, New Delhi
2. The State Of Chhattisgarh, Through The Secretary, Health Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, Tahsil And District Raipur, Chhattisgarh
3. The Commissioner, Food, Safety And Drug Administration, Chhattisgarh, Indrawati Bhawan, Block No. 1, 4th Floor, Mantralaya, Naya Raipur, Tahsil And District Raipur, Chhattisgarh

---- Respondents

For Petitioner	: Shri Rajat Agrawal, Advocate.
For Respondent/State	: Smt. Fouzia Mirza, Additional Advocate General.

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice
Hon'ble Shri Sanjay K. Agrawal, Judge

Order on Board**Sanjay K. Agrawal, J.****24/06/2019**

1. Heard Shri Rajat Agrawal, learned counsel appearing for the Petitioner and Smt. Fouzia Mirza, Additional Advocate General appearing for the State.
2. This Public Interest Litigation has been filed questioning the order dated 24.08.2016 (Annexure P/1) by which the Commissioner, Food Safety-cum-Controller, Food and Drug Administration, Chhattisgarh passed an order and appointed Dr. Ajay Shankar Kannoje and Dr. Ashwani Dewangan as Designated

Officers in exercise of power conferred under Section 36(1) of the Food Safety and Standards Act, 2006 (hereinafter referred to as 'Act of 2006') for all the districts of State of Chhattisgarh.

3. Shri Rajat Agrawal, learned counsel appearing for the Petitioner would submit that Section 36(1) of the Act of 2006 contemplates the 'Designated Officer' for each district. Merely two persons i.e. Dr. Ajay Shankar Kannoje and Dr. Ashwani Dewangan cannot perform the official duties and responsibilities of that for all the 27 districts of the State, therefore, the impugned order be quashed and the State be directed to appoint 27 Designated Officers in exercise of power conferred under Section 36(1) of the Act of 2006.

4. Smt. Fouzia Mirza, learned Additional Advocate General appearing for the State would submit that she sought instructions and additional affidavit has been filed on 24.06.2019 stating that 16 officers have now been appointed in 27 districts as Designated Officers u/s 36(1) of the Act of 2006. They are Assistant Food Controllers and they are not below the rank of Sub Divisional Officers to perform the duties under Section 36(1) of the Act of 2006. She would further submit that in 11 Districts, though additional charge has been given to other Designated Officers, but the Districts for which additional charge has been given, Designated Officers will be separately appointed within a period of two months.

5. We have heard learned counsel appearing for the parties, considered their rival submissions and perused the record with utmost circumspection.

6. Considering the submission of learned Additional Advocate General that State now already passed an order to appoint 16 Designated Officers in exercise of power conferred under Section 36(1) of the Act of 2006 and proposed to appoint 11

Designated Officers for performing the duty and the functions under Section 36(1) of the Act of 2006, we dispose off this writ petition directing that the State to consider and appoint 11 more Designated Officers under Section 36(1) of the Act of 2006 within a period of two months from today.

7. With the aforesaid observations/directions, this public interest litigation stands finally disposed off.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Sanjay K. Agrawal)
Judge

Anu