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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P. (C) 4007/2020

FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA
TECHNICAL OFFICERS WELFARE
ASSOCIATION Petitioner

Through Mr. Pankaj Kumar and Mr.
Shubhendu Saxena, Advocates.

versus

FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA &
ANR. Respondents

Through Mr. Aditya Singla with Mr. Sameer
Chaudhary, Advocates for R-1.
Mr. Harish Vaidyanath Shankar
CGSC with Mr. Varun Kishore,
Advocate for R-2.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER
08.07.2020

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Hearing has been conducted through Video Conferencing.

CM No. 14396/2020 (Exemption from filing certified copy of annexures)

In view of the reasons stated in the Application, the same is disposed of with a direction to the Applicant to file the certified copy of annexures within 72 hours from the date of resumption of regular functioning of the Court.

Application stands disposed of.

W.P. (C) 4007/2020 and CM No. 14395/2020 (Stay)

By way of present petition, Petitioner lays a challenge to the Food Safety Standards Authority of India (Recruitment and Appointment) Regulations, 2018 on several grounds.

One of the grievances of the Petitioner, amongst others, is that in certain posts, while employees from the Department are eligible and awaiting promotions for long periods in the feeder posts, under the promotion-quota, yet impugned Rules have provided Deputation and Absorption on Deputation as a mode of filling up the posts. This is further blocking the avenues of promotion and stagnation is increasing. The obvious adverse effect is that employees are suffering and even their morale is effected.

It is argued by learned counsel for the Petitioner that most of the provisions in the impugned Rules are against the well settled law as succinctly brought out in the petition.

Learned counsels appearing for Respondent Nos. 1 & 2 have raised two preliminary objections. It is first submitted that it is not in the domain of this Court to enter into an exercise of examining the Recruitment Rules or directing framing of Recruitment Rules, tailor-made to suit the Petitioner.

The second preliminary objection is that the Petitioner has not made any comprehensive Representation to the Respondents, enabling them to examine and address the grievances raised in the present petition and the present petition is, therefore, premature.

Mr. Pankaj Kumar, faced with this, submits that the Petitioner will make a comprehensive Representation to both the Respondents, bringing out the grievances of the Petitioner, against the Recruitment Rules.

Learned counsel for the Petitioner submits that the DoPT Office Memorandum dated 31.12.2010, as amended in 25.03.2014, lays down the Guidelines according to which the Recruitment Rules are required to be framed and the same be taken into consideration by the Respondents, while disposing of the Representation of the Petitioner.

Representation will be made by the Petitioner within a period of 10 days from today.

Representation so made, will be disposed of by the Respondents within a period of four weeks from the date of receipt of the same. DOPT guidelines stipulated in OMs mentioned above, shall be kept in mind while examining the representation as well as the stagnation in promotions, if any.

Needless to state that a speaking and reasoned order will be passed while disposing of the Representation. The order so passed will be communicated to the Petitioner within a period of one week from the date of the order.

Petitioner is at liberty to resort to remedies available to the Petitioner, in law, in case the grievance of the Petitioner still survives, after the disposal of the Representation.

Petition is disposed of in the aforesaid terms.

JYOTI SINGH, J

JULY 08, 2020/yo