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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2024

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

AND

THE HONOURABLE MR.JUSTICE G. ARUL MURUGAN

W.A. Nos. 2103, 2105, 2107 & 2109 of 2019

&

C.M.P. Nos. 14263, 14264, 14268, 14269, 14271, 14273, 14278 & 14281 of

2019

Dr. Rajkumar Yeddula

..Appellant in W.A.
No. 2103 of 2019

P. Kavusalia

..Appellant in W.A.
No.2105 of 2019

D. Ramachandran

..Appellant in W.A.
No. 2107 of 2019

A.Kamalavinayagam

..Appellant in W.A.
No. 2109 of 2019

Vs.

1. The Union of India,
rep. by its Secretary,
Ministry of Health and Family
Welfare,
156, 'A' wing, Nirman Bhavan,
New Delhi – 110 011.



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2. The Chairperson,
Food Safety and Standards
Authority of India,
FDA Bhavan, Kotla Road,
New Delhi – 110 002.
3. The Chief Executive Officer,
The Chairperson,
Food Safety and Standards
Authority of India,
FDA Bhavan, Kotla Road,
New Delhi – 110 002.
4. The Executive Director,
The Chairperson,
Food Safety and Standards
Authority of India,
FDA Bhavan, Kotla Road,
New Delhi – 110 002.
5. The Director,
Food Safety and Standards Authority
of India,
Southern Regional Office, 2nd Floor,
Central Documentation Complex,
Ch.P.T. Building, Rajaji Salai,
Chennai – 600 001.

..Respondents in all
the Writ Appeals.

Prayer: Writ Appeals as against the order dated 24.04.2019 passed in
W.P. No. 11974, 11980, 11959 & 12011 of 2019 respectively.



For Appellant :: M/s.K. Thennan
in all appeals K. Mohanamurali

For Respondents in
all appeals :: Mr.S. Janarthanam for R1
 Mr.V. Ashok Kumar for
 Mr.Su. Srinivasan,
 Standing Counsel for R2 to R5

J U D G M E N T

(Delivered by DR. ANITA SUMANTH,J.)

Originally, 14 persons had filed writ petitions challenging recruitment notification dated 26.03.2019 issued by the Food Safety and Standards Authority of India. The writ petitions came to be dismissed by way of impugned order dated 24.04.2019 on the ground that the petitioners are contractual employees and hence, not entitled to challenge the recruitment notification.

2. All 14 writ petitioners instituted writ appeals that came to be dismissed for non-prosecution. Only the present four appeals have been restored by order dated 29.08.2023 in C.M.P. Nos. 5895, 5897, 5898 & 16845 of 2023, the reason being that, as putforth by the learned counsel for the respondents, some of the writ petitioners had been successful in the direct recruitment and hence, saw no reason to pursue the writ appeals.

3. Be that as it may, insofar as the present writ appeals are concerned, the contracts of the appellants have expired on 31.08.2023 and



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have not been renewed thereafter. As against the termination of the contracts, the appellants state that they have approached the Delhi High Court by way of writ petitions.

4. In such circumstances, we are of the considered view that the appellants are riding two horses which is neither necessary nor appropriate. The primary employer in this case is the Food Safety and Standards Authority of India and the substantial lis of the appellants is qua that employer. They have been appointed on contract basis by the Southern Regional Office of the Food Safety and Standards Authority of India, based on which the present writ appeals have been instituted in this High Court.

5. In the light of the circumstances as aforesaid, we think that it would serve their interests fully in pursuing the matters before Delhi High Court. Should, for any reason, it becomes necessary that they would have to revive the prayers in these writ appeals, such liberty is given to the appellants.

6. With the above liberty, the writ appeals are closed. No costs. Connected miscellaneous petitions are also closed.

(A.S.M.J.) (G.A.M.J.)
12.12.2024

nv
Index: Yes/No
Neutral Citation : Yes/No



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