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

+ **W.P.(C) 12241/2025**

DR GYAN PRAKASH SHARMAPetitioner
Through: Counsel (appearance not given).

versus

UNION OF INDIA AND ANR.Respondents
Through: Mr. Sushil Kumar Pandey, SPC
with Mr. Sarvesh Shrivastava, G.P.
for R-1.
Mr. Rakesh Chaudhary, Advocate
for R-2.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **13.08.2025**

1. Issue notice. Mr. Sushil Kumar Pandey, learned Senior Panel Counsel, accepts notice on behalf of respondent No. 1 – Union of India. Mr. Rakesh Chaudhary, learned counsel, accepts notice on behalf of respondent No. 2 – Food Safety and Standards Authority of India [“FSSAI”].
2. The petitioner was appointed in 2013 as Director, Food Research and Standardization Laboratory [“FRSL”], Ghaziabad, under the Government of India. In 2016, the administrative control of FRSL was transferred to FSSAI, and the petitioner continued in the same post on deemed deputation.
3. Pursuant to an Office Memorandum dated 22.01.2016 issued by FSSAI, the petitioner, by letter dated 19.02.2016, opted for absorption in



FSSAI. His absorption was effected through an Office Memorandum dated 10.05.2019 issued by the FSSAI.

4. By way of the present writ petition, the petitioner seeks *in-situ* promotion from Pay Level 13 to Pay Level 14 with effect from 23.07.2016, and from Pay Level 14 to Pay Level 15 with effect from 23.07.2019. Learned counsel for the petitioner submits that, upon absorption, the petitioner was entitled to the benefit of the same terms and conditions of service as before. For this purpose, reliance is placed on Section 90 of the Food Safety and Standards Act, 2006.

5. The petitioner's representation seeking *in-situ* promotion was rejected by FSSAI through an order dated 03.03.2020, on the ground that the *In-Situ* Promotion Rules, 1990, ["1990 Promotion Rules"] were not applicable to FSSAI.

6. On a further representation made by the petitioner, the Union of India, by order dated 12.06.2025, concluded that the 1990 Promotion Rules would not apply to the petitioner after his absorption in FSSAI. The representation, however, was forwarded to the concerned section to take up the matter with FSSAI for exploring promotion options for Non-Medical Scientists of FSSAI.

7. In these circumstances, it appears that the respondents are still *in seisin* of the petitioner's representations and efforts are being made to explore the options for *in-situ* promotion to persons in the petitioner's position.

8. Learned counsel for the petitioner states that the petitioner would be satisfied if a direction is issued to the respondents to take an appropriate decision within a given timeframe.



9. I am also of the view that, it is appropriate that an administrative resolution of the matter be explored.
10. The respondents may co-ordinate with each other and dispose of the petitioner's representation by a reasoned order within three months from today. While considering the matter, the respondents will also take into account the contentions advanced in the present writ petition and the documents placed on record by the petitioner.
11. In the event of an adverse decision, the same may be communicated to the petitioner within the said period.
12. All rights and contentions of the parties on merits are left open.
13. The writ petition is accordingly disposed of in these terms.

PRATEEK JALAN, J

AUGUST 13, 2025

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