

Court No. - 36

Case :- WRIT - A No. - 49263 of 2011

Petitioner :- Ram Sakal Yadav And Others

Respondent :- State Of U.P. And Others

Petitioner Counsel :- Kripa Shankar, Ashok Khare

Respondent Counsel :- C.S.C.

Hon'ble Yatindra Singh, J.

Hon'ble Kashi Nath Pandey, J.

1. This is a writ petition against the notification dated 11.8.2011 empowering the persons mentioned in column 2 to work as Food Safety Officer within the jurisdiction mentioned therein.

2. We have heard counsel for the petitioners and Standing counsel for the respondents.

3. The counsel for the petitioners submits that:

- The State government does not power to confer the jurisdiction;
- The petitioners are Sanitary and Food Inspectors and are posted at Nagar Nigam/Nagar Palika and are governed by the UP Palika Centralised (Service) Rules.

4. The State Government is authorised to confer power of the Food Safety Officer under section 37 (2) of the Food Safety and Standards Act, 2006 (the Act). This notification has been issued under this section. It is not correct to say that the State government has no power to do so.

5. By the notification, the salary of the petitioners is not being reduced. They will do the work as is entrusted to them under the rules governing them. The State Government has merely has exercised of power under section 37 (2) of the Act that it is authorised to do so.

6. There is no merit in the writ petition. It is dismissed.

Order Date :- 29.8.2011

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