

Court No. - 7

Case :- SERVICE SINGLE No. - 17133 of 2020

Petitioner :- Manoj Kumar Verma

Respondent :- State Of U.P. Thru.Prin.Secy. Food Safety & Drug Admin.& Anr

Counsel for Petitioner :- Brijesh Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Mrs. Sangeeta Chandra,J.

Heard the learned counsel for the parties and perused the record.

This petition has been filed by the petitioner challenging the order dated 11.09.2020 by which the inquiry has been instituted against the petitioner for alleged misconduct of not taking timely action against M/s Bhagwati Enterprises for Krishna Bhog Chhena adulterated Powder. The Food sample of Sri Krishna Bhog Chhena Powder was found sub-standard and unsafe for human consumption in the report submitted by the Food Security Officer.

The petitioner has also challenged the order dated 11.09.2020 by which he has been transferred from Agra where he was posted as Designated Officer, Food Security to the Headquarters at Lucknow.

It is the case of the petitioner that he was selected by the U.P. Public Service Commission, on 15.09.2015 and was posted at Barabanki as Designated Officer. On 30.06.2019 he was transferred to Agra and the order impugned has been passed by making observations that the petitioner before he was selected and appointed as Designated Officer had made some objectionable posts on his Facebook page against Mr. Amit Shah, the then Adhyaksh, Bhartiya Janta Party.

It has been submitted by the learned counsel for the petitioner that the petitioner could not be punished for something done by him before being selected and appointed as Designated Officer on 15.09.2015.

This Court has gone through the impugned orders.

This Court does not appreciate the reference made in the impugned order dated 11.09.2020 instituting the disciplinary proceedings against the petitioner, of the

Facebook page post which he made on 15.07.2015 much before the joining as Designated Officer on 15.09.2015. However, even if the said reference is ignored there is another charge levelled against him of not taking action against M/s Bhagwati Enterprises which needs to be inquired into by the Enquiry Officer and therefore, this Court cannot at this point in time stay the inquiry proceedings initiated against the petitioner on 11.09.2020.

The Annexure no.1 is the order again passed on 11.09.2020 transferring the petitioner from Agra and attaching him at the Headquarter in the office of the Commissioner, Food Safety and Drugs Administration, U.P., Lucknow. This order, it is apparent, has been passed as a consequence of the order instituting the inquiry against the petitioner. In case, the inquiry has been instituted and the Inquiry Officer is stationed at Kanpur, it would have been appropriate for the petitioner to be attached in the office at Kanpur so that the disciplinary proceedings against him may be concluded expeditiously.

The order of transfer dated 11.09.2020 is quashed with a direction to the Opposite party no.1 to reconsider passing appropriate orders in view of the observations made hereinabove.

Three weeks' time as prayed for is granted to the learned Standing Counsel to file counter affidavit. One week's time thereafter is given to the petitioner to file his rejoinder affidavit.

List this matter in the **week commencing 23.11.2020**.

Order Date :- 19.10.2020

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