

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.160/2013

Wednesday, this the 3rd day of April 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Gaurav Saksena
s/o Sh. Kamal Kumar Saksena
r/o F-270, Lado Sarai, DDA Flats,
New Delhi – 110 030

...Applicant
(Mr. Anil Singal, Advocate for Mrs. P K Gupta, Advocate)

Versus

1. Union of India through Secretary
Ministry of Health & Family Welfare
Nirman Bhawan,
New Delhi
2. CEO,
Food Safety & Standard Authority of India
3rd Floor, FDA Bhawan
Kotla Road,
New Delhi – 110 002
3. Secretary
Ministry of Food Processing Industries
August Kranti Marg
Panchsheel Bhawan
Khel Gaon Road
New Delhi – 110 049
4. Assistant Director
Food Safety & Standard Authority of India
3rd Floor, FDA Bhawan
Kotla Road,
New Delhi – 110 002

...Respondents
(Dr. Ch. Shamshuddin Khan, Advocate)

O R D E R (ORAL)**Justice L. Narasimha Reddy:**

The applicant was working as Junior Inspecting Officer in the Ministry of Food Processing Industries, the 3rd respondent. He has been sent on deputation to Food Safety & Standard Authority of India (FSSAI), the 2nd respondent herein, through an order dated 20.12.2012. This O.A. is filed challenging the said order and for a direction to the respondents to absorb him in the 2nd respondent organization, in terms of Section 90 of Food Safety & Standards Act, 2006.

2. The respondents filed counter affidavit opposing the O.A.
3. The O.A. was taken up for hearing on 16.08.2018. It was brought to the notice of the Tribunal that the applicant was dismissed from service of the parent organization, and challenging the same, he filed O.A. No.571/2015 before the Mumbai Bench of the Tribunal. Taking note of that fact, the O.A. was adjourned *sine die*, so that it can be dealt with after the result of O.A. No.571/2015 is known.
4. Today we heard Mr. Anil Singal for Mrs. P K Gupta, learned counsel for applicant and Dr. Ch. Shamshuddin Khan, learned counsel for respondents, in detail.

5. The relief claimed in this O.A. is about absorption of the applicant in the 2nd respondent organization. The occasion to examine that would arise only if the applicant is in service of the parent organization, i.e., Ministry of Health & Family Welfare. Once the applicant was terminated from service in the parent organization, the question of considering his case for absorption does not arise.

6. Accordingly, we dismiss the O.A. However, it is left open to the applicant to work out his remedies depending on the outcome in O.A. No.571/2015.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

April 3, 2019
/sunil/