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

+ W.P.(C) 2531/2025

SH MAHITOSH KUMAR

.....Petitioner

Through: Mr. Sahib Gurdeep Singh, Mr.
Siddhant Rai Sethi & Mr. Simran
Singh, Advocates.

versus

FOOD SAFETY AND STANDARD
AUTHORITY OF INDIA AND ORS

.....Respondents

Through: Ms. Pratima N. Lakra, CGSC with
Mr. Aakash Pathak, GP for UOI.
[M:-9971724716]

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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28.02.2025

CM APPL. 11947/2025(exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 2531/2025 & CM APPL. 11948/2025 (interim directions)

1. The petitioner assails a disciplinary order dated 07.03.2024 and an appellate order dated 02.01.2025, by which the minor penalty of withholding of two annual increments without cumulative effect has been passed against him.
2. The principal ground urged by Mr. Sahib Gurdeep Singh, learned counsel for the petitioner, are that the disciplinary order has been passed on the basis of evidence of two witnesses, but the petitioner was not given



the opportunity to cross-examine the witnesses. It is also contended that proceedings are vitiated by *mala fides*, for which purpose the petitioner relies upon orders passed by this Court in earlier proceedings concerning various adverse orders passed by the respondent against him.

3. Issue notice. Ms. Pratima N. Lakra, learned Central Government Standing Counsel, accepts notice on behalf of respondent No. 4. She states that she will also take instructions on behalf of respondent No. 1, or ensure that respondent No. 1 is otherwise represented on the next date of hearing. Respondent Nos. 2 and 3 be served by all permissible modes. Learned counsel for the petitioner is permitted to serve them by email within one week from today and file an affidavit of service, within one week thereafter.

4. Respondent Nos. 1 and 4, which conducted the disciplinary proceedings, are directed to file affidavits within two weeks, clearly answering the petitioner's contention with regard to the opportunity to cross-examine the witnesses. The record of the disciplinary proceedings will also be produced on the next date of hearing.

5. List in the category of "*For Admission Matters*" on 08.04.2025.

PRATEEK JALAN, J

FEBRUARY 28, 2025

'pv/JM'/