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

+ **W.P.(C) 2531/2025 & CM APPL. 11948/2025**

SH MAHITOSH KUMAR

.....Petitioner

Through: Mr. Sahib Gurdeep Singh,
Advocate.

versus

FOOD SAFETY AND STANDARD

AUTHORITY OF INDIA AND ORS

.....Respondents

Through: Ms. Pratima M. Lakra, CGSC with
Mr. Chandan Prajapati, Mr.
Shailendra K. Mishra, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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15.04.2025

1. Pursuant to the order dated 08.04.2025, counter affidavit has been filed today by the respondent No. 1.
2. At request of Mr. Sahib Gurdeep Singh, learned counsel for the petitioner, one week's time is granted for filing of the rejoinder affidavit.
3. Learned counsel for the parties are directed to file their written submissions, alongwith copies of any judgments upon which they wish to rely, within the same period.
4. The written submissions will *inter alia* address the following questions:

A. Whether an enquiry under Rule 16(1)(b) of the Central Civil



Services (Classification, Control and Appeal) Rules, 1965 [“the Rules”], was required to be held in the present case of minor penalty;

- B. Whether, for imposition of a minor penalty, if the fact-finding report relies upon evidence of witnesses, an opportunity of cross-examination should be given to the charged officer;
 - C. Whether the decision of holding an enquiry under Rule 16(1)(b) of the Rules must be taken by the disciplinary authority by way of a reasoned order;
 - D. Whether any personal hearing, if granted in minor penalty proceedings, can be granted by an officer other than the disciplinary authority;
 - E. Whether the order of the disciplinary authority is required to reflect the reasons for which the penalty has been imposed.
5. List on 20.05.2025 in the category of “*For Admission*” matters.

PRATEEK JALAN, J

APRIL 15, 2025
‘Bhupi/AD’/