Government of India (भारत सरकार)

Ministry of Railways (रेल मंत्रालय)

Railway Board (रेलवे बोर्ड)

No. 2018/H-1/9/1 **New Delhi, Dated 15.04.2021.**

The Director (Enforcement)
Food Safety and Standards Authority of India
FDA Bhawan, Kotla Road
New Delhi-110002

Sub:- Clarification regarding Jurisdiction of DRO/Adjudication Officers over Railway Food Safety related cases-reg.

Ref:- DD(RCD) letter no. 1(42)2011/Railways/FSSAI (Part-1) dated- 19.03.2021

Please refer to your's letter on the subject cited above in response to Railway Board's letters No. 2020/H-1/94 dated 12.02.2021 whereby FSSAI has requested to Railway Board to furnish the details regarding existing procedure being followed by the Railway for filling the adjudication and prosecution cases against the defaulting FBOs across the countries.

In this regard it is clarified that the cases of offence committed by FBO are prosecuted before the DRO/Adjudicating Officer of the concerned/District/area of the state where such offence has been detected, in accordance to Railway Board letter No. 2013/H-1/9/2/2 dated 09.07.2013 which was issued on the advice of FSSAI letter No: - 1(42)2013/Railway/FSSAI dated 27.06.2013 (**Both letters are attached).**

However, at present the clarification sought for by Southern Railway is based on the two cases already adjudicated at DRO level in the divisions and have been imposed penalty. In these cases, the offenders have now approached the Tamil Nadu Food Safety Appellate Tribunal against the order passed by the respective DROs/Adjudicating Officer. In this relevance, Tamil Nadu Food Safety Appellate Tribunal has sought for clarification regarding Jurisdiction of the Appellate Tribunal to handle these cases pertaining to Railways and also about the representation from our side by Assistant Public Prosecutor.

It is also signified that the Tamil Nadu Food Safety Appellate Tribunal had only been established recently (2019) and these cases from Railways are new to the Tribunal and hence the Tribunal is seeking the Jurisdiction advice.

FSSAI is requested to issue clear guidelines regarding the jurisdiction of the State Food Safety Appellate Tribunal to handle cases pertaining to Railways and also about the representation from our side by Assistant Public Prosecutor.

MATTER MAY BE TREATED AS MOST URGENT.

16/04/21

Please issue clarity

(P.M.Meena/पी. एम. मीना)
Joint Director/Health (संयुक्त निदेशक/स्वास्थ्य)
Railway Board (रेलवे बोर्ड)
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K Sridhar 24/03/2021

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Food Safety and Standards Authority of India
(Regulatory Compliance Division)
FDA Bhawan, Kotla Road, New Delhi – 110002

Date 19th March, 2021

To,

Dr. K Sridhar
Executive Director (Health),
Railway Board, Pragati Maidan Metro Stn Building,
New Delhi.

Subject: Clarification regarding Jurisdiction of DRO/Adjudication Officers over Railway Food Safety related cases – reg

Sir,

I am directed to refer Ministry of Railways letter No. 2020/H-1/94 dated 12th February, 2021 and to say that the request for issuing clarifications regarding Jurisdiction of DRO/Adjudication Officers over Railways Food Safety related issues has been examined by the Competent Authority .

2. In order to examine the matter further, Ministry of Railways is requested to furnish the details regarding existing procedure being followed by the Railways for filling the adjudication and prosecution cases against the defaulting FBOs across the country.

3. Further, any court orders vide which the Court(s) has / have made any observations/ comments regarding such jurisdictional disputes of Railways may also be shared.

4. In view of the above, it is requested that the reply may please be forwarded by 26.03.2021 to this office so that necessary clarification on the subject issue may be issued accordingly.

Thanking you,

JIEO

Yours faithfully,

24/03/2021

(Vikas Talwar)
Deputy Director (RCD)