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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

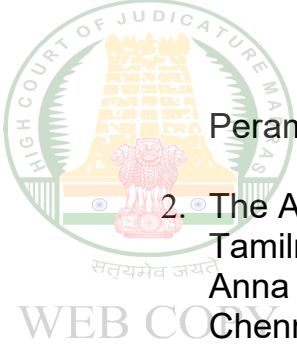
WA No. 1384 of 2026

1. The Secretary To Government
Health And Family Welfare Department,
Secretariat,
Chennai-600 009
2. The Commissioner,
Food Safety And Drug Administration
Department, 359, Anna Salai,
DMS Compound Teynampet,
Chennai-600 006
3. The Designated Officer,
Food Safety And Drug Administration
Department,
Chennai District, No.33,
West Jones Road, Saidapet,
Chennai-600 015
4. The Secretary To Government,
Finance Department, Secretariat,
Chennai -600 009
5. The Pension Pay Officer,
Pension Pay Office,
Integrated Finance Building,
Veterinary Hospital Campus,
Nandanam, Chennai-600 035

..Appellant(s)

Vs

1. A.Elangovan
Food Safety Officer (Retd)
Greater Chennai Corporation
Pulianthope (Code 532)



Perambur, Chennai 600011

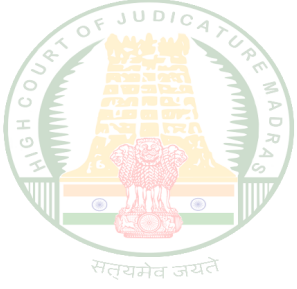
2. The Accountant General (A and E),
Tamilnadu No. 361,
Anna Salai, Teynampet,
Chennai-600 018
3. K. Thamilselvan,
Designated Officer,
Food Safety And Drug Administration
Department,
Chennai District, No.33,
West Jones Road, Saidapet,
Chennai-600 015
4. A. Karthikeyan,
Pension Pay Officer,
Pension Pay Office, Integrated
Finance Building, Veterinary Hospital
Campus, Nandanam,
Chennai-600 035
5. Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai – 3
[Suo motu impleaded as R5 on 08.07.2026]

..Respondent(s)

Writ Appeal filed Clause 15 of the Letters Patent issuing Writ of Certiorari mandamus to set aside the order dated. 29.01.2026 made in W.P. No. 48599 of 2025 and allow this Writ Appeal.

For Appellant(s): Dr.R.Gouri,
Government Counsel

For Respondent(s): Mr.S.N.Ravichandran, for
Mr.T.J.Lakshmipathy for R1,
Mr.V.Vijayshankar,
Standing Counsel for Accountant and
General (A & G) for R2,
Mr.S.Gopinathan,
Standing Counsel for Greater Chennai



Corporation for R5,
No Appearance for R3 & R4

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JUDGMENT

(Judgment of the Court was delivered by S.M.Subramaniam J.)

Under assail is the writ order dated 29.01.2026 passed in W.P.No.48599 of 2025.

2. State has preferred the present Intra-Court Appeal under Clause 15 of the Letters Patent. Notice served to the parties. Parties consented for final hearing of the present appeal.

3. The facts in brief is that first respondent / writ petitioner was initially appointed as Birth and Death Clerk in Greater Chennai Corporation in the year 2001 by direct recruitment. He was promoted to the post of Sanitary Inspector in the year 2007. Thereafter, a separate Government Department, namely, the Food Safety and Drug Administration Department was formed. The first respondent was deputed by the Corporation to the Food Safety Department in the cadre of Food Safety Officer. As such, he was working in the Food Safety Department. The Food Safety Officer sent a proposal to the Government for absorption of 263 Food Safety Officers in the department. However, the Government, vide letter dated 12.12.2024, rejected the proposal sent by the Commissioner, Food Safety and Drug Administration Department. Therefore, the first respondent continued to work as a Corporation employee



on deputation as Food Safety Officer in the Food Safety and Drug Administrative Department. The first respondent retired from service on 31.07.2025 on attaining the age of superannuation.

4. A question arose, as to whether the terminal and pensionary benefits due to the first respondent are to be settled by the Government Department, namely the Food Safety and Drug Administration Department, or by the Greater Chennai Corporation.

5. Mr.V.Vijayshankar, learned Standing counsel appearing for Accountant General, would submit that a proposal was submitted by the Food Safety Department erroneously on the pretext that the first respondent is a Government servant. Based on the said proposal, the Accountant General sanctioned pensionary benefits to the first respondent. Subsequently, the Commissioner, Food Safety Department, addressed a letter to the Accountant General stating that first respondent is an employee of the Greater Chennai Corporation served as Food Safety Officer on deputation. Therefore, terminal benefits are to be settled by the Greater Chennai Corporation. In view of the said letter by the Food Safety Department, the pension sanctioned by the Accountant General was cancelled.



6. The said order came to be challenged by way of a writ petition. The Writ Court has allowed the writ petition relying on the orders of the Division Bench in the case of ***The Commissioner and Another vs. Jagannathan and Another*** in **Writ Appeal No. 1406 of 2024**. However, the status of the first respondent, whether he is an employee of the Corporation or the Government Department, was not considered by the Writ Court. Thus, the State preferred the present intra court appeal.

7. Learned Government Counsel would also submit that first respondent continued to be an employee of the Greater Chennai Corporation, and he was not permanently absorbed in the Food Safety Department. Therefore, the Government is not obligated to settle the terminal and pensionary benefits. Thus, the Accountant General of Tamil Nadu has rightly cancelled its earlier order, which was erroneous.

8. Mr.S.N.Ravichandran, appearing on behalf of first respondent would submit that first respondent, though was deployed in the initial stage, a proposal was submitted for absorbing him as a permanent Government employee. A writ petition was filed seeking permanent absorption, which is pending. Since the first respondent was posted as Food Safety Officer in the Government Department, he is entitled to get pensionary benefits as applicable to Government servants and from the Government.



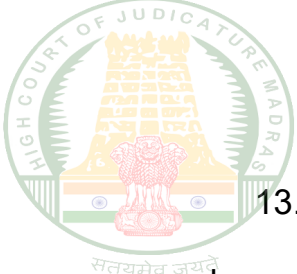
9. This Court considered the rival submissions made between the parties to the lis on hand.

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10. The uncontroverted facts between the parties are that first respondent was appointed by the Greater Chennai Corporation. He was deployed as Food Safety Officer in the Food Safety Department by the Corporation. At no point of time, he is permanently absorbed in the Food Safety Department. His service lien is with the Corporation. The writ petition filed by him seeking permanent absorption is pending. But, he retired from service only as a Corporation employee and not as a Government employee. On the date of his retirement, the first respondent was not absorbed as a Government employee in the Food Safety Department. Therefore, he is entitled to receive his terminal and pensionary benefits from Greater Chennai Corporation.

11. Deployment of an employee from the Corporation to a Government Department *per se* would not confer any right to claim benefits from the Government Department.

12. Admittedly, first respondent was not permanently absorbed in the Government Department. Therefore, Writ order granting the benefits of a Government employee is not in consonance with the Service Rules applicable to the Chennai Corporation employees.



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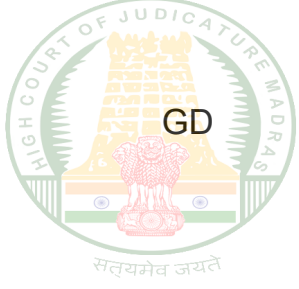
13. Since the Greater Chennai Corporation has to settle all the terminal and pensionary benefits due to the first respondent and in order to avoid delay in settling the pensionary benefits, this Court is inclined to suo-motu implead the Commissioner, Greater Chennai Corporation, Ribbon Building, Chennai -3 as 5th respondent. Mr. S.Gopinathan, learned Standing Counsel takes notice on behalf of the Greater Chennai Corporation.

14. The Commissioner, Greater Chennai Corporation is directed to settle all the terminal and pensionary benefits due to first respondent in accordance with the Service Rules and by following the procedure within a period of twelve weeks from the date of receipt of a copy of this order. It is brought to the notice of this Court that the gratuity along with interest has already been sanctioned, which is directed to be disbursed to the first respondent without causing any further delay.

15. In view of the facts and circumstances, the impugned order dated 29.01.2026 made in W.P. No. 48599 of 2025 is set aside. With the above directions, writ appeal stands **Allowed**. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.S.,J.) (N.S.,J.)
08-07-2026

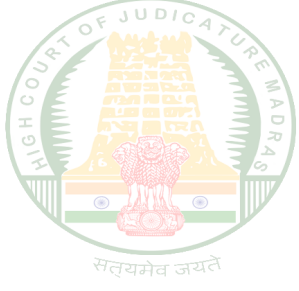
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No



To

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Greater Chennai Corporation
Pulianthope (Code 532)
Perambur, Chennai 600011
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S.M.SUBRAMANIAM, J.

AND

N.SENTHILKUMAR, J.

GD

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