

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02-09-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.27446 of 2015

Tamil Nadu Food Safety Officers
Association

Rep. By its Secretary

R. Rabindranath

No.17/19, Thiruneermalai Road

Nagalkeni

Chromepet, Chennai 600 044

...Petitioner

vs

1.The Principal Secretary

Health and Family Welfare Department

Secretariat, Fort St. George

Madras 600 009

2.The Commissioner

Tamil Nadu Food Safety and Drug

Administration Department

DMS Campus, 5th Floor

359, Anna Salai,

Teynampet, Chennai 600 006

3.The Director of Public Health and

Preventive Medicine

DMS Campus

359, Anna Salai

Teynampet, Chennai 600 006

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to promote the Food Safety Officers redeployed from the post of Health Inspectors Grade - I to the post of Block Health Supervisor/Non-Medical Supervisor with all monetary benefits as per the judgment of Hon'ble Supreme Court of India in (2013) 7 SCC 335.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader

ORDER

By consent, the writ petition itself is taken up for final disposal.
<https://hcservices.ecourts.gov.in/hcservices/>

2.The deponent of the affidavit, who is the Secretary of the petitioner-association, would state that the Government of Tamil Nadu vide G.O.Ms.No.347 dated 22.12.2011, has created a new Department viz. Tamil Nadu Food Safety and Drug Administration Department, to implement the provisions of Food Safety and Standard Act, 2006, and the Rules framed thereunder. According to the deponent, no Service Rules have been framed and no seniority has been fixed and when the members of the petitioner-association sought for promotion to the post of Block Health Supervisors and Non-Medical Supervisors for the purpose of upgradation of pay, they have been directed to approach the Parent Department viz. Public Health Department.

3.The deponent would further state that many of the members of the petitioner-association had waived promotion and are still continuing in the post of Food Safety Officer and some of them went back to the Parent Department. He would also plead that the scale of pay for the Health Inspectors Grade-II is Rs.5200-20200 with a Grade Pay of Rs.2400/- and the first respondent vide proceedings dated 25.11.2013, has indicated that the Health Inspectors Grade-II are ineligible to be appointed as Food Safety Officers.

4.The grievance expressed by the petitioner-association, is that originally, the members of the petitioner-association are eligible to be promoted as Block Health Supervisors and Non-Medical Supervisors even during the year 2008 itself, and in this regard, have also submitted a representation dated 15.6.2015, to the respondents and since no orders have been passed, came forward to file this writ petition through the petitioner-association.

5.The learned Counsel appearing for the petitioner, would submit that in similar facts and circumstances, this Court vide order dated 25.6.2015, made in W.P.No.18293/2015, has directed the concerned respondent therein to dispose of the representation and prays for similar relief.

6.The Court heard the submissions of Mr.R.Vijayakumar, learned Additional Government Pleader, who accepted notice on behalf of the respondents, also and he would submit that the members of the petitioner-association had waived the promotion and are continuing in the post of Food Safety Officers and therefore, they cannot claim upgradation in the scale of pay.

7.This Court, upon consideration of the rival submissions and in the light of the facts and circumstances, is of the view that it would suffice to permit the petitioner-association to submit one more comprehensive representation to the second respondent within a stipulated time frame with a further direction to the said authority to dispose of the same in accordance with law.

8.In the result, the writ petition is disposed of and the petitioner-association is permitted to submit a comprehensive representation to the second respondent within a period of two weeks from the date of receipt of a copy of this order and the second respondent, on receipt of the same, is directed to consider it in accordance with law, and pass orders thereon within a period of eight

weeks thereafter and communicate the decision taken, to the petitioner-association. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To:

- 1.The Principal Secretary
Health and Family Welfare Department
Secretariat, Fort St. George
Madras 600 009
- 2.The Commissioner
Tamil Nadu Food Safety and Drug
Administration Department
DMS Campus, 5th Floor
359, Anna Salai,
Teynampet, Chennai 600 006
- 3.The Director of Public Health and
Preventive Medicine
DMS Campus
359, Anna Salai
Teynampet, Chennai 600 006

+1 cc to Mr.R.Jayaprakash, Advocate, sr.47423
+1 cc to Government Pleader, sr.47646

W.P.No.27446 of 2015

nm co
kra 14/9

सत्यमेव जयते

WEB COPY