

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.28676 of 2015

K.S.Prasad

... Petitioner

- Vs -

1.The Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai 600 009.

2.The Commissioner,
Tamil Nadu Food Safety and Drugs
Administration Department,
DMS Campus,
No.359, Anna Salai,
Teynampet, Chennai 600 006.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to transfer the petitioner to any one of the vacant places at Chennai by considering his representation dated 25.05.2015.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.V.Subbiah, Spl. G.P.

ORDER

By consent, the writ petition itself is taken up for final disposal.

2. The petitioner joined the Government service as a Health Inspector Grade-IB in the year 1988 and the said post was subsequently re-designated as Health Inspector Grade-I in the year 1997. While so, the State Government of Tamil Nadu has passed an order in G.O.Ms.No.347 dated 22.12.2011, in and by which, the Rules under The Food Safety and Standards Act, 2006 came to enacted and as per the new rules, all the Good Inspectors were notified as Food Safety Officers and as such the petitioner has also been notified as Food Safety Officer and he was transferred from Chennai to Cheyyar Block in Thiruvannamalai District.

3. The petitioner has further stated that one of his kidneys was removed on account of the fact that he was suffering from Renal Cell Carcinoma and now he is carrying on his activities with one kidney and in the light of the said fact he cannot consume much water and he is required to take proper care and treatment.

4. According to the petitioner, he has been working at Cheyyar from the year 2014 and therefore, he made a request for transfer to Chennai on medical ground by way of representation dated 25.05.2015. The grievance of the petitioner is that though the said representation was received and acknowledged by the respondents, he has not been favoured with any reply and hence, he has no other go except to approach this court by way of the present writ petition for appropriate relief.

5. Heard the submissions of Mr.R.Jayaprakash, the learned counsel for the petitioner and Mr.V.Subbiah, the learned Special Government Pleader, who accepts notice on behalf of the respondents 1 and 2, and also perused the records carefully.

6. Though the petitioner has prayed for a larger relief, this court, taking into consideration of the facts and circumstances of the case, without going into merits of the claim projected by the petitioner, directs the 2nd respondent to consider the representation of the petitioner dated 25.05.2015 on merits and in accordance with law and pass appropriate orders thereon within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7. The writ petition is disposed of with the above directions. No costs.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

kmk

To

1.The Secretary to Government, Health and Family Welfare Department, Secretariat, Fort St. George, Chennai 600 009.

2.The Commissioner, Tamil Nadu Food Safety and Drugs Administration Department, DMS Campus, No.359, Anna Salai, Teynampet, Chennai-6.

+1 cc M/s.R.Jayaprakash, Advocate, sr.49876

+1 cc to Government Pleader, sr.49989

cnl co, kra 28/09

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