

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.33240 of 2015

And

M.P.No.1 of 2015

Tamil Nadu Food Safety Department Officials Association
Rep. by its State Secretary,
B.Edward Vedanayagam

... Petitioner

Vs.

1 The Principal Secretary,
Health and Family Welfare Department,
Secretariat, Fort St.George, Madras-09.

2 The Commissioner,
Tamil Nadu Food Safety and Drug
Administration Department, DMS Campus,
5th Floor, 359, Anna Salai,
Teynampet, Chennai - 600 006.

.... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the 2nd respondent from transferring Food Safety Officers from Rural to Rural and Urban to Urban by considering the petitioners representation dated 08.10.2015.

For Petitioner : Mr.R.Jayaprakash
For Respondents : Mr.S.Gunasekaran
Government Advocate

O R D E R

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

2.The petitioner would state that as per G.O.Ms.No.347 of the first respondent department dated 22.12.2011, as new department namely, Tamil Nadu Food Safety and Drug Administration Department was created to implement the Food

Safety and Standard Act, 2006 and Rules, 2011 in Tamil Nadu and as per the said Government Order, 385 urban areas and 32 designated officers post have been created to implement Food Safety and Standard Act, 2006 and Rules, 2011 by deploying the 585 Health Inspectors, and the persons who were in three posts, namely, Health Inspector Grade -I, Health Inspector Grade -II, Block Health Supervisors and Sanitary Inspectors were deployed to the post of Food Safety Officers.

3.It is the claim of the petitioner that in the light of the same, there is no impediment in transferring them from one place to another in exigencies of administration and in public interest and as per the letter of the first respondent dated 20.08.2013 addressed to the second respondent, the second respondent was permitted to conduct common State Wide transfer counseling in respect of Food Safety Officers in the month of August, 2013 by following the date of entry in their original post as a special case and however, overlooking the said administrative instructions, now steps are being taken to transfer Food Safety Officer from urban to rural and rural to rural that is per se illegal and in this regard, they have also submitted representation dated 08.10.2015 to the second respondent and since no orders have been passed, came forward to file this writ petition.

4.The learned counsel appearing for the petitioner would submit that in similar facts and circumstances, the Tamil Nadu Food Safety Officers Association had approached this Court by filing W.P.No.17249 of 2015 and this Court vide orders dated 17.06.2015 has directed the respondent to consider and dispose of the representation of the petitioner therein in the light of the vary same administrative instructions dated 20.08.2013 issued by the first respondent and pass orders in accordance with law within the stipulated time and hence, prays for appropriate orders.

5.This Court also heard the submissions S.Gunasekaran, learned Government Advocate who accepts notice on behalf of the respondents.

6.Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner Association either in their representation or in this writ petition, directs the second respondent to consider and dispose of the petitioner's representation dated 08.10.2015 on merits and in accordance with law and pass orders within a period of six 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 accordingly. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

- 1 The Principal Secretary,
Health and Family Welfare Department,
Secretariat, Fort St.George, Madras-09.
- 2 The Commissioner,
Tamil Nadu Food Safety and Drug
Administration Department, DMS Campus,
5th Floor, 359, Anna Salai,
Teynampet, Chennai - 600 006.

+1 cc to GovernmentPleader (sr.57529)

+1 cc to Mr.R.Jayaprakash, Advocate (sr.57243)

W.P.No.33240 of 2015
And

M.P.No.1 of 2015

km (co)
cp 30/10/2015

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