

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01-06-2016

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.17469 of 2016

1. P.Nallathambi
2. K.Subramaniyan
3. R.Thiyagarajan
4. P.Ettikkan
5. S.Rajan
6. V.Karthikeyan
7. K.Muthamizh
8. T.R.Muthukumarasamy
9. T.Stalin Rajarathinam

.. Petitioners

Vs.

1. State of Tamilnadu represented by
the Secretary to Government,
Health and Family Welfare Department,
Fort St.George,
Chennai - 600 009.

2. The Commissioner of Food Safety and
Drug Administration Department,
5th Floor, DMS building,
Teynampet,
Chennai - 600 006.

..Respondents

Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus to direct the 2nd respondent to prepare the seniority list of Food Safety Officers duly taking note the date of acquiring the qualification as held by the Apex Court in the case of Director of Public Health and Preventive Medicine and another v. M.Janarthanam (Civil Appeal No.6660/2011), dated 25.02.2015.

For Petitioners : Mr.M.Gnanasekar

For Respondents : Mr.M.Dig Vijaya Pandian,
Additional Government Pleader.

O R D E R

By consent, the writ petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus to direct the 2nd respondent to prepare the seniority list of Food Safety Officers duly taking note the date of acquiring the qualification as held by the Apex Court in the case of Director of Public Health and Preventive Medicine and another v. M.Janarthanam (Civil Appeal No.6660/2011), dated 25.02.2015.

3. All the petitioners were initially appointed as Health Inspector Grade-II in the Health and Family Welfare Department in the Directorate of Public Health and Preventive Medicine and all the petitioners have also undergone three months training in Food Inspection and Sampling conducted by Food Analysis Laboratory in the Department as per Rule 8(a) of the Prevention of Food Adulteration Act, 1954. The Government has formed a new Department called Tamilnadu Food Safety and Drug Control Administration Department and has created various posts including the post of Designated Officers and Food Safety officers in rural and urban areas and the petitioners were re-deployed to the new department as Food Safety Officers under the control of the 2nd respondent. The seniority list in the post of Food Safety Officer has to be prepared for making further promotion to the post of Designated Officer. The petitioners submitted representations to the respondents requesting them to prepare the seniority list taking note of the date of acquiring the qualification to the post of Food Inspector, as appointment to the post of Food Inspector were originally made after completion of three months training them in the Food Inspection and Sampling at Food Analysis Laboratory, Tamilnadu. The date of initial appointment of the entry post cannot be taken as a basis for determining the seniority, since the eligibility qualification and other requirements for appointment in different posts are entirely different. The petitioners are duly qualified but the said seniority list is yet to be prepared and finalized. Hence, this writ petition has been filed.

4. Mr.M.Gnanasekar, the learned counsel for the petitioners would submit that the petitioners would be satisfied if their representations are directed to be considered and appropriate orders are passed.

5. Mr.Dig Vijaya Pandian, the learned Additional Government Pleader, who takes notice for the respondents, has got no

serious objection in directing the respondents to consider the representations of the petitioners and pass appropriate orders on merits and in accordance with law.

6. Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioners, directs the 2nd respondent to consider the representations of the petitioners, dated April, 2016 and pass appropriate orders in the light of the judgment of the Apex Court in the case of Director of Public Health and Preventive Medicine and another v. M. Janarthanam (Civil Appeal No. 6660/2011), as expeditiously as possible.

7. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Health & Family Welfare Department,
Fort St. George,
Chennai - 600 009.
2. The Commissioner of Food Safety and
Drug Administration Department,
5th Floor, DMS building,
Teynampet,
Chennai - 600 006..

+1cc to Mr. M. Gnanasekar, Advocate sr. 29067
+1cc to the Government Pleader Sr. 29244

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pvs[co]
srg 13/06/2016