

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.19678 of 2016

K.Manazhagan

.. Petitioner

Vs.

The Commissioner of Food Safety
Tamil Nadu Food Safety and Drug
Administration Department
No.359, DMS Compound, Anna Salai
Chennai 600 006.

... Respondent

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents to consider the representation dated 09.10.2015 of the petitioner from transferring him from the office of Koothanallur Municipal area, Thiruvavur District to the office of Kumbakonam or Mannarkudi Municipal areas where the post of Food Safety Officer is lying vacant and pass orders thereon on merits and in accordance with law within a time that may be fixed by this Court.

For Petitioner : Mr.P.Ganesan

For Respondent : Mr.A.Kumar
Special Government Pleader

ORDER

The prayer in the writ petition is for the issuance of a writ of mandamus to direct the respondents to transfer the petitioner from the office of Koothanallur Municipal area, Thiruvavur District to the office of Kumbakonam or Mannarkudi Municipal areas where the post of Food Safety Officer is lying vacant by considering his representation dated 09.10.2015.

2. The case of the petitioner in brief is as follows:

The petitioner who was appointed as a Sanitary Inspector in the office of the Kumbakonam Municipality had acquired the qualification to hold the post of Food Inspector and based on the same he was also promoted to the post of Food Inspector and

was posted in the Koothanallur Municipal area, Thiruvarur District. According to the petitioner, till date, he is working in the said post. The grievance of the petitioner is that since his mother is suffering from joint related ailment, she is being treated at a hospital in Thanjavur. Since he is unable to look after his aged parents, he submitted a representation dated 09.10.2015 to the respondent, seeking request transfer to any one of the place, viz., either at Kumbakonam or Mannarkudi Municipal area, which is closer to Thanjavur, so that he can assist his parents. Since there was no response, the petitioner is before this Court.

3. Heard the learned counsel for the petitioner and Mr.A.Kumar, learned Special Government Pleader, who accepted notice on behalf of the respondents.

4. Learned counsel for the petitioner submits that for the past six months, there are vacancies in both the places, viz., Kumbakonam and Mannarkudi Municipal area and the respondents are likely to fill up the said posts by conducting general counselling, which is likely to commence on 20.06.2016. Therefore, he would submit that the petitioner would be satisfied, if his representation dated 09.10.2015 is directed to be considered and disposed of by the respondents within a fixed time.

5. The learned Special Government Pleader, who took notice on behalf of the respondent has got no serious objection for the above course of action.

6. Considering the submissions made on either side and taking into account the fact that there are also vacancies at present, as submitted by the petitioner, without going into the merits of the matter, the authority concerned is directed to consider the representation submitted by the petitioner dated 09.10.2015 and pass appropriate orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs.
vj2

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Commissioner of Food Safety
Tamil Nadu Food Safety and Drug
Administration Department
No.359, DMS Compound, Anna Salai
Chennai 600 006.

+ 1 cc to Mr.P.Ganesan, Advocate Sr 31313

+ 1 cc to The Govt.Pleader High Court, Madras. Sr 31592

KR/21/6/16

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