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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :22.06.2016

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.10465 of 2016

and

WMP (MD) Nos.8159 & 8160 of 2016

V.Raja

..Petitioner

vs.

1.The State of Tamilnadu,
Rep. By its Principal Secretary,
Health and Family Welfare Department,
Fort St. George,
Chennai - 600 001.

2.The Commissioner
of Food Safety and Drug Administration Department,
359, Anna Salai,
Chennai - 600 006.

3.A.Bose ..Respondents
(R-3 is impleaded vide Court order, dated 22.06.2016
in WMP (MD) No.8473 of 2016 by THE HON'BLE MR.JUSTICE T.RAJA)

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned seniority list, dated 06.06.2016 in RNO.3406/2016/S1/FSSA issued by the 2nd respondent and quash the same as illegal and consequentially grant special grade to the petitioner within a period of 15 days.

For Petitioner	:Mrs.Chamundi Bose
For R-1 & R-2	:Mr.R.Anandaraj, Government Advocate
For R-3	:Mr.R.Jeyaprakash for Mr.D.Selvanayagam

ORDER

The petitioner Mr.V.Raja has brought this Writ Petition challenging the impugned proceedings, dated 06.06.2016 issued by the Commissioner of Food Safety and Drug Administration Department, Chennai, the second respondent herein, in and by which, the seniority list of Food Safety Officers was prepared, by taking into account the date of entry into service in their services for the purpose of holding general transfer counselling.



2. During pendency of this Writ Petition, WMP(MD)No.8473 of 2016 has been filed by one Mr.A.Bose, seeking prayer for impleading himself as one of the necessary parties in the Writ Petition, since he was impleaded as one of the necessary parties in the earlier Writ Petition No.24661 of 2013, with a further prayer to oppose the main prayer of this Writ Petition.

3. This Court considering the facts and circumstances of the case, today allowed that WMP(MD)No.8473 of 2016.

4. The learned counsel appearing for the petitioner assailing the impugned order submitted that when the Food Safety and Standards Act has not been implemented and Service Rules have not been framed, as per the order passed in W.P.Nos.15780 of 2015, 11255 & 15004 of 2016, dated 27.04.2016, the respondents ought not to have released the impugned seniority list for the purpose of holding general transfer counselling for Food Safety Officers. She would further submit that the employees like the petitioner, who are on deputation from their local body, namely, Madurai Corporation, have not been absorbed in the Department, under the Act and therefore, the impugned seniority list prepared by the respondents for the purpose of holding general transfer counselling for Food Safety Officers, should not be allowed to take place.

5. Opposing the above said prayer, the learned Government Advocate appearing for the respondents 1 and 2 placing reliance on my order passed in a batch of Writ Petitions in W.P.Nos.15780 of 2015, 11255 & 15004 of 2016, dated 27.04.2016, submitted that when this Court has already held that conducting transfer counselling for Food Safety Officers, who are working far away place to come to urban areas, cannot be injuncted with the further direction that until the service Rules are made, no seniority list should be prepared, the present impugned proceedings is issued by the second respondent stating that the seniority list of Food Safety Officers prepared by taking into account the date of entry into service in their original Post, are going to be followed for the purpose of general transfer counselling alone.

6. The learned counsel appearing for the third respondent reiterates the submissions made by the learned Government Advocate and prayed for dismissal of this Writ Petition.

7. The statement on instructions made by the learned Government Advocate would certainly take care of the apprehension of the petitioner. Therefore, this Court is not inclined to entertain the Writ Petition. As I have already held in the earlier

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respondents can proceed with the General Transfer Counselling for Food Safety Officers on the basis of the seniority list prepared by taking into account the date of entry into their



original Post and the same should be used only for transfer counselling and not for promotion.

8. With these observations, the Writ Petition stands disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

/True Copy/

Sd/-
Assistant Registrar(CS-I)

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1.The Principal Secretary, State of Tamilnadu,
Health and Family Welfare Department,
Fort St. George, Chennai - 600 001.

2.The Commissioner
of Food Safety and Drug Administration Department,
359, Anna Salai, Chennai - 600 006.

+2cc to M/s.Chamundi Bose, Advocate in SR.32339 & 32549

+1cc to M/s.D.Selvanayagam, Advocate in SR.32091

+1cc to the Special Government Pleader, in SR.32456

W.P. (MD) No.10465 of 2016
22.06.2016

pm

PBK/AAL-MPA/SAR-III 24/06/2016 ::3P-7C:: (IT)