

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.31957 of 2017

01. Dr.R.Kathiravan
02. Dr.A.Ramakrishnan
03. Dr.S.Mariappan
04. Dr.R.Ramesh Babu
05. Dr.T.Anuradha
06. Dr.K.Tamilselvan
07. Dr.M.Kavikumar
08. Dr.J.Venkatesh
09. Dr.V.Senthilkumar
10. Dr.N.Dhakshinamoorthy
11. Dr.M.Jegadish Chandra Bose
12. Dr.G.Selvaraj
13. Dr.V.Senthilkumar
14. Dr.T.Kalaivani
15. Dr.A.Pushparaj
16. Dr.G.Varalakshmi
17. Dr.R.Karunakaran
18. Dr.B.Suguna
19. Dr.R.V.Ravi .. Petitioners

-vs-

1. The State of Tamil Nadu
rep.by its Principal Secretary to Government
Health & Family Welfare Department
Secretariat, Fort St.George
Chennai 600 009

2. The Commissioner of Food Safety
Tamil Nadu Food Safety & Drugs
Administration Department
Anna Salai, DMS Compound
Teynampet
Chennai 600 006

.. Respondents

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Mandamus, forbearing the
respondents from reverting the petitioners from the post of
Designated Officer in the name of repatriation to former service
in violation of condition of service of the petitioners and

For Petitioners :: Mr.A.L.Somayaji
Senior Counsel for
Mr.G.Sankaran

ORDER

2. Mr.A.L.Somayaji, learned senior counsel for the petitioners, in support of the twin prayer, submitted that after the petitioners were appointed as Health Officers in the Tamil Nadu Public Health Department, they were further appointed as Designated Officers in the Food Safety and Standards Department under Section 36 of the Food Safety and Standards Act, 2006 on complete diversion from the Department of Public Health and Preventive Medicine. After appointing them as Designated Officers, they are entitled to get the scale of pay of Rs.15600-39100+5700 GP. But the said scale of pay has not been given to them. Therefore, a representation has been given. Pursuant thereto, the Commissioner of Food Safety and Drug Administration, in his letter dated 21.11.2014, addressing to the Secretary to Government, Health and Family Welfare

Department, Chennai, has requested to fix their pay to the post of Designated Officer. Now that the proposal is pending, there is an apprehension on the part of the petitioners that they may be sent back to the parent department as Health Officers in the Tamil Nadu Public Health Department, which cannot be done.

3. But this Court is unable to consider the first plea seeking to injunct the respondents from disturbing the petitioners in the post of Designated Officer by repatriating them to the former service as Health Officers under the Tamil Nadu Public Health Department, in violation of the service rules. The reason is that the petitioners, while serving as Health Officers in the Tamil Nadu Public Health Department, no doubt, were appointed as Designated Officers under Section 36 of the Food Safety and Standards Act on complete diversion. But the orders of posting them as Designated Officers do not say that they would be permanently retained. When this Court is not able to find any semblance of apprehension, it is too early for the petitioners to ask for the relief of injunction. Accordingly, the said prayer is refused.

4. However, with regard to the second plea that the petitioners are not paid with the salary to the post of Designated Officer, in spite of the proposal sent by the Commissioner of Tamil Nadu Food Safety and Drug Administration to the Secretary to Government, Health and Family Welfare Department dated 21.11.2014, the respondents are directed to consider the aforesaid proposal and pass appropriate orders with regard to the payment of salary to the post of Designated Officer from the date of appointment to the petitioners, in accordance with law. With this observation, the writ petition stands disposed of. Consequently, W.M.P.Nos.35105 to 35107 of 2017 are closed. No costs.

Sd/-

Assistant Registrar (CS VI)

//True copy//

Sub Assistant Registrar

ss

To

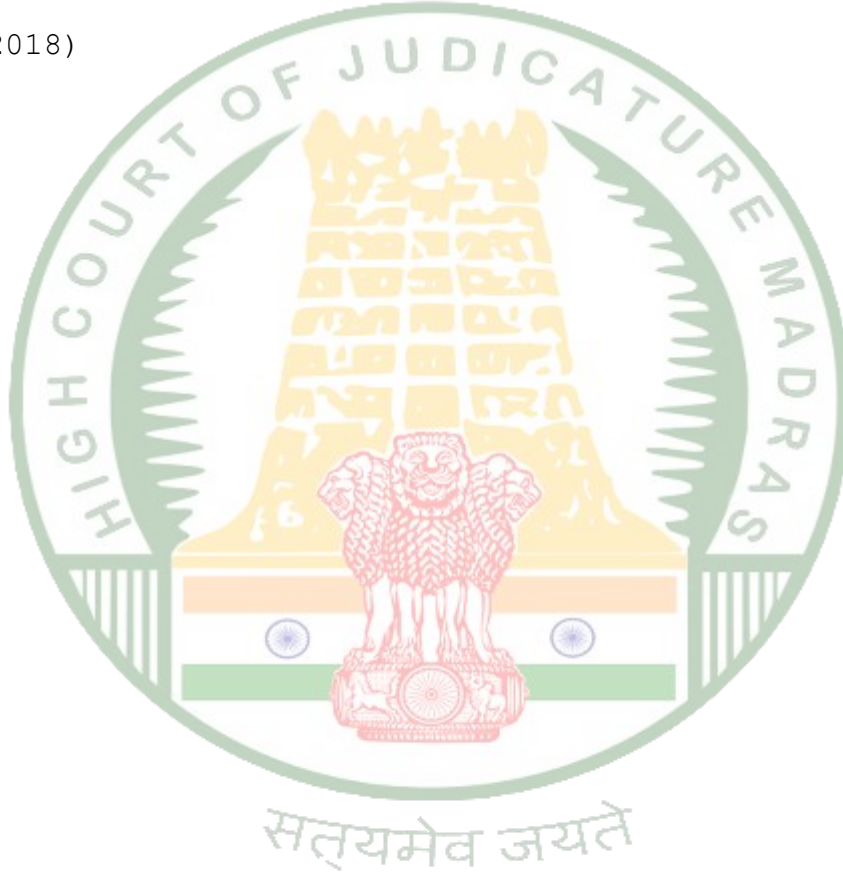
1. The Principal Secretary to Government
Health & Family Welfare Department
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Chennai 600 009

2. The Commissioner of Food Safety
Tamil Nadu Food Safety & Drugs
Administration Department
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Teynampet
Chennai 600 006

+1cc to Mr.G.Sankaran, Advocate SR.No.88574

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GN(02/01/2018)



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