

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2017

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21354 of 2016

S.Kesavaraj

...Petitioner

Vs.

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

... Respondent

Prayer : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the representation made on 11.06.2016, before the general counseling of transfer takes place, as in the general counseling the petitioner's seniority position is 357 and hence I may not get a preferred location which is very much needed at this hour of the petitioner's father treatment for a transfer to the vacant positions either at Coimbatore Corporation Saibaba Colony, Race Course, RG street-I, RG street-II or at Vadavalli or Palladam Municipality Which is near to the petitioner's parents' place of residence to take care of the petitioner's ageing father and mother with in a stipulated time by this Court.

For Petitioner : Mr.K.Krishna

For Respondent : Mr.S.Gunasekaran

Additional Government Pleader

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O R D E R

The relief sought for in this writ petition is to consider the representation dated 11.06.2016 in respect of the transfer of the writ petitioner to a particular place.

2.Heard Mr.K.Krishna, learned counsel appearing for the

petitioner and Mr.S.Gunasekaran, learned Additional Government Pleader appearing for the respondent.

3.Transfer is incidental to service, more so, the condition of service. Transfer can never be claimed as a matter of right and a public servant working in a Government Department is liable to be transferred by the competent authorities. Post or place can never be a choice nor the same can be placed a right by the Government Servant.

4.The writ petitioner was appointed as Sanitary Inspector at Avinashi Town Panchayat, Tirupur District and subsequently appointed as Food Safety Officer at Sathyamangalam Municipality, Erode District. This being the status of the writ petitioner and the writ petitioner has to work wherever he posted. The writ petitioner being a Food Safety Officer has to exercise the powers confer under the Food Safety Act. He is a competent authority in relation to the implementation of the Food Safety Act and he must be vigilant in pursuing to the complaints in relation to the adulteration of the food etc.

5.This being the responsible position of the writ petitioner who is liable to be transferred on administrative ground by the competent authority and he is bound to work wherever he posted. The writ petitioner cannot file such a writ petition seeking a particular place or post. Thus, no further consideration on the ground raised in this writ petition is required to be under taken.

6.Accordingly, the writ petition stands dismissed. However, there is no order as to costs.

Sd/-

Assistant Registrar(CS IV)

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सत्यमेव जयते

Sub Assistant Registrar

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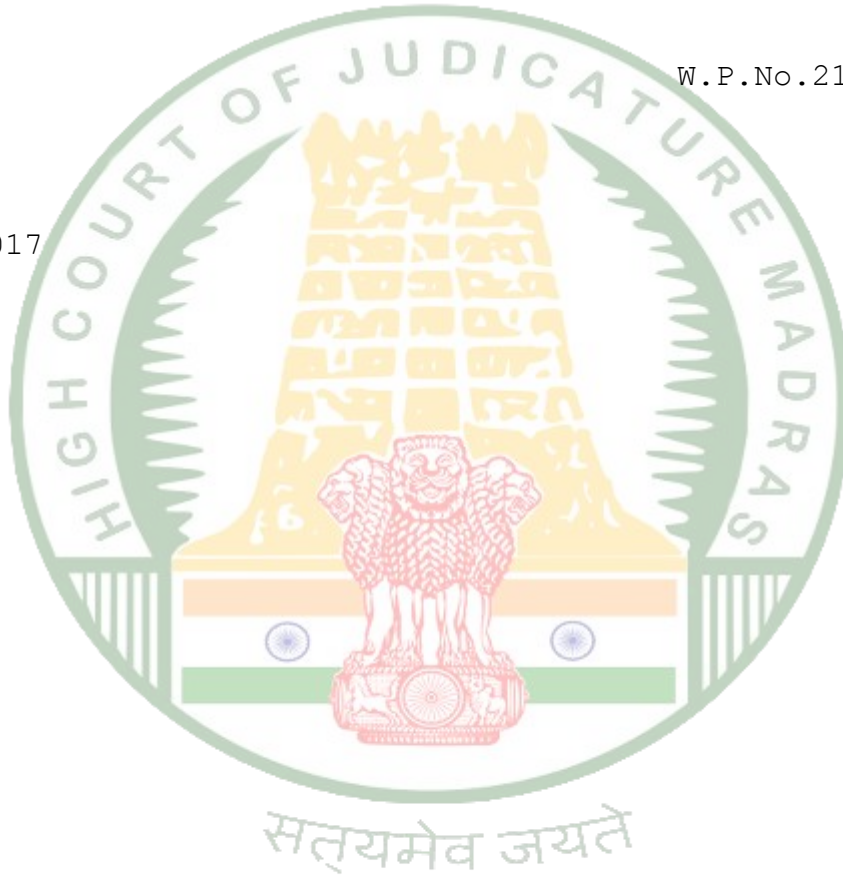
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To
The Commissioner,
Department of Food Safety and
Drug Administration,
5th Floor, DMS Campus,
359, Anna Salai,
Teynampet, Chennai-600 006.

+1 cc to the Government Pleader sr 70098

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