

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2021

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A.No.1136 of 2021
and
C.M.P.No.7128 of 2021
(Heard through VC)

Dr.G.Varalakshmi ...Appellant/Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Commissioner of Food Safety,
O/o. The Commissioner of Food Safety and
Drug Administration,
DMS Compound, Teynampet,
Chennai - 600 006. ..Respondents/Respondents

* * *

Prayer: Writ Appeal filed under Clause 15 of Letter Patent to set aside the order passed by this Court in W.M.P.No.6492 of 2021 in W.P.No.5892 of 2021 dated 09.03.2021.

W.M.P. NO. 6492 of 2021 in W.A.NO. 5892 of 2021
Writ Miscellaneous Petition praying pleased to grant an order of Interim stay staying the operation of the impugned order issued by the 2nd respondent in R.No: 1603/2021/SI/FSD dated 25.02.2021 in so far as the petitioner is concerned(in W.M.P. No: 6492/2021); and

Prayer in W.P. 5892/2021 Writ petition filed under Article 226 of the constitution of India praying for issue a writ, order or direction more particularly a writ in the nature of writ of certiorarified mandamus to call for the records relating to the impugned proceedings issued by the 2nd respondent in R.No.1603/2021/SI /FSD dated 25.02.2021 and quash the same in so far as the Petitioner is concerned and consequently directing the Respondents to continue the service of the petitioner in the

post of Designated Officer in Food Safety Department based on the appointment made under Section 36 of Food Safety and Standards Act, 2006 dated 05.08.2011 with all consequential and other attendant service benefits (in W.P.No: 5892/2021)

For Appellant : Mr.G.Sankaran
For Respondents : Mr.V.Manoharan,
Government Advocate

JUDGMENT

[Judgment of the Court was made by PUSHPA SATHYANARAYANA, J.]

The appeal is filed against the interim order passed by this Court in W.P.No.5892 of 2021 and W.M.P.No.6492 of 2021, which states that the impugned order is subject to the result of the writ petition.

2. The petitioner is a Doctor and she joined the Tamil Nadu Medical Service on 28.04.2000 as Assistant Surgeon and she was appointed as Designated Officer in Food Safety and Drug Administration Department, on 22.12.2011. By the order impugned in the writ petition, she was reverted back to her parent Department. By virtue of the interim order passed by the writ Court, neither she could join the place of posting and nor continue in her original place in the Food Safety Department, as she was already relieved from the post. In such circumstances, the learned counsel for the appellant expressed urgency in taking up this appeal for final hearing. We are of the view that the writ appeal cannot be maintained against the interim order passed by the learned Single Judge, as the arguments, that may be advanced in the Writ Appeal, would be the same to the Writ Petition also. Thus, the Registry is directed to place the matter before the learned Judge having appropriate Roster.

3. Considering the urgency, the matter may be listed on 28.06.2021.

4. With the above directions, the Writ Appeal is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Commissioner of Food Safety,
O/o. The Commissioner of Food Safety and
Drug Administration,
DMS Compound, Teynampet,
Chennai - 600 006.

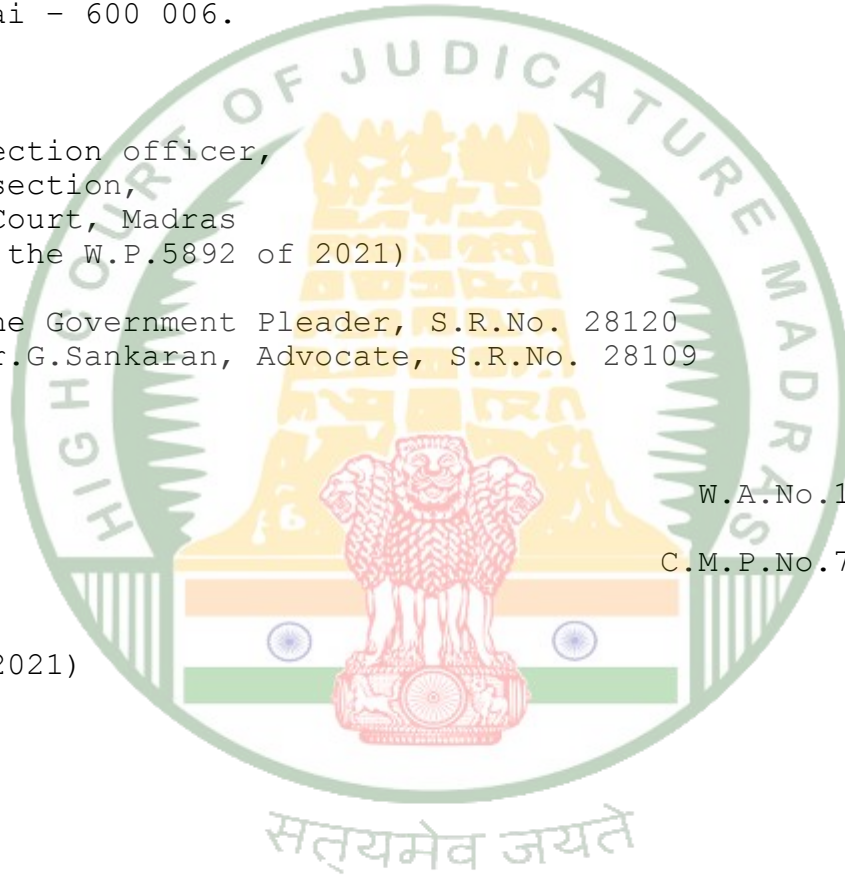
Copy to:

1. The Section officer,
Writ section,
High Court, Madras
(List the W.P.5892 of 2021)

+1cc to the Government Pleader, S.R.No. 28120
+1cc to Mr.G.Sankaran, Advocate, S.R.No. 28109

W.A.No.1136 of 2021
and
C.M.P.No.7128 of 2021

PA(CO)
SU(13/07/2021)



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