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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WRIT PETITION NO.11303 OF 2014

AND

M.P.NO.2 OF 2014

1.K.V.Saravanan  
2.V.Jayavel  
3.R.Mathan Kumar  
4.T.Stalin Rajarathinam  
5.T.Alaguvel

...Petitioners

Vs

1.The State of Tamil Nadu,  
Rep.by its Secretary to Government,  
Health and Family Welfare Department,  
Secretariat,  
Chennai 600 009.

2.The State of Tamil Nadu,  
Rep. by its Secretary,  
Finance Department,  
Fort St. George, Secretariat,  
Chennai 600 009.

3.The Commissioner,  
Tamil Nadu Food Safety and Drug  
Administration Department,  
5<sup>th</sup> Floor, DMS Compound,  
Chennai 600 006.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 1<sup>st</sup> respondent in Lr.No.28594/AB2/2013/3 dated 25.11.2013 and subsequent proceedings issued by the 3<sup>rd</sup> Respondent in R.No.4596/2013/S1/FSSA dated 04.12.2013, and quash the same and consequently direct the respondents to sanction and disburse the salary to the post of Food Safety Officer in the scale of pay of Rs.9,300-34,800+GP4,400 respective date of appointment with arrears of salary with interest, within the time frame to be fixed by this Hon'ble Court.



For Petitioners : Mr.G.Sankaran  
For Respondents : Mr.R.L.Karthika  
Government Advocate.

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O R D E R

The proceedings dated 25.11.2013 issued by the first respondent and the subsequent proceedings issued by the third respondent in proceedings dated 04.12.2013 are sought to be quashed in the present writ petition. Further direction is sought for to sanction and disburse the salary to the post of Food Safety Officer in the scale of pay of Rs.9,300-34,800+4,400 Grade Pay.

2. The petitioners were initially appointed in the department of Public Health and Preventive Medicine. By virtue of their training, the employees working in the cadre of the Health Inspector Grade-II in the department of Public Health and Preventive Medicine were appointed as Food Safety Officers in the Food Safety Department under the control of the Commissioner of Food Safety, in accordance with the provisions of the Food Safety Act.

3. Section 37 of the Food Safety Act provides the method of appointment to the post of Food Safety Officers. Accordingly, the Commissioner of Food Safety is the appointing authority and empowered to issue notification appointing the eligible persons as Food Safety Officers. The petitioners by virtue of their training undergone and was holding the post of Health Inspector Grade-II, were appointed as Food Safety Officers.

4. The proceedings dated 04.12.2013 states that the fixation of pay in the post of Food Safety Officer was ordered as per G.O.Ms.No.347, Health and Family Welfare department dated 22.12.2011. The petitioners were accordingly, fixed with the scale of pay of Rs.7,310+ Grade pay 2,400 in the scale of pay of Rs.5200 -20200+GP 2400.

5. The learned counsel for the petitioners made a submission that now the petitioners were the permanent employees of the Food Safety department and therefore, the scale of pay as applicable to the Food Safety Officers, are ought to be fixed to them, which is not done and therefore, the petitioners are constrained to move to present writ petition.

6. This Court is of the considered opinion that the writ petitioners were initially appointed in the department of the Public Health and Preventive Medicine and thereafter, appointed as the Food Safety Officers in the Food Safety Department.



After their appointment whether the petitioners were absorbed permanently or not, in the department of Food Safety is to be verified by the competent authorities. If they have been permanently absorbed in the Food Safety department, then the pay as applicable with reference to the terms and condition of their service are to be granted in accordance with the procedures contemplated.

7. However, the relief as such sought for to fix a particular scale of pay cannot be granted by this Court in the present writ petition. Thus, the respondents are directed to verify the correctness of the scale of pay to be granted to the Writ petitioners, in accordance with the pay rules or any Government orders in force and accordingly, take all appropriate actions. The Writ Petition stands disposed of. The said exercise is directed to be done as expeditiously as possible. No Costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VI)

// True Copy //

Sub Assistant Registrar

sha/ars

To

1. The Secretary to Government,  
State of Tamil Nadu,  
Health and Family Welfare Department,  
Secretariat, Chennai 600 009.

2. The Secretary,  
State of Tamil Nadu,  
Finance Department,  
Fort St. George, Secretariat,  
Chennai 600 009.

3. The Commissioner,  
Tamil Nadu Food Safety and Drug  
Administration Department,  
5<sup>th</sup> Floor, DMS Compound,  
Chennai 600 006.

+1cc to the Government Pleader, Sr.No.34891

W.P.No.11303 of 2014 and  
M.P.No. 2 of 2014

PM(CO)  
RVM(23/06/2022)