



WEB COPY



W.P. No.27749 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

**W.P. No.27749 of 2013
and
M.P. Nos. 1 and 2 of 2013**

A.Rajhagopal

... Petitioner

-VS-

1. Government of Tamil Nadu
Rep. By the Principal Secretary to Government
Health and Family Welfare Department
Fort St. George, Chennai – 600009.

2. The Commissioner of Food Safety
359, Anna Salai, Chennai-600006.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, after calling for the records from the First Respondent proceedings dated 19.07.2013 bearing reference Letter No.30709/AB2/2012-5 and quash the same and consequently, direct the Respondents 1 & 2 to promote /appoint the Petitioner as Designated Officer in their Department with effect from 05.08.2012, the date from which the First and Second Respondents are statutorily bound to appoint Designated Officers on regular basis in terms of Rule 2.2.2 of the Food Safety Standards Rules, 2011 together with monetary and other benefits from that date.



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For Petitioner : Mr.K.Srinivasamoorthy
For Respondents : Mr.P.Sathish
Additional Government Pleader

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ORDER

Heard Mr.K.Srinivasamoorthy, Learned Counsel for the Petitioner and Mr.P.Sathish, Learned Additional Government Pleader for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner is aggrieved by his non-appointment /non-promotion to the post of Designated Officer in the Commissionerate of Food Safety and in the Government of Tamil Nadu. Though the Writ Petition was filed on 04.10.2013, the Petitioner attained the age of superannuation on 30.04.2017 in the interregnum, and it would be futile exercise to proceed further in the matter. Hence, this Court is not inclined to delve into the merits of the controversy involved and it is made clear that the question of law remains undecided and left open to be decided in future, if the necessity arises. It is needless to add here that the Petitioner is not precluded from agitating any of his other rights before any proper forum in the name recognized by law.



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In fine, the Writ Petition is disposed on the aforesaid terms.

Consequently, connected Miscellaneous Petitions are closed. No costs.

29.08.2023

Maya

Index : Yes/No
Neutral Citation Case : Yes/No

Note: Issue order copy by 06.10.2023.

To

- 1.The Principal Secretary to Government of Tamil Nadu
Health and Family Welfare Department
Fort St. George, Chennai – 600009.
- 2.The Commissioner of Food Safety
359, Anna Salai, Chennai-600006.



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P.D. AUDIKESAVALU, J.

Maya

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