



W.P(MD)No.8395 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8395 of 2023

B.Nagasubramanian

... Petitioner

Vs.

1.Tamil Nadu Food Safety and
Drug Administration Department
Rep. By its Commissioner of Food Safety,
359, Anna Salai,
Chennai-600 006.

2.The Designated Officer,
Food Safety and Drug Administration Department
Collectorate Campus, Korampallam,
Tuticorin-628 101,
Tuticorin District.

3.The Designated Officer,
Food Safety and Drug Administration Department
Dean Quarters, Tirunelveli Medical College Campus,
Palayamkottai-627002,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to quash and setting aside the charges served on 19.02.2021 bearing reference 1)R.No.487-1/A1/2020, dated 25.01.2021 2) R.No.487-2/A1/2020, dated 25.01.2021, 3) R.No.2220/A1/2019, dated 25.01.2021 4) R.No.487-3/A1/2020, dated 29.01.2021, 5) R.No.



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487-4/A1/2020, dated 29.01.2021 6) R.No.1200/A1/2020, dated 29.01.2021 7) R.No.1421/A2/2018, dated 29.01.2021 8) R.No.1421/A2/2020, dated 29.01.2021 which are illegal, arbitrary as the proceedings admittedly not concluded within the time limit set by this Court and the petitioner would have been entitled to have the impugned proceedings stood lapsed and quash the same.

For Petitioner : Mr.B.Nagasubramanian
Party-in-Person

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

The petitioner challenges the impugned memorandum of charge.

2. I made it clear that in view of the direction given in W.P.(MD)No.5724 of 2021, it is not possible for this Court to quash the impugned charges. A learned Judge of this Court in the writ petition filed by the petitioner herein had directed the authority to conclude the enquiry within six months. This order was passed on 17.11.2021. I wanted to know from the learned Special Government Pleader if the said direction has been complied with.

3. The learned Special Government Pleader responded that the petitioner had not even given his reply to the charge memo and that therefore, the enquiry



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officer could not be appointed. The petitioner states that since the relied upon documents had not been furnished, he could not offer his explanation. This kind of approach will not take anyone any further. I further made it clear to the petitioner that he should give the list of documents sought for by him. The petitioner appearing in person submitted that he would submit the list of documents required by him through e-mail to the second respondent by 17.04.2023. The petitioner is permitted to present himself in the office of the second respondent on 21.04.2023 at 03.00 p.m to receive the documents sought for by him. The petitioner is given four weeks thereafter to offer his explanation. The explanation will be considered by the second respondent and if the explanation is not prima facie acceptable, then, the enquiry officer can be appointed. If the explanation is found acceptable, the second respondent can very well drop the proceedings also. If it is proposed to conduct enquiry, the same will be concluded within a period of four months thereafter. All the contentions of the petitioner are left open. The parties are directed to adhere to the time line mentioned above.

4. The Writ Petition is disposed of. No costs.

13.04.2023

Index : Yes / No

Internet : Yes/ No

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NOTE:Issue Order Copy on 13.04.2023.



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G.R.SWAMINATHAN, J.

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To

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