



W.P.(MD).No.20371 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.20371 of 2023

Vinayagamoorthy

... Petitioner

Vs.

1.The Commissioner,
Food Safety and Drug Administration Department,
359, Anna Salai,
Teynampet, D.M.S.Office,
Chennai.

2.The Deputy Director of Health Services (Leprosy),
Government Hospital,
Balarengapuram Campus,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 07.07.2023 and post the petitioner as a Food Safety Officer.

For Petitioner : Mr.S.Poornachandran

For Respondents : Mr.N.Muthuvijayan
Special Government Pleader



W.P.(MD).No.20371 of 2023

WEB COPY

ORDER

The present writ petition has been filed seeking a Mandamus to direct the 1st respondent to consider the petitioner's representation dated 07.07.2023 and post the petitioner as a Food Safety Officer.

2. The petitioner was appointed as a Health Inspector Grade II vide proceedings, dated 14.09.2007 by the 1st respondent. Thereafter, he was promoted to the post of Food Safety Officer in the year 2011 in the office at Anaicut, Vellore District. While so, one P.Arumugam preferred a complaint against the petitioner on 27.08.2013 on the basis of which, Crime No.17 of 2013 was filed by the Inspector of Police, Vigilance and Anti Corruption Department on 27.08.2013 against the petitioner. The 1st respondent vide proceedings, dated 28.09.2013, placed the petitioner under suspension with effect from 24.09.2013. The same culminated in filing of charge sheet and the criminal case ended in acquittal by the order of the learned Chief Judicial Magistrate, Vellore on 27.03.2019. As against the said acquittal order, the Inspector of Police, Vigilance and Anti-corruption, Vellore preferred a criminal appeal in CrI.A(MD)No.278 of 2020 before this Court and the same is pending.



W.P.(MD).No.20371 of 2023

WEB COPY

In the meanwhile, the 1st respondent vide proceedings, dated 02.01.2020 revoked the petitioner's suspension order and reverted him back to the parent department i.e., Public Health and Preventive Medicine. The petitioner joined Public Health and Preventive Medicine department on 10.01.2020 as Health Inspector at Primary Health Centre, Chekkanoorani with effect from 20.01.2020. Thereafter, promoted as Health Inspector Grade I and posted in Government Hospital, Balarengapuram Campus, Madurai on 19.12.2022. The petitioner had undergone a special course and training in Food Inspection and Sampling work which was conducted by the Director of Public Health and Preventive Medicine and State Food (Health) Authority. He has also undergone a special training for Food Safety Officer which was conducted by the Food Safety and Standards Authority of India at Chennai. Hence, he made a representation to the 1st respondent on 07.07.2023 seeking to post him as Food Safety Officer. However, the same was not considered and hence, this writ petition came to be filed.

3. The learned Special Government Pleader appearing for the respondents drew my attention to the pendency of the criminal appeal in



W.P.(MD).No.20371 of 2023

Crl.A(MD)No.278 of 2020 before this Court and pressed for dismissal of the writ petition.

4. Heard the learned counsels appearing on either side and perused the materials available on record.

5. This Court in W.P(MD)No.7715 of 2023, dated 27.04.2023 has already observed that the pendency of criminal appeal against acquittal will not be a ground for denial of service benefits to an employee. Applying the ration set out in the aforesaid order, this Court direct the respondents to consider the representation of the petitioner, dated 07.07.2023 and pass appropriate orders within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition stands allowed. No costs.

14.09.2023

NCC : Yes/No
Index : Yes/No
Internet : No

gbg



WEB COPY



W.P.(MD).No.20371 of 2023

To

- 1.The Commissioner,
Food Safety and Drug Administration Department,
359, Anna Salai,
Teynampet, D.M.S.Office,
Chennai.
- 2.The Deputy Director of Health Services (Leprosy),
Government Hospital,
Balarengapuram Campus,
Madurai.



WEB COPY



W.P.(MD).No.20371 of 2023

L.VICTORIA GOWRI, J.

gbg

W.P.(MD).No.20371 of 2023

14.09.2023



WEB COPY



W.P.(MD).No.20371 of 2023