



W.P.No.15075 of 2016

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2024

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.15075 of 2016
and MP.No.13146 of 2016

The Tamil Nadu State Food Safety
Officers' Welfare Association (Regn.No.190/2012)
Rep.by its State General Secretary
A.Rajhagopal
No.73A, Anna Second Cross Street,
Madhavaram
Chennai 600 060.

... Petitioner

Vs.

1. The Government of Tamil Nadu
Rep.by Principal Secretary to Government
Health and Family Welfare Department
Fort St.George, Secretariat,
Chennai 600 009.
2. The Commissioner
Tamil Nadu Food Safety and Drug
Administration Department,
DMS Complex, 359 Anna Salai,
Chennai 600 006.
3. The Food Safety & Standards Authority of India
Rep.by its Chairman
Ministry of Health and Family Welfare
3rd floor, FDA Bhawan, Kotla road,



W.P.No.15075 of 2016

New Delhi 110 002.

... Respondents

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PRAYER : Writ Petition filed under Article 226 of Constitution of India, to issue Writ of Mandamus directing the respondents 1 and 2 to frame the Rules by providing promotional avenues for the members of the petitioner Association who are working as Food Inspectors by providing first preference to them who are qualified and eligible for promotion as per 2.1.2:1 (iii) (a) of the FSSA Rules as Designated Officers in the Department of Food, Safety and Drug Administration, Government of Tamil Nadu by taking into consideration the representation made by the petitioner's Association dated 18.01.2016.

For Petitioner : Mr.K.Srinivasamurthy

For Respondents : Mr.P.Kumaresan
Additional Advocate General
Assisted by
Mr.K.Tippu Sulthan
Government Advocate for R1 & R2
No appearance for R3

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus directing the respondents 1 and 2 to frame rules by providing promotional avenues for the members of the petitioner Association who are working as Food Inspectors by providing first preference to them who are qualified and eligible



for promotion as per 2.1.2:1 (iii) (a) of the FSSA Rules as Designated Officers in the Department of Food, Safety and Drug Administration, Government of Tamil Nadu by taking into consideration the representation made by the petitioner's Association dated 18.01.2016.

2. The members of the petitioner Association are all B.Sc., Chemistry graduates and joined the Municipal Administration Department of the Government of Tamil Nadu as Sanitary Inspectors/ Sanitary Officers in the local bodies viz., the Corporations and Municipalities. The petitioners were sent for training in terms of Section 9 of the Prevention of Food Adulteration Act, 1954 r/w Rule 8 of the Prevention of Food Adulteration Act, 1955 and on completion of training posted as Food Inspectors. After the Food, Safety and Standards Act, 2008 came into force on 05.08.2011, the petitioners were appointed as Food Safety Officers in the 2nd respondent Department and are continuing as such. The petitioners claim promotion to the post of designated officers but the respondents have not framed any rules for promotion of the Inspectors to the post of designated officers. The petitioners therefore filed the writ petition.



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3. At the time of hearing, the learned Additional Advocate General submitted that the Government is in process of framing rules for the designated officers and a committee is also formed for the purpose. The learned Additional Advocate General, therefore seeks short time for finalising the rules and for publishing the same.

4. In view of the fact that the Government is in the process of framing rules for the designated officers, the writ petition is disposed of with a direction to the respondents to complete the process of framing the service rules and notifying the rules for the post of designated officers within a period of four months from the date of receipt of a copy of this order.

5. With the above direction and observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

30.08.2024

dpq

Index : Yes /No

Speaking Order : Yes/No



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N. MALA, J.

dpq

To

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