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W.P.No.22097 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.22097 of 2024 and
WMP.Nos.24089 & 24090 of 2024

S.Kulandaivel

... Petitioner

Vs

The Commissioner of Food Safety and Drug Administration,
O/o. the Commissioner of Food Safety and Drug Administration,
DMS Campus, Annasalai,
Chennai 600 006

..... Respondent

Prayer :

Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of transfer in R.No.3958/2024/S12/FSD, dated 19.07.2024 on the file of the respondent and quash the same as illegal and consequently to direct the respondent to frame the general transfer guidelines and then conduct the transfer counseling if necessary for transfers among the Food Safety Officers in Tamilnadu within the time stipulated by this Court.

For Petitioner : Mr.S.Louis

For Respondent : Mrs.M.Sneha,
Special Counsel for Health Department



W.P.No.22097 of 2024

WEB COPY

ORDER

This writ petition is filed challenging the order of transfer dated 19.07.2024 on the file of the respondent thereby transferred the petitioner from Erode District to Krishnagiri District.

2. The petitioner was appointed as Leprosy Inspector in the year 1988 and was posted at GLCU, Avinasi. On 04.11.1988, he post was merged with Public Health and redesignated as Health Inspector Grade-I at E.Vadugapalayam Primary Health Center, Tiruppur District and came on transfer to E.Chettipalayam Primary Health Center, Erode District and then transferred to P.Puliyam Patti Government Primary Health Center, Erode District. From the year 2011, he was shifted to the newly created department called, Tamil Nadu State Food Safety and Drug Administration Department in the cadre of Food Safety Officer and he was posted at Bhavanisagar Block. Then on transfer in the post of Food Safety Officer, he went to Gobichettipalayam Municipality in Erode District. Now, the petitioner has been transferred from Erode District to Krishnagiri District.

3. The learned counsel appearing for the petitioner would



W.P.No.22097 of 2024

WEB COPY

submit that without framing any Scheme or Rules, all of sudden, the petitioner has been transferred from Erode District to Krishnagiri District. The respondent failed to frame any Rules so far for the Tamilnadu Food Safety and Drug Administration Department. Without even conducting any counselling, mechanically the petitioner has been transferred to other District. He also relied upon the judgment of the Madurai Bench of this Court rendered in WP(MD).Nos.16941 to 16948 of 2024 dated 23.07.2024, in which this Court held that the Government vide GO.No.10 Personnel and Administrative Reforms (Per.S) Department dated 07.01.1997 have issued guidelines regarding transfer policy. As per the said policy, the transfer shall be made on completion of three years of service in the same station. When such is the case, if any Officers is disturbed within the said tenure, there should be some scheme or method for making such transfers. Therefore, the learned counsel submitted that there should be some scheme or method to be adopted for effecting such transfers for rationalising the services of the officers.

4. The learned Special Counsel for Health Department



W.P.No.22097 of 2024

appearing for the respondent submitted that nearly on completion of 3 years of service, the petitioner has been transferred to other district. Therefore, the guidelines issued with regards to the transfer policy in GO.No.10 Personnel and Administrative Reforms (Per.S) Department dated 07.01.1997 has been followed and accordingly, the petitioner has been transferred to other district. As such, the above judgment is not applicable to the case on hand.

5. On perusal of records, it is found that the petitioner was appointed as Leprosy Inspector in the year 1988 and was posted at GLCU, Avinasi. Subsequently, he was transferred to various places. Now, he is serving as Food Safety Officer in Erode District. Now after period of nearly three years, the petitioner has been transferred from Erode District to Krishnagiri District. Therefore, the respondent strictly followed the guidelines issued as per GO.No.10 Personnel and Administrative Reforms (Per.S) Department dated 07.01.1997. Hence, the petitioner was not disturbed before three years of his tenure.

6. In view of the above, the judgment cited by the learned



W.P.No.22097 of 2024

counsel for the petitioner is not helpful to the case on hand. That apart, transfer is one of the conditions of service and as such, this Court finds no infirmity or illegality in the order of transfer passed by the respondent. As such, this writ petition is devoid of merits and liable to be dismissed.

7. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

01.08.2024
(3/9)

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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W.P.No.22097 of 2024

G.K.ILANTHIRAIYAN, J.

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To
The Commissioner of Food Safety and Drug Administration,
O/o. the Commissioner of Food Safety and Drug Administration,
DMS Campus, Annasalai,
Chennai 600 006

W.P.No.22097 of 2024

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