



WP(MD) No.8613 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.8613 of 2024

Dr.M.Kavikumar

... Petitioner

Vs.

1.State of Tamil Nadu

Represented by its Principal Secretary to the Government,
Health and Family Welfare Department,
Secretariat,
Chennai - 9.

2.The Commissioner

Food Safety and Drug Administration Department,
DMS Complex,
Anna Salai,
Teynampet,
Chennai - 6.



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3.The Secretary

Tamil Nadu Public Service Commission,

TNPSC Road,

VOC Nagar,

Park Town,

Chennai - 3.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent No.1 to issue the Service Rules for the post of Designated Officers in pursuance to the Letter issued by the Respondent No.3 vide Letter No.0436/RND-A2/2021 dated 07.12.2022 and to fix the Grade Pay of the Petitioner as Rs.5700 GP with effect from 10.08.2011 i.e., date of initial appointment of the Petitioner in the post of Designated Officer in the light of the Government Order in G.O.Ms.No.347 Health and Family Welfare (AB2) Department dated 22.11.2011.



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For Petitioner : Mr.T.Aswin Raja Simman

For Respondents : Mr.M.Lingadurai – for R1 & R2
Special Government Pleader

Mr.J.Anandkumar – for R3
Standing Counsel

ORDER

The petitioner has filed this Writ Petition seeking a Writ of Mandamus to direct the respondent No.1 to issue the Service Rules for the post of Designated Officers in pursuance to the Letter issued by the Respondent No.3 vide Letter No. 0436/RND-A2/2021 dated 07.12.2022 and to fix the Grade Pay of the Petitioner as Rs.5700/- with effect from 10.08.2011 i.e., date of initial appointment of the petitioner in the post of Designated Officer in the light of the Government Order in G.O.Ms.No.347 Health and Family Welfare (AB2) Department dated 22.11.2011.



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2. Heard Mr.T.Aswin Raja Simman, learned counsel for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader for the respondents 1 and 2 and Mr.J.Anandkumar, learned Standing Counsel for the third respondent.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The petitioner was working as a Designated Officer in the second respondent Corporation. As per the submission of the learned counsel for the petitioner, the Designated Officer and Food Safety Officer, who were appointed in terms of G.O.Ms.No.347 Health and Family Welfare (AB2) Department, dated 22.11.2011 are entitled to grade pay of Rs.5,700/-. As the same was not considered, the petitioner filed a Writ Petition in W.P.(MD)No. 21683 of 2015, in which, a direction has been given to the respondent No.1 to pass orders on the recommendation of the



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Commissioner of Food Safety and Drug Administration in R.No. 7423/2014/S1/FSSA dated 21.11.2014 within a period of eight weeks. But so far, no order has been passed. In fact, the first respondent issued a letter, dated 25.04.2015 stating that framing of Service Rules for the post of Designated Officer is under consideration and the said exercise has not been completed.

5. It is learnt that the first respondent has forwarded a Draft Notification for framing of Adhoc Rules vide Government Letter No.26837/M-1/2015-1, dated 18.12.2020 seeking the views of Tamil Nadu Public Service Commission. The Tamil Nadu Public Service Commission has also accepted the proposal for the Draft Notification of Adhoc Rules for Designated Officer, however, with certain modifications. The above said fact was not denied by the third respondent. In fact, the information was given to the petitioner by the Government also. But no Government Order has been issued so far.



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6. Since the Government Orders with regard to framing of Adhoc Rules is pending for more than 8 years, I feel it is appropriate to direct the first respondent to issue Government Orders by approving the Rules within a period of three months from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of. No costs.

04.04.2024

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

RM



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R.N.MANJULA, J.

RM

Order made in
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Dated:
04.04.2024