



W.P.(MD)No.16941 to 16948 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)Nos.16941 to 16948 of 2024

and

W.M.P.(MD)Nos.14596, 14598, 14607, 14609,
14602, 14603, 14599, 14600 of 2024

M.Chandramohan	... Petitioner in W.P.(MD)No. 16941 of 2024
S.Rajkumar	... Petitioner in W.P.(MD)No. 16942 of 2024
K.Sabar Sathik	... Petitioner in W.P.(MD)No. 16943 of 2024
M.Sankaranarayanan	... Petitioner in W.P.(MD)No. 16944 of 2024

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.

... Respondents in all petitions

COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call 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



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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 Tamil Nadu within the time stipulated by this Court.

In all petitions:

For Petitioner : Mr.S.Louis
For Respondent : Mr.J.Ashok
Additional Government Pleader

COMMON ORDER

Heard Mr.S.Louis, learned counsel for the petitioner and Mr.J.Ashok, learned Additional Government Pleader for the respondent.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. Since the issue involved in all these writ petitions is one and the same, all these writ petitions are taken up together, heard and disposed of by way of this common order.

4. All these petitioners were aggrieved due to the orders dated 19.07.2024 in R.No.3958/2024/S12/FSD, through which the petitioners have been transferred to various other districts.



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5.The grievance of the petitioners is that the petitioners herein are working as Food Safety Officers in different districts and in the name of rationalization, without any guidelines or counseling, simply by way of pick and choose method, the transfer orders have been passed transferring the petitioners from one district to another district.

6.The learned Additional Government Pleader for the respondent submitted that there are some shortages of Food Safety Officers in certain Districts and hence, rationalization had been made by equally distributing the officers in the cadre of Food Safety Officers to various districts. The transfer orders have been made purely on administrative contingency taking into consideration of the deficiencies in certain districts. He further submitted that the recruitment made to fill up the vacancies of Food Safety Officers have been put to challenge by some of the candidates and hence, the vacancies in the said posts could not be filled up.

7.The Government vide G.O.No.10, personnel and Administrative Reforms (Per.S) Department dated, 07.01.1994 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,



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if any Officers is disturbed within the said tenure, there should be some scheme or method for making such transfers.

8.No doubt, the administrative contingency should rise up first. There should not be any vacancies in the post of Food Safety Officers. However, there should be some scheme or method to be adopted for effecting such transfers for rationalizing the services of the Officers. This is in view of the reason that some of the Food Safety Officers would have given request for transfer to certain districts. Therefore, it would be appropriate on the part of the respondent to examine such situations and frame some guidelines and modalities before randomly selecting the Officers and posting them across the State.

9.The petitioners cannot have any grievance if the transfer orders have been issued on seniority basis. If the seniority list of the individuals / Officers for the purpose of making transfers and methodology for arriving such list, are released, there would not be any grudge on the mind of the Officers to accept the transfer orders. In fact, that would be the best and harmonious method to be adopted in issuing transfer orders.

10.In view of the same, the impugned orders of transfer dated



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19.07.2024 in R.No.3958/202/S12/FSD, are set aside and these writ petitions are **allowed**. The respondent is directed to frame a new scheme / guidelines to prepare the list of persons to be transferred to some other districts to achieve the purpose of rationalization and to conduct counseling, if it is feasible, in order to avoid further grievances and publish the same within a period of four weeks from the date of receipt of a copy of this order. It is also made clear that, till such decision is taken by the respondent, no such transfer orders shall be given effect in order to avoid further litigations of this nature. No costs. Consequently, connected miscellaneous petitions are closed.

23.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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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.



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R.N.MANJULA, J.

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