



W.P.(MD).No.4159 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.06.2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.(MD).No.4159 of 2019

and

W.M.P.(MD).Nos.3264 to 3266 of 2019

- 1.S.Selvan,
Food Safety Officer,
Food Safety & Drug Administration Department,
Sakkottai & Kannangudi Block,
Sivagangai District.
- 2.A.R.Sankaralingam,
Food Safety Officer,
Food Safety & Drug Administration Department,
Keelapavoor Block, Tirunelveli District.
- 3.R.Jothimani,
Food Safety Officer,
Food Safety & Drug Administration Department,
Shanarpatti & Vadamadurai Blocks, Dindigul District.
- 4.P.Kalimuthu,
Food Safety Officer,
Food Safety & Drug Administration Department,
Sivakasi @ Watrap Block, Virudhunagar District.
- 5.M.Sankaranarayanan,
Food Safety Officer,
Food Safety & Drug Administration Department,
Thirupparankundram Block,
Madurai District.



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- 6.K.Mohanarangam,
Food Safety Officer,
Food Safety & Drug Administration Department,
Kottampatti Block, Madurai District.
- 7.V.Subburaj,
Food Safety Officer,
Food Safety & Drug Administration Department,
Thondamuthur Block, Coimbatore District.
- 8.R.Senthil,
Food Safety Officer,
Food Safety & Drug Administration Department,
S.Pudur & Singampunari Blocks, Sivagangai District.
- 9.H.Lingam,
Food Safety Officer,
Food Safety & Drug Administration Department,
Nilakottai & Batlagundu Blocks, Dindigul District.
- 10.K.Suruli,
Food Safety Officer,
Food Safety & Drug Administration Department,
Valapadi Block, Salem District.
- 11.P.Selva Pandian,
Food Safety Officer,
Food Safety & Drug Administration Department,
Pollachi Municipality & North Blocks,
Coimbatore District.
- 12.S.Veluchamy,
Food Safety Officer,
Food Safety & Drug Administration Department,
Sulur Block, Dindigul District.
- 13.A.Leo Andrews,
Food Safety Officer,
Food Safety & Drug Administration Department,
Dharapuram Municipality, Tirupur District.



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14.K.Shanmugasundaram,

Food Safety Officer,

Food Safety & Drug Administration Department,
Athoor Block, Dindigul District.

15.T.Ramakrishnan,

Food Safety Officer,

Food Safety & Drug Administration Department,
Natham Block, Dindigul District.

16.A.S.Saranya,

Food Safety Officer,

Food Safety & Drug Administration Department,
Dindigul Corporation, Dindigul District.

17.K.Ramasamy,

Food Safety Officer,

Food Safety & Drug Administration Department,
Trichy Corporation, Trichy District.

18.M.Ramesh,

Food Safety Officer,

Food Safety & Drug Administration Department,
Marungapuri & Vaiyampatti Blocks, Trichy District.

19.M.Chandramohan,

Food Safety Officer,

Food Safety & Drug Administration Department,
Vallioor Block, Tirunelveli District.

20.V.Maharajan,

Food Safety Officer,

Food Safety & Drug Administration Department,
Sathankulam & Udangudi Blocks, Thoothukudi District.

21.S.Chandrasekar,

Food Safety Officer,

Food Safety & Drug Administration Department,
Thoothukudi Block, Thoothukudi District.



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22.P.Muniyaraj,

Food Safety Officer,

Food Safety & Drug Administration Department,
Ottapidaram Block, Thoothukudi District.

23.T.Murugan,

Food Safety Officer,

Food Safety & Drug Administration Department,
Namakkal & Puduchatram Block, Namakkal District.

24.M.Muthukrishnan,

Food Safety Officer,

Food Safety & Drug Administration Department,
Bhavani Municipality & Erode Block, Erode District.

25.R.Muthukumar,

Food Safety Officer,

Food Safety & Drug Administration Department,
Tirunelveli Corporation, Tirunelveli District.

26.D.Selvaraj,

Food Safety Officer,

Food Safety & Drug Administration Department,
Thottiyam Block, Trichy District.

27.M.Kumarapandian,

Food Safety Officer,

Food Safety & Drug Administration Department,
Alwarthirunagari Block, Thoothukudi District.

28.M.Palchamy,

Food Safety Officer,

Food Safety & Drug Administration Department,
Lalgudi Block, Trichy District.

29.M.S.Murugesan,

Food Safety Officer,

Food Safety & Drug Administration Department,
Krishnarayapuram & Thogamalai Block,
Karur District.



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30.P.Thangavel,
Food Safety Officer,
Food Safety & Drug Administration Department,
Mannachanallur Block, Trichy District.

31.V.Chelladurai,
Food Safety Officer,
Food Safety & Drug Administration Department,
Thathayengaipet Block,
Trichy District.

.. Petitioners

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai-9.

2.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Health & Family Welfare Department,
Secretariat, Chennai-9.

3.The Commissioner of Municipal Administration,
Municipal Administration and Water Supply Department,
Chepauk, Chennai-5.

4.The Commissioner,
Tamil Nadu Food Safety & Drug Administration Department,
No.359, Anna Salai,
Chennai-6.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 4th respondent in his proceedings in R.No.6486/2018/S1/FSSA dated 20.12.2018 and quash the same as illegal and



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consequently to direct the 4th respondent to regularize the service of the petitioners as Food Safety Officer in the 4th respondent Department within the period that may be stipulated by this Court.

For Petitioners : Mr.B.Saravanan
Senior Advocate
for M/s.Ajmal Associates

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

This Writ Petition is filed challenging the impugned order passed by the fourth respondent in his proceedings in R.No.6486/2018/S1/FSSA dated 20.12.2018 and consequently, to direct the fourth respondent to regularize the service of the petitioners as Food Safety Officer in the fourth respondent Department within the period that may be stipulated by this Court.

2. The writ petitioners are the Food Safety Officers working in the Food Safety & Drug Administration Department. Originally, they were working in various posts under the Municipal Administration Department. Subsequently, a separate new Department, namely, Tamil Nadu Food Safety and Drug Administration Department was created by G.O.(Ms).No.347, Health and Family Welfare (AB2) Department, dated 22.12.2011 and the petitioners were

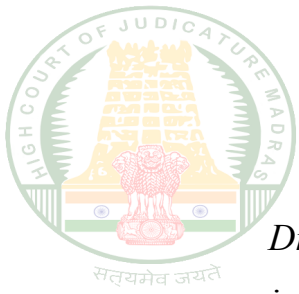


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all working in the new Department. In this regard, the petitioners had apprehended that they may be again repatriated to the parent Department on the ground that the present posting is a deputation.

3. The newly formed Department has also taken steps to directly recruit the Food Safety Officers under the new Act since the qualifications and other criteria are fixed. Based on the apprehension, few persons, who were employed as Food Safety Officers, have approached the Principal Bench of Madras High Court and the Division Bench in W.A.No.1406 of 2024 has considered the case regarding their status in the newly formed Department. It has been held as follows:

“(9)From the proceedings of the 1st appellant dated 20.09.2011, the 1st respondent/writ petitioner was appointed as Food Safety Officer along with 384 others. From the order of appointment, there is no indication to infer deputation. As a matter of fact, the proceedings dated 22.12.2011, vide G.O.Ms.No.347, Health and Family Welfare Department, would show that the Government on the basis of the recommendation and proposals of the Director of Public Health and Preventive Medicine, created a new Department called "Tamil Nadu Food Safety and Drug Administration [TNFS & DA] by integrating the existing Food Wing and Directorate of Public Health and Preventive Medicine and



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Drug Control Department. The word "integration" gives an indication that all the Food Safety Officers who were named in the order of appointment, got permanently absorbed in the 1st appellant Department. Therefore, the contention of the appellants cannot be countenanced.

(10)After the creation of the new Department called TNFS&DA Department to implement the Food Safety and Standards Act, 1954, the post of Food Inspector may not survive. From the communication dated 01.10.2012 of the 1st appellant to the 2nd respondent herein, in view of the creation of 584 posts of Food Safety Officers in the Food Safety Wing, this Court has seen that the Food Safety Department was integrated with the Health Department. Therefore, the contention of the learned Additional Advocate General that the writ petitioner was deputed to Food Safety Department and the 1st respondent/writ petitioner was also holding lien to conclude that the 1st respondent/writ petitioner was bound to join the parent Department, namely, 2nd respondent herein, is not acceptable.

(11)From the order that is impugned in the writ petition, 1st respondent/writ petitioner was sent to 2nd respondent Department only on the basis of negligence and inefficiency against the 1st respondent/writ petitioner. Therefore, the learned Single Judge is perfectly right in holding that the impugned order directing the 1st respondent/writ petitioner



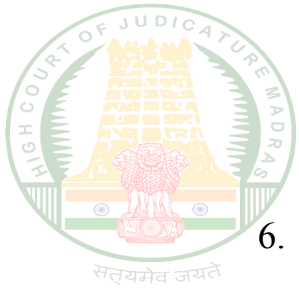
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who was hitherto working in the 1st appellant to the 2nd respondent pointing out certain deficiency in service, is unsustainable. When an order affecting the civil rights of the person is based on certain adverse findings against the individual, the 1st respondent/writ petitioner ought to have been given proper opportunity to put forth his case. This is possible only if a show cause notice is issued and thereafter, action is taken considering the objections if any, by the 1st respondent/writ petitioner. Learned Single Judge categorically found that the impugned order is in violation of principles of natural justice.”

4. The petitioners herein have also raised a similar apprehension that they may also be repatriated to the parent Department and their service herein is a permanent absorption in the new Department. Hence, they cannot be again deputed or repatriated to their original Department, where, they have joined and served as Sanitary Inspector.

5. Since the Division Bench has already held that the petitioners are the regular employees of the present Department, i.e., Tamil Nadu Food Safety and Drug Administration Department, they cannot be transferred to other departments unless the Rules permit.



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6. With the above observations, this Writ Petition stands disposed of.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

19.06.2025

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

To

1. The Principal Secretary to Government,
The State of Tamil Nadu,
Municipal Administration and Water Supply Department,
Secretariat, Chennai-9.
2. The Principal Secretary to Government,
The State of Tamil Nadu,
Health & Family Welfare Department,
Secretariat, Chennai-9.
3. The Commissioner of Municipal Administration,
Municipal Administration and Water Supply Department,
Chepauk, Chennai-5.
4. The Commissioner,
Tamil Nadu Food Safety & Drug Administration Department,
No.359, Anna Salai,
Chennai-6.



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K.RAJASEKAR,J.

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