



WEB COPY



WP(MD)No.29601 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.11.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

W.P.(MD)No.29601 of 2025 &
WMP (MD).Nos.22900 & 22901 of 2025

V.Raja

... Petitioner

/vs./

1.The Commissioner of Food Safety and Drug Administration,
O/o the Commissioner of Food Safety and Drug Administration,
Chennai – 600 006.

2.The District Collector,
O/o the District Collector,
Madurai.

3.The Commissioner,
O/o the Madurai Corporation,
Madurai.

4.The Designator Officer,
Food Safety and Drug Administration Dept.,
Vishwanathapuram, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records relating to the impugned order of the 1st respondent in R.No.3798/2025/S12/FSD, dated 15.10.2025 and quash the same.



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For Petitioner : Mr.S.R.Rajagopal Sr., Advocate
for Mr.S.Ramsundarvijayaraj

For Respondents : Mr.F.Deepak Spl., G.P

ORDER

The Writ Petition had been filed to quash the impugned order passed by the 1st respondent, dated 15.10.2025.

2.Heard Mr.S.R.Rajagopal, learned Senior counsel appearing for the petitioner and Mr.F.Deepak, learned Special Government Pleader appearing for the respondents.

3. Mr.S.R.Rajagopal, learned Senior counsel for the petitioner would submit that the petitioner had been working as a Food Safety Officer and presently working at Madurai. While that being so, by the impugned proceedings dated 15.10.2025 the petitioner had been placed under suspension on the allegations that there has been a confidential report received from the second respondent based upon his enquiry and that the disciplinary action had been recommended against him for violation of the Tamil Nadu Government Servant Conduct Rules 1973, as there was a failure to maintain absolute integrity and devotion to duty which was unbecoming of a Government servant. He would



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submit that the order impugned also indicate that there has been a complaint from the Tamil Nadu Food Grains Merchants Association Limited against the petitioner that he had demanded a bribe of Rs.5,000/- from the food business operators in his area.

4. He would vehemently contend that the petitioner had been instrumental in initiating various action under the Food Safety Act against violating food business operators during his tenure which had caused the vexatious complaint against the petitioner. He would further submit that the said complaint was not only against the petitioner, but also against various other Food Safety Officers, but the petitioner alone had been singled out. He would further submit that the District Collector, second respondent is not an authority under the Food Safety Act and only a designated Officer of the area who can enquire into such complaints.

5. He would further rely upon the judgment of the Hon'ble Apex Court in the case of ***Union of India & Anr., vs. Ashok Kumar Aggarwal*** reported in **2013 (16) SCC 147** to contend that an order of suspension cannot be exercised in an arbitrary manner without any reason known or vindictive misuse of power and only when there is a strong *prima facie* case against the delinquency an order of



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suspension can be passed. Hence, he seeks indulgence of this Court to the order impugned herein.

6. Countering his arguments, Mr.F.Deepak, learned Special Government Pleader would submit that the petitioner having been involved in a heinous offence of corruption against which a complaint has been made and enquired by the authority cannot claim that the order of suspension has been arbitrary. He would further submit that even though the petitioner would claim that there are cases that he had initiated against the food business operators for violation of the Food Safety Act, neither in the affidavit the petitioner had pleaded details of such cases nor has he substantiated the same by giving the details of the cases filed in the typed set of papers.

7. He would submit that only on a thorough enquiry and having found *prima facie* case pending initiation of disciplinary proceedings, the petitioner had been placed under suspension. He would place strong reliance on the counter affidavit filed by the third respondent in that regard and prays this Court to dismiss the Writ Petition.



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8. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.

9. The order of suspension had been passed against the petitioner on 15.10.2025 primarily on the allegation that he had demanded bribe from various food business operators in his area. The impugned order further reads that the complaint received in that regard with the Food Safety Department was enquired into by the District Collector, who had sent a confidential Report recommending necessary disciplinary action to be initiated against the petitioner. However, the counter affidavit indicates that the complaint received with the Government was forwarded to the first respondent and the first respondent and his inspecting team had conducted an enquiry on the complaint and during such inspection and on enquiry, it was found that the petitioner had demanded some amount from food business operators to avoid any inspection in their respective shops during the preparation of sweets and snacks for the upcoming Diwali festival and only based upon such enquiry and Report, the first respondent had placed the petitioner under suspension.

10. The counter affidavit filed on behalf of the respondents do not substantiate the reason stated in the order impugned as recorded above. There is a



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vast discrepancies in the facts narrated in the impugned order and the counter affidavit.

11. For the aforesaid reasons, this Court is of the view that the order impugned herein had been made without application of mind and accordingly, the same is set aside and the Writ Petition stands allowed. The respondents are at liberty to initiate appropriate disciplinary proceedings against the petitioner in the manner known to law. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes / No
Internet : Yes / No
GBA



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