



W.P.No.48599 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.48599 of 2025

And

W.M.P.Nos.54259, 54260 and 54261 of 2025

A.Elangovan

... Petitioner

Vs.

- 1 THE SECRETARY TO GOVERNMENT
HEALTH AND FAMILY WELFARE DEPARTMENT,
SECRETARIAT,
CHENNAI – 600 009.
- 2 THE COMMISSIONER
FOOD SAFETY AND DRUG ADMINISTRATION DEPARTMENT,
359, ANNA SALAI,
DMS COMPOUND,
TEYNAMPET,
CHENNAI – 600 006.
- 3 THE DESIGNATED OFFICER,
FOOD SAFETY AND DRUG ADMINISTRATION DEPARTMENT,
CHENNAI DISTRICT,
NO.33, WEST JONES ROAD,
SAIDAPET,
CHENNAI – 600 015.
- 4 THE ACCOUNTANT GENERAL (A & E)
TAMIL NADU,
NO.361, ANNA SALAI,
TEYNAMPET,
CHENNAI – 600 018.



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5 THE SECRETARY TO GOVERNMENT
FINANCE DEPARTMENT,
SECRETARIAT,
CHENNAI – 600 009.

6 THE PENSION PAY OFFICER,
PENSION PAY OFFICE,
INTEGRATED FINANCE BUILDING,
VETERINARY HOSPITAL CAMPUS,
NANDANAM,
CHENNAI – 600 035.

7 K.THAMILSELVAN

8 A.KARTHIKEYAN

... Respondents

Prayer:

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 issued by the sixth respondent in Letter L.Dis. No.20753/L2/2025 dated 25.11.2025 and quash the same and consequently to direct the sixth respondent to claim and disburse the Pension and DCRG amount due to the petitioner as sanctioned by the fourth respondent in his Letter AG (A&E) PEN/E14/11426054/A/R1426054 dated 16.09.2025, within a reasonable period as may be fixed by this Hon'ble Court.

For Petitioner : Mr.T.Ranganathan

For Respondents : Mr.K.Tippu Sulthan for R1 to R3, R5&R6
Government Advocate
Mr.T.Ravikumar for R4



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ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records relating to the order issued by the sixth respondent in Letter L.Dis. No.20753/L2/ 2025 dated 25.11.2025 and quash the same and consequently to direct the sixth respondent to claim and disburse the Pension and DCRG amount due to the petitioner as sanctioned by the fourth respondent in his Letter AG (A&E) PEN/E14/11426054/A/ R1426054 dated 16.09.2025.

2.The learned counsel appearing for the petitioner submitted that the petitioner was appointed as Birth and Death Clerk in the Greater Chennai Corporation in the year 2001 by direct recruitment and was promoted as Sanitary Inspector in the year 2007 and when the Food Safety and Drug Administration Department was formed, the petitioner was permanently absorbed by the first respondent as Food Safety Officer under the control of the second respondent and the petitioner served as Food Safety Officer till 31.07.2025 under the third respondent and allotted to Chennai Corporation under Code 528 Tondiarpet and was subsequently transferred and posted to



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Pulianthope Area, Perambur under Code No.532 and the petitioner attained the age of superannuation on 31.07.2025. On 23.01.2025, the Director of Public Health and Preventive Medicine sent a letter to the second respondent to pass appropriate orders to allow the petitioner to retire from service on attaining the age of superannuation on 31.07.2025.

3.The learned counsel appearing for the petitioner further submitted that the petitioner submitted his application for pension and DCRG on 05.06.2025 to the fourth respondent through the third respondent. The third respondent sent letter dated 10.07.2025 to the second respondent to issue appropriate orders to allow the petitioner to retire from service by certifying that there is no dues to the Government pending from the petitioner; there is no disciplinary proceedings or DVAC proceedings pending against the petitioner; no audit paras of Accountant General and the departmental audit paras pending against the petitioner.

4.The learned counsel appearing for the petitioner further submitted that based on the letter sent by the third respondent, the second respondent consulted the Commissioner, Greater Chennai



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Corporation in R.No.3143/2023/S12/FSD dated 14.07.2025 and the Joint Commissioner, Health Department, Greater Chennai Corporation vide letter dated 30.07.2025 informed the second respondent that the petitioner has been relieved from 21.11.2016 and permanently absorbed under the Food Safety and Drug Administration Department and being paid salary only by the second respondent and hence there is no objection to issue orders permitting the petitioner to retire from service and the second respondent issued orders in proceedings dated 31.07.2025 allowing the petitioner to retire from service on attaining the age of superannuation on 31.07.2025.

5.The learned counsel appearing for the petitioner further submitted that consequent to the retirement order, the third respondent by letter dated 31.07.2025, instructed the petitioner to hand over charge to one K.Jebaraja Sobana Kumar and also an undertaking to repay the amount, if any, found as excess in future in one installment. Thereafter, the fourth respondent returned the service register of the petitioner and directed the third respondent to rectify the discrepancies pointed out in his letter dated 01.08.2025 and after resubmission by the third respondent on 08.08.2025, the fourth respondent sanctioned the Pension and DCRG amount vide letter dated



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16.09.2025. While so, the sixth respondent issued the impugned order directing the fourth respondent for non payment, which is not sustainable one.

6.The learned counsel appearing for the petitioner further submitted that the issue involved in this writ petition is no longer res integra and the same has already been considered by the Hon'ble Division Bench of this Court in **W.A.No.1406 of 2024 [The Commissioner and another Vs. Jagannathan and another]** dated **20.08.2024**, wherein, this Court considered the issue as to whether the first respondent therein was deputed as Food Safety Officer or appointed in the office of first appellant therein as a permanent employee of appellants therein and whether the orders impugned in the writ petition therein are liable to be set aside on the ground of violation of principles of natural justice and arrived at a conclusion that after the creation of the new Department called Tamil Nadu Food Safety and Drug Administration Department to implement the Food Safety and Standards Act, 1954, the post of Food Inspector may not survive and that from the communication dated 01.10.2012 of the first appellant therein to the second respondent therein, in view of the



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creation of 584 posts of Food Safety Officers in the Food Safety Wing, the Food Safety Department was integrated with the Health Department.

7.The learned counsel appearing for the petitioner further submitted that in view of the categorical finding of the Hon'ble Division Bench of this Court in the decision cited supra, the pension payment order issued by the fourth respondent in favour of the petitioner become final in which the sixth respondent have no power to direct the fourth respondent for non payment. Accordingly, the learned counsel prayed for allowing the writ petition.

8.Though a detailed counter affidavit has been filed on behalf of the respondents 2 and 3, the learned Government Advocate submitted that though the issue that arise in this writ petition is covered by the decision of the Hon'ble Division Bench of this Court in ***W.A.No.1406 of 2024 [The Commissioner and another Vs. Jagannathan and another]*** dated ***20.08.2024***, the respondents have preferred SLP before the Hon'ble Apex Court against the said decision and he fairly submitted that as on date, there is no interim order operating as against the said decision.



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9. Heard the arguments advanced on either side and perused the materials available on record.

10. The petitioner was appointed as Birth and Death Clerk in the Greater Chennai Corporation in the year 2001 by direct recruitment and was promoted as Sanitary Inspector in the year 2007 and when the Food Safety and Drug Administration Department was formed, the petitioner was permanently absorbed by the first respondent as Food Safety Officer under the control of the second respondent and the petitioner served as Food Safety Officer till he attained the age of superannuation on 31.07.2025. Thereafter, the fourth respondent sanctioned the Pension and DCRG amount vide letter dated 16.09.2025. However, the sixth respondent issued the impugned order directing the fourth respondent for non payment.

11. The issue involved in this writ petition is no longer res integra and the same has already been considered by the Hon'ble Division Bench of this Court in ***W.A.No.1406 of 2024 [The Commissioner and another Vs. Jagannathan and another]*** dated **20.08.2024**, the relevant portion of which is extracted hereunder:

"(8) Therefore, the main issue that arise for



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consideration in this writ appeal is whether the 1st respondent/writ petitioner was deputed as Food Safety Officer or appointed in the office of 1st appellant Department as a permanent employee of appellants. The next question is whether the orders impugned in the writ petition are liable to be set aside on the ground of violation of principles of natural justice.

(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 Drug Control Department. The word 'integration' gives an indication that all the Food Safety Officers who were named in



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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.



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Therefore, the learned Single Judge is perfectly right in holding that the impugned order directing the 1st respondent/writ petitioner 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.

(12) This Court, on the admitted facts and in view of specific findings on the issue given by the learned Single Judge for allowing the writ petition, finds no irregularity or illegality in the order of learned Single Judge.

(13) In the result, the writ appeal stands dismissed as devoid of any merits. No costs. Consequently, connected miscellaneous petition is closed."



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12.Applying the ratio laid down in the decision cited supra, the impugned order is liable to be set aside. Accordingly, the order issued by the sixth respondent in Letter L.Dis. No.20753/L2/2025 dated 25.11.2025 is set aside. The respondents 4 and 6 are directed to sanction pensionary benefits in favour of the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

13.The writ petition is allowed on the above terms. No costs. Consequently, the connected miscellaneous petitions are closed.

29.01.2026

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

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CHENNAI – 600 009.
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FOOD SAFETY AND DRUG ADMINISTRATION DEPARTMENT,
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M.DHANDAPANI,J.
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