

# K.V.Saravanan vs The State Of Tamil Nadu on 25 July, 2022

**Author: S.M.Subramaniam**

**Bench: S.M.Subramaniam**

Order date  
Writ Petition No

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Writ Petition No.13161 of 2014  
and  
M.P.Nos.1 & 2 of 2014

K.V.Saravanan

... Peti

Vs.

1.The State of Tamil Nadu,  
represented by its Secretary,  
Health & Family Welfare Department,  
Fort St.George, Chennai - 600 009.

2.The State of Tamil Nadu,  
represented by its Secretary,  
Finance (Pay Cell) Department,  
Fort St.George, Chennai - 600 009.

3.The Commissioner,  
Tamil Nadu Food Safety and Drug  
Administration Department,  
No.359, Anna Salai,  
Chennai - 600 006.

... Resp

PRAYER: Writ Petition filed under Article 226 of the Constitution of India  
praying to issue a Writ of Certiorarified Mandamus calling for the record  
relating to the order of the first respondent dated 25.11.2013 in Letter

<https://www.mhc.tn.gov.in/judis>  
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Order  
Writ Petition

No.28594/AB.2/2013-3 and the consequential order of the third respondent 23.04.2014 in R.No.3640/2014/S1/FSSA and quash the same only insofar as relates to the petitioner and consequently, direct the respondents to fo and pay the scale of pay of Rs.9,300 - 34,800 + Grade Pay of Rs.4,400/- applicable to the post of Food Safety Officers to the petitioner.

For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.L.S.M.Hasan Fizal  
Additional Government Pleader  
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#### ORDER

The writ on hand has been instituted assailing the order of rejection rejecting the claim of the petitioner to fix the scale of pay at Rs.9,300 - Rs.34,800 + Grade Pay of Rs.4,400/-.

2. When this Court raised certain important questions regarding the functioning of the Food Safety Officers in the Food Safety Commissionerate, the petitioner made a submission that he was working as Food Safety Officer at Arappalayam, Madurai, which is thickly populated. The functioning of the Food Safety Officers in their respective jurisdictional area not appears to be monitored properly. Thus, this Court, under orders dated 19.07.2022, directed the Commissioner to be present before this Court. <https://www.mhc.tn.gov.in/judis> Order dated : 25.07.2022 Writ Petition No.13161 of 2014

3. Today, Mr.R.Lalvena, I.A.S., Commissioner, Tamil Nadu Food Safety and Drug Administration Department, Anna Salai, Chennai, appeared in person and made a submission that several actions are initiated even to recruit the Food Safety Officers directly under the provisions of The Food Safety and Standards Act and Rules [hereinafter referred to as "the Act"].

4. The Commissioner made a submission that several other actions are being initiated to ensure effective functioning of the Food Safety Commissionerate through its officers and complaints are addressed without causing undue delay. However, the conviction rate is poor and the same is to be monitored and meaningful actions initiated by the Food Safety Officers are also to be monitored by the Commissionerate by conducting, if necessary, frequent surprise inspections. Even the Commissioner may appoint Special Officers for conducting such surprise inspections for effective implementation of the provisions of the Act.

5. The Commissioner further submitted that several actions are also initiated for creating awareness amongst the public for the purpose of filing complaints against food related offences. All such actions are imminent as food <https://www.mhc.tn.gov.in/judis> Order dated : 25.07.2022 Writ Petition No.13161 of 2014 safety and its protection are the fundamental rights of citizens of our great nation, which is ensured under Article 21 of the Constitution of India. Thus, the Commissioner is directed to initiate all further necessary actions for effective implementation of the Act and to ensure that the officials of the Commissionerate are performing their duties in consonance with the

provisions of the Act. The allegations of corrupt activities by the Food Safety Officers in public domain are also to be equally monitored, if necessary, through the Vigilance Department as also through the Police Department. The complaints, in this regard, are to be viewed seriously and actions are to be taken without causing undue delay.

6. This Court found that the very same petitioner filed another writ petition in W.P.No.11303 of 2014 and the said writ petition was disposed of by this Court on 13.06.2022.

7. Learned counsel appearing on behalf of the petitioner made a submission that the petitioner had not intentionally filed two writ petitions on the same cause of action. Therefore, he filed an affidavit of unconditional apology for having filed two writ petitions for the same relief of revision of pay. Further, the petitioner has made a submission that he would prefer to withdraw the <https://www.mhc.tn.gov.in/judis> Order dated : 25.07.2022 Writ Petition No.13161 of 2014 present writ petition filed in W.P.No.13161 of 2014.

8. Since the claim for revision of pay has already been considered by this Court in the writ petition filed by the petitioner in W.P.No.11303 of 2014, no further consideration is required in the present writ petition.

Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

25.07.2022 Index : Yes Speaking order gm To

1.The Secretary, Health & Family Welfare Department, Fort St.George, Chennai - 600 009.

2.The Secretary, Finance (Pay Cell) Department, Fort St.George, Chennai - 600 009.

3.The Commissioner, Tamil Nadu Food Safety and Drug Administration Department, No.359, Anna Salai, Chennai - 600 006.

S.M.SUBRAMANIAM., J <https://www.mhc.tn.gov.in/judis> Order dated : 25.07.2022 Writ Petition No.13161 of 2014 gm Writ Petition No.13161 of 2014 25.07.2022 <https://www.mhc.tn.gov.in/judis>