

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.24703 of 2015
and
M.P. Nos.1 & 2 of 2015
and
W.M.P. No.22195 of 2017

R.Ravindaran

...Petitioner

versus

1.The State of Tamilnadu,
Rep. by Secretary to Government,
Higher Education, Fort St.George,
Chennai - 600 009.

2.The Director,
The Directorate of Collegiate Education,
College Road, DPI Complex,
Nungambakkam, Chennai - 600 006.

3.The Principal Arignar Anna Govt.
Arts College,
Namakkal - 637 002.

...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 proceedings of the 3rd respondent in Na.Ka.No.1279/A4/2015 dated 09.07.2015 quash the same and consequently direct the 1st and 2nd respondents to issue declaration that Laboratory Assistants should not be deputed to any other work including administrative works in office either full time or part time and during vacation and public holidays except Laboratory work in light of order of the 1st respondent in vide Letter No.15604/G2/2008-1 dated 28.07.2008.

For Petitioner : Mr. A.Edvin Prabakar
For Respondents : Mr. M.Elumalai,
Government Advocate

O R D E R

The order passed by the Principal Arignar Anna Government and Arts College, in proceedings dated 09.07.2015, is under challenge in this writ petition.

2. The impugned proceedings is an office order issued to the Laboratory Assistants who all are working in the said college. The impugned office order states that all the Laboratory Assistants working in the college must attend their duty at 10.a.m on everyday morning and they have to work 7 hours 45 minutes per day under the Head of the Departments of the respective Departments. In this regard it is unambiguously stated by Principal of the College that morning between 9 a.m. and 2.10 p.m, the Laboratory Assistants have to perform their duties and the responsibilities as assigned by the Head of the Department of the respective Departments. Thereafter, from 2.10 p.m. to 4.45 p.m. these Laboratory Assistants must work as per the work allotment given by the Principal of the College.

3. On a perusal of the said office order, it is found that there is no full time work available to these Lab Assistants in this College. Thus, the Lab Assistants are allotted work by the respective Head of the Departments only during morning hours and thereafter, there is no Lab work to perform in the College. Therefore, the administrator of the College fixed certain administrative works and other alternative works shall be allotted to this Lab Assistants during the Afternoon hours. Accordingly, the Lab Assistants were directed to work from 2.10 p.m to 4.45 p.m, as per the work allotted by the Principal of the College.

4. The general rule in this regard is that an employee shall be directed work for a minimum duration of 8 hours per day. In the present case on hand, the Principal directed to work the Lab Assistants for 7 hours 45 minutes per day. In the morning hours they should work along with the Head of the Department and afternoon they have to work with the Principal of the College. This cannot be said to be an irregularity and illegality. In view of the fact that the Writ Petitioner is a public servant, he is duty bound to perform the work allotted to him by his superior authorities. Ofcourse, Superior Authorities are not bound to give any personal works, which are all not covered under the administrative works. Otherwise, all the official duty assigned to this Lab Assistants are to be performed and in the event any non performance, it will be construed as negligence, disobedience and dereliction of duty. Then, the Principal of the College is empowered to initiate Disciplinary Proceedings of such erring employees.

5. Public servants are bound to serve in the interest of public and in the interest of the public administration. The 3rd respondent College is a Government College and therefore the petitioner cannot seek any exception or exemption. The petitioner is duty bound to work as per the order of superiors and in accordance with law. This circular issued by the

Principal of the College is in accordance with law and there is no infirmity. The writ petitioner is receiving salary from and out of tax payers money. Thus, he is accountable and answerable to the public also. Thus, this Court is of an opinion that there is no infirmity in respect of the office order passed in Na.Ka.No.1279/A4/2015 by the 3rd respondent/Principal of the College dated 09.07.2015 and the petitioner is directed to serve the interest of College and its welfare and as per the work assigned by his Superiors.

6. Accordingly, the writ petition is devoid of merits and stands dismissed. Consequently connected miscellaneous petitions are closed. However, there is no order as to costs.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

rkp

To:

1. The Secretary to Government,
Higher Education, Fort St. George,
Chennai - 600 009.
2. The Director,
The Directorate of Collegiate Education,
College Road, DPI Complex,
Nungambakkam, Chennai - 600 006.
3. The Principal Arignar Anna Govt.
Arts College,
Namakkal - 637 002.

+1 CC to Mr. A. Edvin Prabakar, Advocate sr 46667.

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NRL (CO)
SP(30/07/2018)