



W.P.(MD) No.2476 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.2476 of 2022
and
W.M.P.(MD) No.2177 of 2022

D.S.Radhika

... Petitioner

vs.

1.The State

rep.by the Secretary to Government
Health, Medical and Family Welfare Department
Fort St.George, Chennai-600 009

2.The Director of Public Health and Preventive Medicine

Directorate of Public Health and Preventive Medicine
DMS Campus, Teynampet
Chennai-600 006

3.The Director

Tamil Nadu State Health Transport Department
Guindy, Chennai-600 032

4.The Workshop Superintendent

Office of the Workshop Superintendent
Regional Workshop (Health)
Tiruchirappalli-620 007

5.M.Vijay Anand

... Respondents



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WEB COPY **PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari calling for the records relating to the order of suspension passed by the respondent No.3 in R.No.926/C3/2022, dated 29.01.2022 and quash the same.

For Petitioner : Mr.D.Sivaraman
For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader for R1 to R4
Mr.R.R.Kannan for R5

ORDER

The order of suspension, dated 29.01.2022, passed by the third respondent, is under challenge in this writ petition.

2. The petitioner was working as Superintendent in the Regional Workshop (Health), Tiruchirapalli and placed under suspension on the ground as follows:

“On 29.01.2022 F.N. inspite of being continuously warned by the Workshop Superintendent, Regional Workshop (H), Trichy (the Head of Office) at many instances previously not to shoot video of the co-employees and officers at the work place, continued to take video using her mobile phone. At around 10.45



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a.m., when the Workshop Superintendent in order to prevent her from taking the video and stop the unlawful activity, picked her mobile phone in the presence of office staff, while the video was being shot and handed it over to Thiru.K.Balakumar, Watchman, Regional Workshop (H), Trichy for safe custody. Tmt.D.S.Radhika suddenly resorted to violence, used abusive and filthy language and tried to attack the Officer. When the Officer moved away by instinct, she bit the hand of Thiru.K.Balakumar, Watchman, who stood behind the Workshop Superintendent thereby causing grievous injury to him. The Watchman was immediately admitted in the Mahatma Gandhi Memorial Government Hospital, Trichy, for treatment.”

3. The allegations set out in the impugned order are no doubt serious in nature.

4. The learned Additional Government Pleader appearing for the respondents 1 to 4, while submitting the facts, narrated that there are several allegations against the petitioner mostly regarding high-handedness and misbehaving indifferently with the other officials of the Department etc.



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5. However, this Court cannot conduct enquiry in respect of such allegations, which all are to be gone into by the Disciplinary Authority at the time of enquiry. The fact remains that there are allegations and counter allegations both by the petitioner and the respondents. Thus, the Competent Authority has to conduct a detailed enquiry based on the documents and evidences available as the charges are serious in nature.

6. This Court is of the considered opinion that using mobile phones by the public servants during office hours has become nowadays a normal scenario. Using mobile phones and taking videos inside the office is a grave misconduct. The officials working in the Government Departments should never be allowed to use mobile phones inside the office for their personal use. If at all any emergency call is to be attended, proper permission must be obtained from superiors to go out from the office and use mobile phones. In all circumstances, the mobile phones must be either switched off or kept in vibration / silent mode, without causing any disturbance or nuisance to be public, who all are attending the office as well as the other officials working in the office. This must be the minimum discipline to be followed in the Government Offices. Such allegations of using mobile cameras inside the office very frequently is causing disturbance and no doubt, this will



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disrupt the functioning of the public offices in the Departments and therefore, this Court is of the considered opinion that the Government should take serious note of this and the first respondent has to issue appropriate circular / instructions to all the Government Offices to ensure that the mobile phones are either kept in a common cloakroom at the time of entering into the office and for emergency calls, the official numbers kept in the office are to be utilized. In the event of allowing the employees to use mobile phones, without any restriction inside the office or allowing them to use mobile cameras inside the office, the same will result in serious consequences, even amongst the employees and the public, who all are attending the office. Therefore, the first respondent has to take note of the serious situation and issue appropriate circular / instructions to all the subordinate officers not to use mobile phones in the Government offices and it must be maintained in such a manner to ensure that mobile phones are not used by the public servants more specifically during working hours. Necessary procedures are to be contemplated for regulating the usage of mobile phones in the Government Offices, failing which the same will result in indiscipline in the working place and the case on hand is a classic case, where the usage of mobile phone resulted in serious disputes.



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7. It is brought to notice of this Court by the learned Additional Government Pleader for the respondents 1 to 4 that many public servants are using mobile phones and cameras in the Government Offices and this Court is of the great surprise, whether the employees are using mobile phones during office hours or performing their duties and responsibilities as allotted to them. If such indiscipline and misconduct are allowed to be continued, no doubt, they are committing a greatest sin to the public by getting tax payers' money as huge salary. Therefore, the Government is duty bound to ensure that the public servants are not wandering with mobile phones inside the office during office hours and it is to be regulated in accordance with the Tamil Nadu Government Servants' Conduct Rules, 1973.

8. As far as the impugned order of suspension is concerned, the allegations set out are serious in nature warranting an enquiry to be conducted. The respondents are directed to conduct enquiry by following the procedures contemplated and conclude the same as expeditiously as possible.



9. In view of the factum established, this Court is inclined to pass the following orders:

- (i) The relief as such sought for in this writ petition stands rejected.
- (ii) The respondents 1 to 3 are directed to issue appropriate Circular / Instructions to all the Subordinate Officers / Officials across the State of Tamil Nadu regulating the usage of Mobile Phones and Mobile Cameras inside the Office premises during office hours and in the event of any violation of the Guidelines / Instructions to be formulated, strict actions are to be initiated under the relevant Tamil Nadu Government Servants' Conduct Rules, 1973.
- (iii) The respondents 1 to 3 are directed to frame regulations for the usage of Mobile Phones and Mobile Cameras inside the Office during office hours and exceptions are to be carved out for usage of official Mobile Phones and Telephones by



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the Field Officers and by the Officials, who all are authorized for such purpose.

- (iv) The above exercise is directed to be done by the respondents 1 to 3, within a period of four weeks from the date of receipt of a copy of this order.

10. Accordingly, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

11. Registry is directed to list the matter on 13.04.2022 for reporting compliance before this Court.

14.03.2022

Index : Yes / No
Internet : Yes / No

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To:

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Fort St.George, Chennai-600 009.
- 2.The Director of Public Health and Preventive Medicine,
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