

IMMEDIATE

No.33011/1(s)/2019-Estt.(B-II)

Government of India

Ministry of Personnel, Public Grievances and Pensions

Department of Personnel & Training

North Block, New Delhi

Dated the 01 February, 2019

OFFICE MEMORANDUM

Subject: AIPCOC rally to Prime Minister Office on 4th February, 2019.

The undersigned is directed to inform that NCOA (National Confederation of Officers Associations), registered under Trade Union Act, which represents 2.5 lakh officers of 250 Central Public Sector Enterprises, has been raising some of significant issues related to CPSEs and their executives for quite long time through representations/ Memorandums and protest actions. A rally to PMO is proposed on 4th Feb, 2019 under the banner of AIPCOC (All India Public Sector & Central Govt officers Confederation) representing 15 lakh officers of CPSEs, Public Sector Banks and Central Govt Gazetted Officers Confederation for drawing the attention of Hon'ble Prime Minister towards: (i) Stoppage of all moves towards Privatization/ closure of Public Sector Units; (ii) Govt support for revival of Public Sector Undertakings; (iii) Removing affordability clause for Pay revision in PSUs; (iv) Allotting 4G Spectrum to BSNL and MTNL; (v) Assured Pension; (vi) Parity in taxation of CPSE employees.

2. The instructions issued by the Department of Personnel & Training prohibit the Government servants from participating in any form of strike including mass casual leave, go-slow, sit-down etc. or any action that abet any form of strike in violation of Rule 7 of the CCS (Conduct) Rules, 1964. Besides, in accordance with the proviso to Rule 17 (1) of the Fundamental Rules, pay and allowances is not admissible to an employee for his absence from duty without any authority. As to the concomitant rights of an Association after it is formed, they cannot be different from the rights which can be claimed by the individual members of which the Association is composed. It follows that the right to form an Association does not include any guaranteed right to strike. There is no statutory provision empowering the employees to go on strike. The Supreme Court has also agreed in several judgments that going on a strike is a grave misconduct under the Conduct Rules and that misconduct by the Government employees is required to be dealt with in accordance with the law. Any employee going on strike in any form, including protest, would face the consequences which, besides deduction of wages, may also include appropriate disciplinary action. In this connection, your kind attention is also drawn to this Department's OM No. 33012/1(s)/2008-Estt (B) (pt) dated 12th September, 2008 (copy enclosed).

3. A Joint Consultative Machinery for Central Government employees is already functioning. This scheme has been introduced with the object of promoting harmonious relations and for securing the greatest measure of co-operation between the Government, in its capacity as employer, and the general body of its employees in matters of common concern, and with the object, further of increasing the efficiency of the public service. The JCM at the different levels have been discussing issues brought before it and the consultative process is still functioning with the active cooperation from the staff side.

Most Immediate

JSC (Admin.)

*On file
Circulate
1.2.19
Ac(RPD)
Today only through
CSG/ email/ website
display
and other mode*

4. The Central Government Employees under your Ministry/Departments may, therefore, be suitably informed of the aforesaid instructions under the Conduct Rules issued by this Department and other regulations upheld by the Hon'ble Supreme Court and dissuaded from resorting to strike in any form including protest. Instructions may be issued not to sanction Casual Leave or other kind of leave to employees if applied for, during the period of the proposed protest/strike and ensure that the willing employees are allowed hindrance free entry into the office premises. For this purpose, Joint Secretary (Admn) may be entrusted with the task of coordinating with security personnel. Suitable contingency plan may also be worked out to carry out the various functions of the Ministry/Department.

5. In case the employees participate in the rally/dharna/protest/strike, a report indicating the number of employees who took part in the proposed rally/dharna/protest/strike may be conveyed to this Department on the evening of the day.

Gyanendra Tripathi

(Gyanendra Dev Tripathi)

Joint Secretary to the Government of India

Tel: 23094010

1/2/2015

To

The Secretaries of all Ministries/Departments of Government of India

Copy to:

Deputy Secretary (Admin), DoPT, North Block, New Delhi.

-BT- Estt/Strike matters -12
-14- -12

(4)

File No. 33012/1(s)/2008-Estt(B) (Pt)
Government of India.
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

Dated the 12th September, 2008

OFFICE MEMORANDUM

Subject:- Participation in any form of strike/mass casual leave/boycott of work etc. by Government servants - CCS(Conduct) Rules - regarding.

The undersigned is directed to say that the instructions issued by the Department of Personnel & Training prohibit the Government servants from participating in any form of strike including mass casual leave, go-slow etc. or in any way abet any form of strike which will be in violation of Rule 7 of the CCS(Conduct) Rules, 1964. The Supreme Court has also agreed in several judgements that going on a strike is a grave misconduct under the Conduct Rules and that misconduct by the Government employees is required to be dealt with in accordance with law. Any employee going on strike in any form would face the consequences which, besides deduction of wages, may also include appropriate disciplinary action.

2. A Joint Consultative Machinery (JCM) for Central Government employees is already functioning. This scheme has been introduced with the object of promoting harmonious relations and of securing the greatest measure of cooperation between the Government, in its capacity as employer, and the general body of its employees in matters of common concern, and with the object, further of increasing the efficiency of the public service.

3. Therefore, apart from the fact that any form of strike/mass casual leave/boycott of work would be in violation of the CCS(Conduct) Rules, going on any form of strike will also not be in the interest of the employees. Accordingly, the undersigned is directed to convey that if any employee or an association/group of employees, under any nomenclature, indulge in any form of strike/boycott of work in pursuance of any alleged demands, or send any letter conveying of their intention to organize any such event, in terms of the provisions mentioned in para-1 above, the salary of such employees for the day/days in question shall not be paid and the details of such employees shall have to be intimated by the concerned office where such an event took place to the Administrative Ministry/Department concerned, within 15 days of such incident for a decision on how to treat the unauthorized absence occasioned by such an action by the employees. This will be without prejudice to any disciplinary action that may be initiated against such employees. All Ministries/Departments are requested to bring the contents of this O.M. to the notice of all concerned offices under them.

(Suneel K. Arora)

Under Secretary to the Government of India

To

All Ministries/Departments.