

No.A-44011/5/2022-Estt.(Hqrs.)
Government of India
Ministry of Fisheries, Animal Husbandry and Dairying
Department of Animal Husbandry and Dairying

Krishi Bhawan, New Delhi-110001
Dated, the 20th March, 2023

CIRCULAR


Subject: Proposed district-level rallies across the country by the National Joint Council of Action (NJCA) on March, 21, 2023-regarding.

It has been informed by DOP&T vide OM No. 33011/1(s)/2023-Estt.(B-11) dated 20.03.2023 (copy enclosed) that the National Joint Council of Action (NJCA) under the banner of 'Joint Forum of Restoration of Old Pension Scheme', has planned to organise district-level rallies across the country on March 21, exclusively over OPS.

2. In this regard attention is invited to the instructions issued by the Department of Personnel & Training (DOP&T) prohibiting thereby the Government servants from participating in any form of strike including mass casual leave, go-slow, sit-down etc. or in any way abet any form of strike which is 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 are not admissible to an employee for his absence from duty without any authority. 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 law. Any employee going on strike in any form would face the consequences which, besides deduction of wages, may also include appropriate disciplinary action. Further, no Casual Leave or any other kind of leave to the officers and employees if applied for, during the period of proposed strike is to be sanctioned. The striking employees are not to be allowed inside the office premises.

3. In view of the above, it is hereby informed that no officer/employee will proceed on leave during the period of strike in any form including protest. The attendance/presence of all officers/employees in respective units/sections will duly be checked. Incidence of participation of any official in the strike/protest will be brought to the notice of the Competent Authority in this Department/DOP&T for taking appropriate disciplinary/penal action.

Encl.: As above.


(Madhusudan V.K.) 20/3/23

Under Secretary to the Government of India
Tel. # 23382779

Distribution:-

1. Sr. PPS to Secretary, AHD.
2. PPS to AS(VJ)/PS to AHC/PPS to JS(OPC)/PPS to JS(GNS)/Adviser(Stat.).
3. All Officers/Officials/Sections/Units of DAHD.
4. JC(AW)/US(Admn.-NLM/LH)/US(Admn.-C&DD)/SO(AQCS) – with the request that the instructions contained in the aforesaid OM of DOP&T may duly be brought to the notice of all attached/subordinate offices for strict compliance.
5. NIC, DAHD with a request to **immediate** upload the above circular on the website of this Department as well as in the Notice Board of e-Office.

IMMEDIATE

**No.33011/1(s)/2023-Estt.(B-II)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training**

North Block, New Delhi
Dated the 20th March, 2023

OFFICE MEMORANDUM

Subject: Proposed district-level rallies across the country by the National Joint Council of Action (NJCA) on March 21, 2023- regarding.

The undersigned is directed to inform that the National Joint Council of Action (NJCA) under the banner of 'Joint Forum for Restoration of Old Pension Scheme', has planned to organise district-level rallies across the country on March 21, exclusively over OPS.

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 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

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. This may be 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 go on dharna/protest/strike, a report indicating the number of employees who took part in the proposed dharna/protest/strike may be conveyed to this Department on the evening of the day.

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(S.P.Pant)
Director (E-II)
Tel. No. 23093074

To

The Secretaries of all Ministries/Departments of Government of India

Copy to:

Dir (Admin), DoPT, North Block, New Delhi.

Urgent Advisory to all field Stas and concerned Admin dem, to say itself
20.3.23

20/3/2023

US (Admin I)

sh. Kumar

Dir (Admin)

Dir (Gc/Sc)
SSO