

MOST IMMEDIATE
OUT TODAY

No C-.45018/1/2017-Vig.
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Personnel & Training

North Block, New Delhi,
Dated the 12th November, 2018

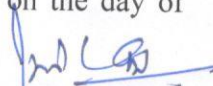
Subject: All India Protest Day for 26th November, 2018 - Instructions under CCS (Conduct Rules), 1964 - Regarding.

It has been brought to the notice of the Government that National Movement for Old Pension Scheme (NMOPS) has decided to observe "Gherao of Parliament House" on **26th November, 2018** in order to demand withdrawal of New Pension Scheme (NPS).

2. The instructions issued by the Department of Personnel and Training prohibit the Government servants from participating in any form of strike including mass casual leave, go slow etc. or any action that abet any form of strike/protest in violation of Rule 7 of the CCS (Conduct) Rules, 1964. Besides, in accordance with the proviso to Rule 17(I) 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/protest. 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. Kind attention of all employees of this Department is also drawn to this Department's O.M. No.33012/1/(s)/2008-Estt.(B) dated 12.9.2008, on the subject for strict compliance (enclosed as Annexure-A).

3. All officers are requested that the above instructions may be brought to the notice of the employees working under their control. All officers are also requested not to sanction Casual Leave or any other kind of leave to the officers and employees, if applied for, during the period of proposed protest/Gherao, and ensure that the willing employees are allowed hindrance free entry into the office premises.

4. In case employees go on protest/Gherao, all Divisional Heads are requested to forward a report indicating the number and details of employees, who are absent from duty on the day of protest/Gherao, i.e., 26.11.2018.


(Brij Mohan)
Under Secretary to the Govt. of India
011-23092982

To

Office of EO&AS/ AS(S&V)/AS (SRK)&CVO)/JS(E)/Secretary(PESB)/MOS(PP)/Secretary(P).

All Officers/Sections (including PESB) of Department of Personnel & Training.

Copy also forwarded for necessary action to:-

1. Secretary, Central Vigilance Commission, New Delhi.
2. Secretary, Union Public Service Commission, New Delhi.
3. Secretary, Staff Selection Commission, New Delhi.
4. Secretary, Department of Administrative Reforms & Public Grievances, New Delhi.
5. Secretary, Department of Pension & Pensioners' Welfare, New Delhi.
6. Director, Institute of Secretariat Training and Management, New Delhi.
7. The Chief Security Officer, MHA, North Block.
8. The Commandant, CISF with the request to ensure strict vigil on all the gates and if necessary deploy extra security personnel for the purpose.

[Handwritten signature]
12/11/2018

(38)
EsttB/strike matters
30

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.