

New Delhi the 22nd April, 1994

OFFICE MEMORANDUM

Subject : Clarification regarding Central Civil Services
(Recognition of Service Associations) Rules, 1993.

The undersigned is directed to invite attention of all Ministries/Departments to the Central Civil Services (Recognition of Service Associations) Rules, 1993, (hereinafter referred to as the Rules), which were notified in November, 1993 and to this Department's O.M. of even number dated 31st January, 1994 and to say that a large number of references are being received in this Department seeking clarification concerning the above-mentioned Recognition Rules. With a view to avoid further references and to expedite matters, the common points of doubt have been compiled and are clarified below for information of all Ministries/Departments.

POINTS OF DOUBT

CLARIFICATION

1. Whether the Rules are applicable to casual labourers, extra-Departmental agents, Contingent paid staff, industrial employees working in Telecom factories

No. The Rules are applicable only to those Central Government employees to whom the CCS (Conduct) Rules, 1964 apply.

2. Whether a Federation or Confederation of Associations can be recognised under the Rules.

These Rules do not relate to a Federation/Confederation of Associations and as such, they cannot be recognised under the present Rules.

3. Whether the term "distinct category" used in Rule 5(c) means groupwise categorisation i.e. group 'A', 'B', 'C' or 'D' or cadrewise categorisation.

By a distinct category is meant an Association whose members have a commonality of interest and function as a homogenous group. The responsibility for defining a "distinct category" has been left to the concerned Ministry/Department.

4. Whether the first two associations are to be recognised even if neither of them fulfills the conditions of having the minimum membership of 35%

No. Fulfilment of the condition prescribed in Rule 5(d)(i) is essential before recognition can be considered. In other words, one association, that is the first association, must have 35% membership before the second association with minimum of 15% membership, can be recognised.

5. Whether Associations are to be recognised centrally or zone/circle/regionwise.

The Associations are to be recognised centrally on an all-Ministry/Department basis. Such Associations may have their branches in the subordinate formulations.

6. Whether the minimum membership prescribed in Rule 5(d)(i) is for the entire Department zone/circle/regionwise etc.

The condition of minimum membership as laid down in Rule 5(d)(i) is for the entire Department. In other words, an Association must have the minimum percentage of members amongst all employees in that distinct category in that Department.

7. Whether an Association having fulfilled the conditions of Rules 5(d)(i) in the entire Department must also have the minimum membership as prescribed in Rule 5(d)(i) in each of its branches.

No.

8. Whether vacant posts will be taken into account for the purpose of calculating minimum membership.

Percentage of membership is to be determined on the number of employees in each distinct category and not on the number of posts.

9. Whether an Association of SC/ST employees can be recognised.

An Association whose membership is restricted to a particular caste, tribe or religious denomination cannot be recognised under the Rules.

10. Whether the elections of office-bearers is to be held annually in view of Rule 6(e)

The periodicity of elections would be as per the Constitution of each Association. However, the Associations are required to submit the documents detailed in Rule 6(e) annually.

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1. Whether the associations have to be registered under the Trade Union Act/Societies Act before they can be considered for recognition under the CCS (Recognition of Service associations) Rules, 1993.

No.
Yes. All existing recognised Associations, desirous of continuing as such, must be recognised under the CCS (Recognition of service associations) Rules, 1993 on or before 4th November, 1994.

Bir Datt
(BIR DATT)
Director (JCA)

- 1. All Ministries/Departments of the Government of India
- 2. UPSC/CVC/C&AG/Commissioner of Linguistic Minorities/ Commissioner for SC/ST/Backward Classes Commission/ Minority Commission/PM's Office/ Lok Sabha Secretariat Rajya Sabha Secretariat/President's Secretariat/ Vice President's Secretariat/Supreme Court/High Court/ Central Administrative Tribunal.
- 3. All attached and subordinate offices of the Department of Personel & Training/MHA.
- 4. Secretary, Staff Side, National Council (JCM), 13-C, Ferozshah Road, New Delhi.
- 5. All Staff Members of the National Council (JCM)
- 6. All Staff Members of the departmental Council (JCM) Ministry of Personnel, P.G. & Pensions.

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Signature