MOST IMMEDIATE

भारत सरकार GOVERNMENT OF INDIA
रेल मंत्रालय MINISTRY OF RAILWAYS
(रेलवे बोर्ड RAILWAY BOARD)

No.2015/E(LR) II/1/12

रेल भवा, ई दिल्ली – 110 001, तिथि :
Rail Bhawan, New Delhi – 110 001, dated : 18.11.2015

The General Managers,
All Zonal Railways including RDSO/ Lucknow, and
Production Units.

Sub: Proposed Dharna on 19th November, 2015 called by National Joint Council of Action (NJCA) in pursuance of their charter of demands.

.....

In the above matter, a copy of Joint Secretary, Department of Personnel & Training, Ministry of Personnel, Public Grievances and Pensions' D.O. letter No.33012/3(s)/2015-Estt-B dated 17th November 2015 is sent herewith for necessary action/ strict compliance.

A status report may be furnished to Board's office on the following FAX Numbers:-

(i) 011 – 2338 2377 (Director, Estt./Industrial Relation)

(ii) 011 – 2338 3086 (Executive Director, Industrial Relation)

D.A.: As above.

18.11.15
(Naveen Kumar)
Dy. Director, Estt.(LR)I

DEVESH CHATURVEDI,
JOINT SECRETARY
Tel: (011)23094398

सत्यमेव जयते

भारत सरकार
कार्मिक और प्रशिक्षण विभाग
कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
नोर्थ ब्लाक, नई दिल्ली-110001
GOVERNMENT OF INDIA
DEPARTMENT OF PERSONNEL & TRAINING
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
NORTH BLOCK, NEW DELHI-110001

D.O. No. 33012/3(s)/2015-Estt-B

Dated the 17th November, 2015

Dear Sir/Madam,

National Joint Council of Action (NJCA) has proposed a dharna on 19th November, 2015 in pursuance of their charter of demands.

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 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 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 of 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 for consideration and either reaching amicable settlement or referring the matter to the Board of Arbitration in relation to pay and allowances, weekly

सूचना का अधिकार

hours of work and leave, whenever no amicable settlement could be reached in relation to these items.

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. You may also issue instructions not to sanction Casual Leave or other kind of leave to employees if applied for, during the period of the proposed 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 strike, a report indicating the number of employees who took part in the proposed strike may be conveyed to this Department on the evening of the day.

With kind regards,

Yours sincerely,

(Devesh Chaturvedi)

Shri Ganga Ram Agarwal,
Secretary,
Ministry of Railways,
Rail Bhawan, New Delhi

Estt(B)/strike matters

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.