



सां/No. : 5-1(17)/2008-PD

दिनांक/Dated: 12.03.2019

प्रेषक / From :

संयुक्त सचिव (प्रशासन)
Joint Secretary (Admn.)

सेवा में / To :

सी.एस.आई.आर. की सभी राष्ट्रीय प्रयोगशालाओं/संस्थानों/मुख्यालय/एककों के निदेशक/प्रधान
The Directors/Heads of all CSIR National Labs./Instts./Hqrs./Units


महोदय/Sir / महोदया/Madam,

मुझे भारत सरकार द्वारा जारी किए गए निम्नलिखित कार्यालय ज्ञापन को आपकी जानकारी, मार्गदर्शन और अनुपालन के लिए अग्रेषित करने का निदेश हुआ है:

I am directed to forward herewith the following Office Memorandum issued by the Government of India for your information, guidance and compliance:

क्रम सं. Sl. No.	कार्यालय ज्ञापन सं/ . Office Memorandum No.	विषय/ Subject
1.	भारत सरकार, कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय, कार्मिक और प्रशिक्षण विभाग के दिनांक 05.03.2019 के कार्यालय ज्ञापन सं० 45018/1/2017-Vig. Govt. of India, MoP, PG&P, Department of Personnel Training Office Memorandum No. 45018/1/2017-Vig. dated 05.03.2019	Proposed Nationwide Dharna/ Demonstration by National Joint Council of India (NJCA) on 13 th March, 2019 against National Pension Scheme (NPS) – Instructions under CCS (Conduct Rules), 1964 – Regarding.

भवदीय/Yours faithfully


12/03/19

(संतोष कुमार/ Santosh Kumar)

अनु. अधि. (नीति प्रभाग)/ SO(PD)

संलग्न/Encl. : यथोपरि/As above

प्रतिलिपि/Copy to:

- आई.टी. प्रभाग प्रमुख वेबसाइट और पॉलिसी रिपॉजिटरी पर इस परिपत्र को उपलब्ध कराने के अनुरोध के साथ /
Head, IT Division with the request to make this circular letter available on the website & Policy
Repository.
- कार्यालय प्रति/Office copy.

MOST IMMEDIATE
OUT TODAY

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

North Block, New Delhi,
Dated the 05th March, 2019

Subject: Proposed Nationwide Dharna/Demonstration by National Joint Council of India (NJCA) on 13th March, 2019 against National Pension Scheme (NPS) - Instructions under CCS (Conduct Rules), 1964 - Regarding.

It has been brought to the notice of the Government that a forum by the nomenclature of National Joint Council of Action (NJCA) has decided to organize Dharna/Demonstrations in front of Jantar Mantar, New Delhi and all across the country on 13th March, 2019 in order to protest against 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/protest 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/performing any sort of protest 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/protest 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 Dharna/demonstration, and ensure that the willing employees are allowed hindrance free entry into the office premises.

4. In case employees go on Dharna/demonstration, 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 Dharna/demonstration, i.e., 13.03.2019.



(G. Srinivasan)

Director (Reservation)

011-23093074

To

EO & AS/ AS(S&V)/ AS(Trg.) & CVO/ JS(E)/ JS(Admn)/ Secretary(PESB)/ PS to MOS(PP)/
PSO to 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.

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.