



वैज्ञानिक तथा औद्योगिक अनुसंधान परिषद्
COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH
अनुसंधान भवन, 2, रफी मार्ग, नई दिल्ली.110 001
Anusandhan Bhawan, 2, Rafi Marg, New Delhi- 110 001



सां/No. : 5-1(844)/2023-PD

दिनांक/Dated: 20.03.2023

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

विषय/ Sub : Proposed district-level rallies across the country by the National Joint Council of Action (NJCA) on March 21, 2023 – reg.

महोदया/Madam / महोदय/Sir,

मुझे, उपरोक्त विषय पर भारत सरकार, कर्मिक, लोक शिकायत और पेंशन मंत्रालय, कर्मिक और प्रशिक्षण विभाग के दिनांक 20.03.2023 के कार्यालय ज्ञापन सं 33011/1(s)/2023-Estt.(B-II) को आपकी जानकारी, मार्गदर्शन और अनुपालन के लिए अग्रेषित करने का निदेश हुआ है। यदि परिषद के कर्मचारी धरना/विरोध/हड़ताल पर जाते हैं, तो प्रस्तावित धरना/विरोध/हड़ताल में भाग लेने वाले कर्मचारियों की संख्या को इंगित करते हुए एक रिपोर्ट दिन की संध्या (21.03.2023) तक इस कार्यालय को policy@csir.res.in पर भेजी जाए।

I am directed to forward herewith the Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel & Training, Office Memorandum No. 33011/1(s)/2023-Estt.(B-II) dated 20.03.2023 on the above mentioned subject for your information, guidance and compliance. In case the Council 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 office at policy@csir.res.in on the evening of the day (21.03.2023).

भवदीय/Yours faithfully,

अवर सचिव (नीति प्रभाग) / Under Secretary (PD)

संलग्न/Encl. : यथोपरि/As above

प्रतिलिपि/Copy to:

- 1) सी.एस.आई.आर. वेबसाइट/ CSIR Website
- 2) कार्यालय प्रति/Office copy.

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.



(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,