

सा. : 5-1(844)/2023-PD

Dated 29.12.2023

प्रेषक : संयुक्त सचिव (प्रशासन)

सेवा में : सी.एस.आई.आर. की सभी राष्ट्रीय प्रयोगशालाओं/संस्थानों/मुख्यालय/एककों के निदेशक/प्रधान

विषय/ Sub : Proposed protest by government employees over OPS -reg.

महोदय / महोदया,

मुझे, उपरोक्त विषय पर भारत सरकार, कार्मिक, लोक शिकायत और पेंशन मंत्रालय, कार्मिक और प्रशिक्षण विभाग के दिनांक 26.12.2023 के कार्यालय ज्ञापन सं 33011/1(s)/2023-Estt.(B-II) को आपकी जानकारी, मार्गदर्शन और अनुपालन के लिए अग्रोषित करने का निदेश हुआ है।

आपसे यह भी अनुरोध किया जाता है कि सीएसआईआर कर्मचारियों को उपरोक्त कार्यालय ज्ञापन दिनांक 26.12.2023 में जारी निर्देशों के बारे में उचित रूप से सूचित किया जाए और वरि. प्रशासन नियंत्रक/ प्रशासन नियंत्रक/ प्रशासन अधिकारी को इस संबंध में सुरक्षा कर्मियों के साथ समन्वय का काम सौंपा जा सकता है।

इसके अतिरिक्त, यदि परिषद के कर्मचारी धरना/विरोध/हड़ताल पर जाते हैं, तो प्रस्तावित धरना/विरोध/हड़ताल में भाग लेने वाले कर्मचारियों के नाम और पदनाम को इंगित करते हुए एक रिपोर्ट हड़ताल के दिन शाम तक इस कार्यालय को [policy@csir.res.in](mailto:policy@csir.res.in) पर भेजी जाए।

भवदीय



(छेरिंग तोबदन)

व. उप सचिव (नीति प्रभाग)

संलग्न : यथोपरि

प्रतिलिपि:

- 1) सीएसआईआर प्रयोगशालाओं/संस्थानों/एककों के वरि. प्रशासन नियंत्रक/ प्रशासन नियंत्रक/ प्रशासन अधिकारी- आवश्यक कार्रवाई हेतु
- 2) सी.एस.आई.आर. वेबसाइट
- 3) कार्यालय प्रति

**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 26 December, 2023

**OFFICE MEMORANDUM**

**Subject: Proposed protest by government employees over OPS-regarding.**


The undersigned is directed to inform the Joint Forum for Restoration of Old Pension Scheme (JFROPS) had decided to organise relay hunger strike at Jantar Mantar, New Delhi, state capitals, divisional and district level across the country, during January 8-11, 2024 over restoration of Old Pension Scheme (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. All these activities violate 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 regards the concomitant rights of an Association after it is formed, it is informed that they cannot be different from the rights which can be claimed by the individual members of such Association. 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 and that such 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 12<sup>th</sup> September, 2008 (copy enclosed).

3. A mechanism of Joint Consultative Machinery for Central Government employees is already in existence. This scheme has been introduced with the object of promoting harmonious relations and for securing the greatest level 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, from time to time, and the mechanism is still functional 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 and the ruling of the Hon'ble Supreme Court and 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. It may please be ensured 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 names and designations of employees who took part in the proposed dharna/protest/strike may be conveyed to this Department by the evening of the strike day.

  
( S.P. Pant)  
Director (PP-II)  
Tel.No. 23093074

To

The Secretaries of all Ministries/Departments of Government of India

Copy to:

- (i) PS to MoS(PP)
- (ii) Director Admin), DoPT, North Block, New Delhi.

-57- Estt/strike matters  
-14- 12

(4) (160)

File No. 33012/1(s)/2008-Estt(B) (Pt)  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel and Training  
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Dated the 12<sup>th</sup> 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.