



# भारतीय आयुर्विज्ञान अनुसंधान परिषद INDIAN COUNCIL OF MEDICAL RESEARCH

वी. रामलिंगस्वामी भवन, अन्सारी नगर, पोस्ट बॉक्स 4911, नई दिल्ली - 110 029  
V. RAMALINGASWAMI BHAWAN, ANSARI NAGAR, POST BOX 4911, NEW DELHI - 110 029

No.18/7/2013-Admn.II

Dated: 20.2.1013

To

The Directors/Director in Charge

Of all permanent Institutes/Centres of the Council

SUB: Participation in any form of strike/mass casual leave/boycott of work etc. by government servants – CCS (Conduct) Rules, regarding –

Sir/Madam,

In continuation of this office letter of even number dated 20<sup>th</sup> February, 2013, I am directed to send herewith a copy each of the order down loaded from DOPT websiste bearing No.33012/1(s)/2013-Estt-B dated 15<sup>th</sup> February, 2013 and 33012/1(s)/2008-Estt(B) (Pt) dated 2<sup>nd</sup> September, 2008 and your kind attention is invited to para 5 of the DOPT order dated 15<sup>th</sup> February, 2013 as referred to above. You are requested to furnish day-wise break of 20<sup>th</sup> and 21<sup>st</sup> February, 2013 of employees going on strike on tomorrow by 12.00 noon. By Email b.bgulati@yahoo.com

Yours faithfully,

(Bharat Bhushan)  
Administrative Officer

Participation in any form of strike/mass casual leave / boycott of work etc., by Government servants - CCS(Conduct)Rules - regarding.

**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 2nd 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 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) Rule, 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-I 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 intimated 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.

sd/-

(Suneel K.Arora)

Secretary to the Government of India

**GOVERNMENT OF INDIA**

**DEPARTMENT OF PERSONNEL & TRAINING  
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS  
NORTH BLOCK, NEW DELHI-110001**

D.O. No. 33012/1(s)/2013-Estt-B

Dated the 15th February, 2013

Dear Sir/Madam,

The Joint Platform of Action of Government and Associate Services Employee's Organizations – All India Committee has given a notice that the affiliated organizations of JPA and the mass of employees working in Government services throughout the country will boycott work and resort to various forms of protest action on two days Nationwide General strike on 20th & 21st February, 2013 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 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,  
sd/-

(Manoj Joshi)  
Joint Secretary (AT and Admn.)