

No. A-43015/1/2013/HRD-I / 3613
Government of India
Ministry of Commerce & Industry
(Department of Commerce)
Directorate General of Foreign Trade

Udyog Bhawan, New Delhi-110011

Dated: 18 November, 2015

CIRCULAR

Subject: Proposed dharna on the 19th November, 2015 by National Joint Council of Action (NJCA).

A copy of Department of Commerce letter No. A-24017/2/2015-E.III dated 18.11.2015 along with a copy of DOP&T's D.O. No. 33012/3(s)/2015-Estt.B dated 17.11.2015 is circulated herewith, for information and strict compliance.

Ashish Mohan
(Ashish Mohan)

Dy. Director General of Foreign Trade

E-mail: ashish.m@nic.in

Tel. No. 011-23061562 Ext. 228

Encl.: as above.

To

1. All Group Officers/Officials in the Office of DGFT (Hqr.).
2. All 4 Zonal Offices with request to ensure strict compliance of DOP&T's above mentioned D.O. letter.

STRIKE NOTICE/ IMMEDIATE
By fax/ By e-mail

A-24017/2/2015-E-III
Government of India
Ministry of Commerce & Industry
Department of Commerce

UdyogBhawan, New Delhi
Dated 18th November, 2015

To

- i) Shri Ajay Saxena, Director (Admn) DGS&D
- ii) ShriNirmal Kumar, Dy. DGFT, DGFT
- iii) Shri B B Pal, DDG, DGCI&S
- iv) Heads of Cochin SEZ, Madras SEZ, KASEZ, VSEZ, FALTA SEZ, SEEPZ SEZ, Indore SEZ, NOIDA SEZ
- v) Heads of Coffee Board, Tea Board, Spices Board, Rubber Board, Tobacco Board, IIP, MPEDA, APEDA, IIFT (New Delhi), EIC of India
- vi) Heads of STC Ltd., MMTC Ltd., ITPO, PEC Ltd., ECGC Ltd.

Subject: Reference from Department of Personnel and Training regarding the proposed dharna on the 19th November 2015 by National Joint Council of Action (NJCA) - reg

Madam/ Sir,

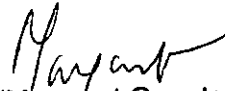
I am directed to enclose a copy of D.O. No. 33012/3(s)/2015-Estt-B dated the 17th November 2015 received from Department of Personnel and Training on the subject stated above.

2. In view of the **proposed dharna on the 19th November, 2015** by the NJCA, it is requested to take effective measure for the smooth functioning of your organization. Suitable contingency plan/ measure may be drawn / taken to maintain continuity of production processes, operations and services including public utilities and essential services.

3. You are also requested to submit the status report of the strike w.r.t. the number of employees participating in the proposed dharna, in case it occurs on the 19th November, 2015.

Yours faithfully,

Encl: as above


(Margaret Gangte)
Director (Admn.)

Tele: 011-23061807
Fax: 011-23063418

E-mail: margaret.g@nic.in/moc_est3@nic.in

DEVESH CHATURVEDI,
JOINT SECRETARY
Tel: (O11)23094398



भारत सरकार
कार्मिक और प्रशिक्षण विभाग
कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
नोर्थ ब्लॉक, 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

<http://persmin.gov.in>

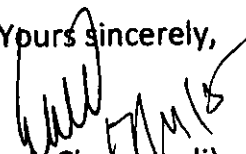
hours of work and leave, whenever no amicable settlement could be reached in relation to these items.

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)

To

The Secretaries of all the Ministries/Departments of the Govt. of India (as per list attached)

Copy to:-

(i) Technical Director, NIC. DOP&T for uploading the D.O. letter under the heading – 'What is new' of this Department's website

EsttB/strike matters
-14-12

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.