

No.A.50013/6/2017-Admn
Government of India
Ministry of Water Resources, River Development & Ganga Rejuvenation
Administration Section

Shram Shakti Bhavan, Rafi Marg,
New Delhi, dated 20th November, 2018

ORDER

Subject: All India Protest Day for 26th November, 2018 - Participation in any form of strike/mass casual leave/boycott of work etc. by Government servants – Attracting the provisions of CCS (Conduct) Rules – Reg.


The National Movement for Old Pension Scheme (NMOPS) has decided to observe "Gherao of Parliament House" on 26th November, 2018 (Monday) in order to demand withdrawal of New Pension Scheme (NPS).

2. Attention of all the Officers and staff in this Ministry and its attached and subordinate offices is therefore invited to Rule 7 of the Central Civil Services (Conduct) Rules, 1964 and the instructions issued thereunder in the matter of participation by Government servants in demonstrations/strikes. A copy of O.M. No.33012/1(s)/2008-Estt(B) (Pt) dated 12th September, 2008 containing instructions issued by the Department of Personnel & Training regarding treatment of period of strike by Government servants alongwith Copy of D.O. No.33011/1(s)/2017-Estt-B dated 10.03.2017 from Joint Secretary, DoP&T is enclosed herewith.

3. All officers are advised that no Casual Leave or leave of other kind of leave be sanctioned to the employees working under their control, if applied for, during the period of the proposed protest/Gherao and ensure that the willing employees are allowed hindrance free entry into the office premises. If in case, any employee goes on protest/Gherao on 26.11.2018, a report indicating the number of employees who took part in the proposed strike/absent from duty, may be conveyed to the Administration by 4.00 P.M on the same day.

4. The Wing Heads in the Ministry (Sectt) and Heads of all Organizations of the Ministry of WR, RD & GR are accordingly advised to bring to the notice of all the employees under their administrative control the aforesaid instructions under the Conduct Rules issued by the DoP&T and other regulations upheld by the Hon'ble Supreme Court and dissuade them from resorting to strike in any form.

Encl: as above.


(A.K. Kaushik)
Under Secretary to the Govt. of India
Tel.No.23738126
E-Mail:usadmn-mowr@nic.in

To

1. All Wing Heads in the MoWR, RD & GR.
2. All Heads of Organizations under the MoWR, RD & GR.
3. All Officers and staff in the MoWR, RD & GR.
4. Director (NIC) for uploading the Memorandum on the Ministry's website.

MOST IMMEDIATE
OUT TODAY

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

North Block, New Delhi,
Dated the 12th November, 2018

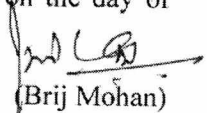
Subject: All India Protest Day for 26th November, 2018 - Instructions under CCS (Conduct Rules), 1964 - Regarding.

It has been brought to the notice of the Government that National Movement for Old Pension Scheme (NMOPS) has decided to observe "Gherao of Parliament House" on 26th November, 2018 in order to demand withdrawal of 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 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 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. 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 protest/Gherao, and ensure that the willing employees are allowed hindrance free entry into the office premises.

4. In case employees go on protest/Gherao, 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 protest/Gherao, i.e., 26.11.2018.


(Brij Mohan)

Under Secretary to the Govt. of India
011-23092982

To

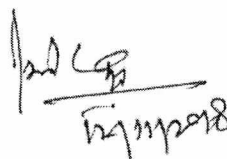
Office of EO&AS/ AS(S&V)/AS (SRK)&CVO/JS(E)/Secretary(PESB)/MOS(PP)/Secretary(P).

All Officers/Sections (including PESB) of Department of Personnel & Training.

556/24/2018/Adm.

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.


12/11/2018

OFFICE MEMORANDUM

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(Suneel K. Arora)

Under Secretary to the Government of India

Ministries/Departments