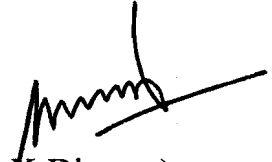


**TEA BOARD**  
**14, B .T. M. Sarani**  
**Kolkata -700001**

Dated: 10.12. 2012

**OFFICE MEMORANDUM NO.190/2012**

Copies of Notification No.A.24017/12012-E.III dated 30<sup>th</sup> November 2012 enclosed by D.O. letter no.33012/2(s)/2012-Estt-B dated 23<sup>rd</sup> November 2012 and Ministry of Personnel , Public Grievances and Pension , Department of Personnel and Training OM No.33012/1(s)/2008-Estt(B) (Pt) dated 12<sup>th</sup> September ,2008 are enclosed herewith and brought to the notice of all concerned for necessary compliance.

  
(B.K.Biswas)

Assistant Secretary

Enclo: As stated

**Distribution:**

1. All Heads of Departments in Head Office- with the request to bring the contents of the O.M.among the employees working under him/her.
2. ED, Coonoor/ED, Jorhat
2. All Head Of Office in Board's Offices in India
3. P.As to Chairman/Dy. Chairman/Secretary
- ✓ 4. System Analyst-To upload in Board's website
5. TBOA/TBEA/TBWA.
6. Secretariat Br.
7. Establishment Br.(with spare copies).

(Ref F/No. 23(2)/Estt/2009/Part-1)

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**IMMEDIATE/BY FAX**

No.A-24017/3/2012-E III  
Government of India  
Ministry of Commerce & Industry  
Department of Commerce

Udyog Bhawan, New Delhi  
Dated the 30<sup>th</sup> November, 2012

To  
Heads of all Attached/Subordinate Offices and Commodity  
Boards under the Department of Commerce

Sub: Notice for one day's strike on 12<sup>th</sup> December, 2012 given by the  
Confederation of Central Government Employees and Workers.

Madam/Sir,

I am directed to forward herewith a copy of D.O. letter  
No.33012/2(s)/2012-Est-13 dated the 23<sup>rd</sup> November, 2012 on the  
subject cited above and to request that the officers/employees of your  
organisation may be suitably informed about the aforementioned  
instructions of the DoP&I and they may be dissuaded from resorting to  
strike in any form. It may also please be ensured that casual leave or any  
other kind of leave is not sanctioned to employees, if applied for, during  
the period of proposed strike. It may also be ensured that the willing  
employees are allowed hindrance free entry into the office premises and  
for this purpose an officer may be entrusted the task of coordinating  
with the security personnel. Suitable contingency plan may be worked  
out to carry out the various functions of the organisation.

Yours faithfully,

*Ra*

(Rajeev Kumar)

Under Secretary to the Government of India

Tele: 23061764

Encl. As above.

*S-8047*

*Supdr  
07/12/12*

*SO/ES*

*mmv  
6/12/12*

*AS.*

*103/12*

Ms. Mamta Kundra,  
JOINT SECRETARY (Establishment)  
Tel: (011)2309 4276  
Fax: (011)2309 2869



भारत सरकार  
कार्मिक और प्रशिक्षण विभाग  
कार्मिक, लोफ़ शिकायत तथा पेंशन मंत्रालय  
मार्थ ब्लॉक, नई दिल्ली-110001  
GOVERNMENT OF INDIA  
DEPARTMENT OF PERSONNEL & TRAINING  
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES  
AND PENSIONS  
NORTH BLOCK, NEW DELHI-110001  
Dated the 23<sup>rd</sup> November, 2012

D.O. No. 33012/2(s)/2012-Estt-B

Dear Sir/Madam,

The Confederation of Central Government Employees and Workers has given a notice that the members of the affiliates of this Confederation will go on one day's strike on 12th December, 2012 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 12<sup>th</sup> 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

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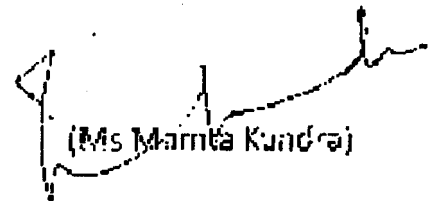
general body of its employees in matters of common concern, and with the object, further of increasing the efficiency of the public service. The JCM at the different levels have been discussing issues brought before it for consideration and either reaching amicable settlement or referring the matter 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 (Admin) 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,



(Ms Mamta Kundra)

Shri S.R. Rao,  
Secretary,  
Department of Commerce,  
Udyog Bhawan, New Delhi.

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File No. 33012/1(s)/2002-Estt(B) (Pt)  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel and Training

Dated the 12<sup>th</sup> September, 2003

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-away etc. or in any way abet any form of strike which will be in violation of Rule 7 of the CCS(Conduct) Rules, 1954. 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 the employees in matters of common concern, and with the object, further of increasing the efficiency of the public services.

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 their intention to organize any such event, in terms of the provisions mentioned in paragraph 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 furnished 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 officers under their

Chief Secretary to the Government of India