

F.No.12017/04/2015-AdIVA
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise and Customs

New Delhi dated the 2nd December, 2016

Memorandum

The All India Customs Ministerial Officers' Association and All India Central Excise and Service Tax Ministerial Officers' Association have given notice vide their letter dated 31.10.2016 and 01.11.2016 respectively for observing the following:

- (i) On 9th November, 2016, the employees and officers of the field formations of Revenue Department will hold Lunch Hour Demonstration at all offices all over the country.
- (ii) On 7th December, 2016 the employees and officers will wear Black Badges with pending demands to attract the attention of the press.
- (iii) On 5th January, 2017 Day long Dharna programme will be observed.
- (iv) Employees and officers of Revenue Department will be on mass casual leave on Budget Day, if no settlement is reached.

2 Attention of the All India Customs Ministerial Officers' Association and All india Central Excise and Service Tax Ministerial Officers' Association are invited to the instructions issued by the DoPT, which prohibit 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 Fundamental Rules, pay and allowances are not admissible to an employee for his absence from duty without any authority. 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 consequence which, besides deduction of wages, may also include appropriate disciplinary action. A copy of O.M No.33012/1(s)/2008-Estt(B) dated 12th September, 2008 containing instructions issued by the Deptt. Of Personnel & Training regarding treatment of period of strike by Government servants, is also enclosed.

3. It is reiterated that action in instances of violation of discipline and conduct rules would be taken in accordance with the instructions on the subject.

Encl. As above:



(B. Ginkhan Mang)

Under Secretary to the Government of India
Tel: 011 2616 2673.

The Secretary General
All India Customs Ministerial Officers' Association
Customs House, Kolkata
15/1 Strand Road, Kolkata – 700 001

The Secretary General
All India Central Excise & Service Tax,
Ministerial Officers' Association
Room No. 16 Kendriya Utpad Shulk Bhawan,
180, Shantipally, Rajdanga Main Road,
Kolkata – 700 107

Copy to:

1. All Chief Commissioners of Customs, Central Excise & Service Tax
2. DG, HRD, CBEC
3. Web Manager, Directorate General of Systems and Data Management for uploading the communication on the Board's website.

EsttB/strike matters
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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.