No. A-12017/1/2010/MF.CGA(A)/NGE/Assoc-Agi/ 4928

Government of India
Ministry of Finance
Department of Expenditure
Controller General of Accounts

Mahalekha Niyantrak Bhawan
E Block, GPO Complex
INA, New Delhi-110023

Dated: 9.12.2016.

OFFICE MEMORANDUM

Subject: Proposed sit-in on 16th December, 2016 in front of CGA Office.

All India Civil Accounts Employees Association, All India Civil Accounts Employees Association Category-II and All India Association of Pay and Accounts Officers (Civil) have given notice that the members of the associations will resort to **Sit-in on 16th December, 2016 in front of CGA office, Mahalekha Niyantrak Bhawan, New Delhi.**

2. Attention is invited to the provisions of Government of India (Ministry of Home Affairs) OM No. 25/23/66-Estt(A) dated 09.12.1966 (reproduced as G.I. decision No. 2 below Rule 7 of CCS (Conduct) Rules, which inter-alia provides that under Rule 7 (ii) of rules ibid, a Government servant shall **NOT** resort to or in any way abet any form of strike in connection with any matter pertaining to his service or the service of any other Government employees. If any Government servant resorts to any action in violation of Rule 7 (ii) of CCS (Conduct) Rules, disciplinary action would have to be taken against him.

3. Attention is also invited to proviso to FR 17(I) according to which any employee(s) who is absent from duty without permission shall not be entitled to any pay and allowances during the period of absence. Further, unauthorized absence shall be deemed to cause an interruption or break in service of the employee under FR 17(A).

4. In this regard, the following decisions of the Supreme Court may also be brought to the notice of the employees under your Ministry/Department. The Supreme Court **has held in the case of T.K. Rangarajan Vs. Govt. of Tamil Nadu [2003(6)SLR] that no right exists with the Govt. employees to strike, whether fundamental, statutory or an equitable right. In All India Bank Employees Association Vs. National Industrial Tribunal & Ors., (1962 (3) SCR 269) the Constitution Bench of the Supreme Court specifically held that even very liberal interpretation of sub-clause (C) of Clause (1) of Article 19 of the Constitution cannot lead to the conclusion that the trade unions have a guaranteed right to strike, either as part of collective bargaining or otherwise. There is no statutory provision empowering the employees to go on strike. The Supreme Court also agreed that going on strike is a grave misconduct under the Conduct Rules and that misconduct by Government Employees is required to be dealt with in accordance with law. Hence, once it is proved that an employee has committed the misconduct of going on a strike in any form, the Supreme Court has held**

in Bank of India Vs. TS Kelawala [1990 (4) SLR 249] that he will have to face the consequences which may include deduction of wages and even dismissal from service.

5. In this context, it is clarified that strike means refusal of work or stoppage or slowing down of work by a group of employees acting in combination and includes: -

i) mass abstention from work without permission which is wrongly described mass Casual Leave.

ii) refusal to work on overtime where such overtime work is necessary in public interest.

iii) resort to practice or conduct which is likely to result in or results in the cessation or substantial retardation of work in any organization. Such practice include what are called, 'go-slow', 'sit-down', '"pen-down', 'stay-in', 'token', 'sympathetic' or any other similar strike as also absence from work for participation in a 'Bandh' or similar movements.

6. Accordingly, Casual Leave or any other kind of leave, if applied for, should not be sanctioned to the officers and employees during the period of proposed **Sit-in** and it should be ensured that the striking activities are not allowed inside and around the office premises. It may also be ensured that the employees, who intend to attend their office work despite the call for the strike, are not prevented from attending the office by the striking employees. Suitable contingency plan may be worked out for carrying out the various functions in field offices and Principal Accounts Offices.

7. The above instructions may be brought to the notice of staff working under your control. All the Pr. CCAs/CCAs/CAs are requested to deal with the cases in respect of employees, who resort to action as above, in the light of above referred instructions.

8. This issues with the approval of the competent authority.

(Anuj Avinashi)
Sr. Accounts Officer

To

1. All Pr. CCAs/CCAs/CAs
2. The Joint Controller General of Accounts (Admn.), O/o CGA for taking appropriate action at their end.
3. ITD Section is requested to upload the aforesaid O.M. on the official website of the CGA.