

F.No.12017/12/2018-AdIV-A  
Government of India  
Ministry of Finance  
Department of Revenue  
Central Board of Indirect Taxes and Customs

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New Delhi dated the 15<sup>th</sup> February, 2019

**Memorandum**

All India Central Excise and Service Tax Ministerial Officers' Association have given notice wherein it is stated that the members of this association will wear black badges from 21.01.2019 onwards and have lunch hour demonstration on every Friday and if their problem are not heard and suitable solution is not seen within a month, they will go ahead with their Dharna/Strike program w.e.f. 21<sup>st</sup> February, 2019.

2. Attention of the All the Members of All India Central Excise and Service Tax Ministerial Officers' Association in the CBIC is 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 12<sup>th</sup> 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 again reiterated 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 demand, strict action as per Para 2 above shall be taken.

Encl. As above:

  
(Amarjit Singh)

Director(Ad.IV)

Tel: 011 2616 2694

**Secretary General**

1. **All India Central Excise and Service Tax Ministerial Officers' Association in CBIC.**
2. **All recognized Staff Association under CBIC.**

Copy to:

1. All Director General/ Chief Commissioners of Indirect Taxes & Customs.
2. DG, HRD, CBIC.
3. Web Manager, Directorate General of Systems and Data Management for uploading the communication on the Board's website.

(15)

Estt/B/Training 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  
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Dated the 12<sup>th</sup> 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.