

URGENT/TOP PRIORITY



**Office of the Pr. Chief Commissioner of Income Tax
Andhra Pradesh & Telangana**

10th Floor, Income Tax Towers, AC Guards, Hyderabad-500 004
Tel No. 040 23425475, Fax: 23241427/23240403

F.No. Pr.CCIT/Estt/17/2019-20

Date: 07-01-2020

To
All the Heads of Offices working under Pr. CCIT,
Andhra Pradesh & Telangana.

Sir/ Madam,

Sub: Notice for strike by ITGOA & ITEF, AP&TS on **08-01-2020** - Regarding.

I am directed to inform that Income Tax Gazetted Officers' Association (ITGOA), AP & TS & Income Tax Employees' Federation, (ITEF) AP&TS Circle, Hyderabad, has given a Strike notice intimating that the employees of the Income Tax Department who are members of ITGOA & ITEF will go on **One day strike on 08-01-2020**.

In this connection, I am directed to forward herewith copies of the DOP&T's letter in F.No. C-45018/1/2017-Vig dated 06.01.2020 & DOP&T's OM No.33012/1(s)/2008-Estt(B)(Pt) dated 12th September, 2008 & for necessary action and compliance.

I am directed to invite the attention to the instructions issued by the DOP&T which 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 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. The right to form an Association does not include any guaranteed right to strike. There is no statutory provision empowering the employee to go on strike. The

Supreme Court has also agreed in several judgments that going on a strike is 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.


I am further directed to inform that all the officers/officials in your charge be suitably informed of the aforesaid instructions under the Conduct Rules issued by the DOP&T and other regulations upheld by the Hon'ble Supreme Court and dissuaded from resorting to strike in any form. I am directed to inform that the Heads of Offices may also issue instructions not to sanction Casual Leave or other kind of leave to officials 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. Suitable contingency plan may also be worked out to carry out the various functions of the Department.

I am also directed to communicate that the heads of the office should ensure the smooth functioning of the offices under their charge during the strike period. I am directed to communicate that the heads of office may communicate to the officers and officials of the department that in case of any damage caused to the properties /loss to the files of the Department, the Officers and Officials of the respective office shall be held responsible.

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 office by the evening of the day. As regards salary deduction, you may await instructions from the CBDT.

Yours faithfully,

Encl: As above.


(SARISH IRUKULLA)
Addl. Commissioner of Income Tax
(Hqrs)(Admn & Vig), Hyderabad

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MOST IMMEDIATE

F.No.B-12020/1/2020-Ad.IX
Government of India
Ministry of Finance
Department of Revenue
(Central Board of Direct Taxes)

Room No.14, 5th Floor,
Jeevan Vihar Building,
Sansad Marg, New Delhi – 110001
Dated : The 7th January, 2020

To
All the Pr. CCITs(CCAs)
All the Pr. DGITs

**Subject : All India Strike proposed on 8th January, 2020 – Instructions under
CCS(Conduct) Rules, 1964 – Regarding.**

Sir/Madam,


I am directed to forward an instruction of DoP&T issued vide their OM No.C-45018/1/2017-Vig. dated 6th January, 2020 on the subject mentioned above.

2. You are requested that the said instructions and the above provisions of CCS(Conduct) Rules, 1964 may be brought to the notice of the employees working under your administrative control. It is further requested not to sanction Casual Leave or any other kind of leave to the officers and employees for 8th January, 2020 and also ensure that the willing employees are allowed hindrance free entry into the office premises.

3. You are requested to take action immediately.

Yours faithfully,

Encl. : As above.


(Biswajit Guha)
Under Secretary to the Govt. of India
Tel. : 011 23741823

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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,
The 6th January, 2020.

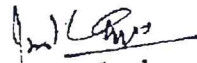
Subject: All India Strike proposed on January 8, 2020 - Instructions under CCS (Conduct Rules), 1964 - Regarding.

It has been brought to the notice of the Government that the Central Trade Union (CTUs), except Bhartiya Mazdoor Sangh, and their affiliates in different sectors are mobilizing workers/employees for their proposed nationwide general strike on January 8, 2020. The strike is mainly to protest against Union Government's labour reforms, FDI, disinvestment, corporatization and privatization policies and to press for 12 - point common demands of the working class relating to minimum wage and social security, among others.

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(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/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 strike, and ensure that the willing employees are allowed hindrance free entry into the office premises.

4. In case employees go on strike, 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 strike, i.e., 08.01.2020.


(Brij Mohan)

Under Secretary to the Govt. of India
011-23092982

To

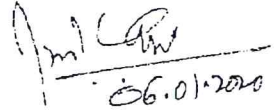
PS to MOS (PP)/ PSO to Secretary (P)/ Office of SS & EO/ AS (S&V)/ AS (SRK) & CVO/ AS (E)/ Secretary (PESB)/ JS (E).

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

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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.


06.01.2020

(Brij Mohan)

Under Secretary to the Govt. of India

011-23092982

Annexure - A

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File No. 33012/1(s)/2006-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.