



GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No. 2019/E(LR)II/1/2

New Delhi, dated: 08.03.2019

The General Managers,
All Indian Railways including
Production Units, etc.
(As per mailing list attached)

**Sub: Proposed protests by Government employees against
'National Pension System' (NPS)**

The Ministry of Personnel, Public Grievances & Pensions (Deptt. of Personnel & Training) has advised vide their O.M. No. 33011/1(s)/2019-Estt.(B-II) dated 22.02.2019 (copy enclosed) that "National Joint Council of Action" (NJCA) has decided to organise dharna/ demonstration in front of Central Govt. offices across the country and at Jantar Mantar in New Delhi on March, 13, 2019 to press for restoration of Old Pension Scheme (OPS). NJCA is a conglomerate of pro-Left, INTUC and HMS-affiliated Associations amongst Group 'C' Central Government servants including those in Railways.

2. As both recognised Federations (AIRF and NFIR) are part of NJCA, Railway servants may organise dharna/ demonstration in front of Railway Offices across the country and at Jantar Mantar in New Delhi on 13.03.2019.
3. In view of aforesaid, there should not be any room for complacency and laxity on the part of the Railway administrations and all necessary stringent steps must be taken to ensure discipline and smooth functioning of Railways. It must be ensured that Railway servants need to seek necessary permissions from their Competent Authority to leave their headquarters.
4. Their particular attention should be drawn to relevant penal provisions i.e. Section 173, 174 and 175 of the Railways Act, 1989 which are attracted in cases of abandoning train without authority, obstructing running of train and endangering the safety of persons by disobeying rules etc. Their attention should also be drawn to paras No. 3 and 5 of the DOP&T's O.M. dated 22.02.2019.
5. In case Railway Servants go on dharna/ demonstration/ protest/ strike/ rally etc., a report indicating the number of such Railway servants who take part in such activities may be conveyed to Board's office on Fax Nos. 011-23383086 or 011-23382377.

DA: As above.


(Alok Kumar) 8/3/19.
Executive Director, Estt.(IR)
Railway Board

Copy to: Joint Secretary, Railway Board for information and necessary action.

IMMEDIATE

SMY

No.33011/1(s)/2019-Estt.(B-II)

Government of India

Ministry of Personnel, Public Grievances and Pensions

Department of Personnel & Training

Chairman, Railway Board

FTS No. 530248...

Date. 26/2/19.....

North Block, New Delhi

Dated the 22 February, 2019

OFFICE MEMORANDUM

Subject: **Protests by Government employees against NPS.**

The undersigned is directed to inform that National Joint Council of Action (NJCA) has decided to organise dharna/ demonstrations in front of Central Government offices across the country and at Jantar Mantar in Delhi, on March 13, 2019 to press for restoration of OPS. NJCA is a conglomerate of pro-Left, INTUC and HMS-affiliated Associations amongst Group C Central Government employees, including those in Railways, Civilian Defence, Postal, Income Tax and Revenue departments.

2. National Movement for Old Pension Scheme (NMOPS) has decided (February 11) to organise 'Candle Light March' at India Gate in Delhi every Sunday evening for a month over the issue. NMOPS in association with South East Central Railway unit of 'Front Against NPS in Railway' plan to hold a rally at Raipur (Chhattisgarh) on February 24, 2019. NMOPS, formed in March 2017 with the aim to bring Centre and State Government employees falling under NPS under one organisation to pressurise respective Governments to restore OPS, is active mainly on social media.

3. 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, sit-down 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, including protest, 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 12th September, 2008 (copy enclosed).

4. A Joint Consultative Machinery for Central Government employees is already functioning. This scheme has been introduced with the object of promoting harmonious relations and for securing the greatest measure of co-operation 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. The JCM at the different levels have been discussing issues brought before it and the consultative process is still functioning with the active cooperation from the staff side.

CRB

MS

28h

DG/Pers

Important

2/2/19

ED/IR

Urgent

9/2/19

6/3/19

DE/IR on leave

DDE/IR I

2/3/19

06-3-19

SE/IR II

5. 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 including protest. Instructions may be issued not to sanction Casual Leave or other kind of leave to employees if applied for, during the period of the proposed protest/strike and ensure that the willing employees are allowed hindrance free entry into the office premises. For this purpose, Joint Secretary (Admn) 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.

6. In case the employees go on dharna/demonstrations/protest/strike/rally, a report indicating the number of employees who took part in the proposed dharna/protest/strike/rally may be conveyed to this Department on the evening of the day.

Gyanendra Dev Tripathi

(Gyanendra Dev Tripathi)
Joint Secretary to the Government of India
Tel: 23094010

To

The Secretaries of all Ministries/Departments of Government of India

Copy to:

Deputy Secretary (Admin), DoPT, North Block, New Delhi.