

GOVERNMENT OF KERALA
Abstract

PUBLIC SERVICE- THREATENED INDEFINITE STRIKE BY A SECTION OF
GOVERNMENT EMPLOYEES, TEACHERS ETC, IN FEBRUARY 1993-
MEASURES FOR DEALING WITH-ORDERS ISSUED.

GENERAL ADMINISTRATION (SS) DEPARTMENT

G.O (MS) No. 44/93/GAD.

Dated Thiruvananthapuram, 29th January, 1993.

ORDER

Certain Organization of Government employees, teachers ,etc, have threatened to go on an indefinite strike from 9th February , 1993. To meet the situation ; in case the threatened strike materializes , the following orders are issued:

1. Leave of any kind should not ordinarily be granted to Government employees, teachers etc, (including Gazetted Officers) during the period of the strike except on the following grounds:-

- (a) Sickness of the individual
- (b) To attend on a near relative who has fallen sick ('near relative" will mean wife/ husband, children, father and mother of the Government Servant).
- © Examination purposes.
- (d) Maternity purpose
- (e) Other unavoidable reasons of a like nature.

2. Head of Departments and other sectioning authorities will require medical certificates from Government Doctors in the proper form with office stamp / seal affixed, to be produced by the applicants for the leave applied for on medicals grounds. In case of doubt the bona fides of the medical certificates, they will direct such applicants to appear before the Medical Board immediately. Whatever may be the reason given for the leave, the sanctioning authority will have the discretion to refuse the leave if such authority has reason to believe that the leave is meant for participation in the strike.

APPENDIX
MODEL FORM
(For Suspension)

Read:- Fromletter No.....dated.....

ORDER

It has been reported bythe letter read above that a criminal case has been registered agnist Sri/Smtunder sectionof..... Crime No.....of.....Police Station in connection with the strike by Government employees and that it is pending investigation/trial. In the circumstance the above said Sri/Smt.....is placed under suspension forthwith under Rule 10(1) (b) of the Kerala

Civil Service (Classification , Control and Appeal) Rules, 1960, pending the final. out come of the criminal proceedings taken against him/her.

A Sri/Smt.....will not be eligible for subsistence allowance under rule 55-A of Part I, Kerala Service Rules.

3. The applicant for leave from the employees should be disposed of immediately and should not be kept without disposal. While taking decision on them, the instructions issued above should be strictly adhered to.

4. All employees who have been granted leave for purpose other than those mentioned above and have entered on such leave will be recalled to duty, if found necessary for maintaining work in the offices during the strike period.

5. The power of sanctioning leave on the strike day will be vested with secretary to Government in the case of Secretariat Departments and Head of Offices in other Departments

6. Every Head of Office should keep the Head of his Department informed of the details of all employees under him who have been granted leave and should also be able to justify the grant of leave, if so required.

7. Sanctioning authorities are directed to observe strictly the instructions regarding grant of leave to their subordinates. They are also informed that they are liable to be proceeded against in case of violation of these instructions.

8. If the Head of an Office is on strike and as a result the office is closed, thereby preventing loyal employees from attending the office, they may report before the District Officer. The District Officer should make immediate necessary arrangements for opening the office in such cases.

9. The District Collectors and Head of Departments will take action (a) to give protection to loyal workers, (b) to ensure unhindered access to Government Offices/Institutions: and (c) to avoid over -crowding in front of the gates of offices .Instructions have been given to the Police Department to give all necessary assistance in this regard.

10. The Head of Departments /Offices will keep the keys of the offices and of the gates in their personal custody. They should arrange for the opening of the offices sufficiently early to enable the loyal employees to enter the offices.

11. The Director General of Police will, in consultation with the Head of the Departments, make arrangements for guarding the Government Offices at night in the event of the strike materializing.

12. The District Collectors are authorized to requisition vehicles belonging to other Departments or agencies for hire private vehicles to the extent necessary to meet the situation. The expenditure may be debited to the contingencies of the Department for whose need the vehicles are so requisitioned /hired.

13. The pay and allowance of the employees to take part in the strike will not be paid for the period for which they have not actually attended duty . How the period of strike is to be created, will be decided in due course after the strike is called off. In the case of Gazetted Officers, their attendance in duty should be certified in the Pay Bill for the month during which the strike take place . This Certificate need not to be recorded by the Commissioner and Secretaries, Secretaries, Special Secretaries to Government , Head of Department , Districts Collectors , Judicial Officers and Executive Officers of the Police Force and the Officers of All India Services.

14. The Head of Departments and Office will furnish the names and designation of the Gazetted Officers., if any, who unauthorized Absent of the Account General for similar action .Nil reports also will be furnished. In respect of Gazetted Officers of the Secretariat , this information will be Furnished to the Account General by the Under Secretary , General Administration (Accounts) Department in respect of the Administrative Secretariat and by the concerned Under Secretary or Deputy Secretary , as the case may be, in respect of the Law and Fiancé Departments .

15. Persons indulging in violence or destruction to public property or who commit offences involving harassment to women employees or abuse of women employees will be prosecuted.

16. All employees who are arrested and against whom a case of a criminal offence is under investigation or trial (whether under the Police Act or under the Penal Code or any other Act or Rules) should placed under suspension. The model Form appended to this order will be utilized foe issuing orders placing the employees under suspension . Before issuing orders placing employees under suspension, it should be ensured that the order of suspension is passed by the competent authority.

17. The Director General of Police will arrange to report the names of such persons to the Head of Offices in the Districts for necessary action.

18. Under Sub -rule (i) of Rule 10 of the Kerala Civil Services (Classification , Control and Appeal) Rules , 1960, Government herby authorize all Gaszeted heads of offices, for the duration of the threatened strike, to place under suspension any non-Gazetted Officer under their administrative control, Their attention is also invited to the provisions of Rule 55-A, Part I, Kerala Service Rules, according to which employees placed under suspension for participation in the strike or for committing any action during the period of the strike are not eligible for subsistence allowance for the period of such suspension.

19. If any employer under suspension for having been arrested by the Police in connection with the strike reports for duty during the period of the strike, such employee may be allowed to rejoin duty and the order of his/her suspension may be reconsidered and the Head of the Office who placed the employee under suspension may cancel the order of suspension with effect from date on which he/she rejoins duty.

20. The instructions in sub -Para 19 above will not , however , apply to persons arrested by the Police and kept under suspension for offences coming under sub-para 15 above.

21. Head of Offices will furnish full details of the suspended employees to the respective Head of Departments with copy to the concerned District Collector. Heads of Departments will furnish similar details in respect of the employees in the Headquarters officers to the concerned Collector.

22. The provisional recruits in Government Services will absent themselves without sanction during the period of the strike will be removed from services . The reasons for such termination need not be indicate in the individual orders.

23. In the event of the strike materializing , the Head Departments will convey to Government over Phone in the General; Administration (ss) Department (Telephone No 67559& 76576 Exton. 399) by 10. 30 a.m. daily a general situation repot indicating the total strength of staff, the number of employees present, number of employees unauthorized absent and number of employees on authorized leave in their offices. The

District Collectors will Furnish to Government the general situation report by 11.a.m. , in respect of employees in their offices as well as in the major offices in the District (including non-Revenue Offices). The Commissioners and Secretaries, Secretaries and Special Secretaries will also forward to General Administration (SS) Department similar situation reports in respect of the employees in their Departments in the Secretariat by 10.30 am.

24. In addition to the situation report referred to in para 23 above, in the case of the Secretariat Departments, the Secretary to Government concerned or in his absence the senior-most officer available in the Department should make a physical verification of the attendance position in the sections under his control F.N and A.N sections of each day of the strike the lists of absentees (with name and designation) participating in the strike in each session should be prepared. Consolidated lists of such employees will be prepared and forward to the Secretary to Government, General Administration (SS) Department before 12 Noon and 3 p.m. respectively on the same day for the further action. In the case of the offices of Heads of Departments and Offices, similar lists will be prepared on each day of the strike by the officers concerned and further action taken on the basis of these lists.

By order of the Governor,

K.V. RABINDRAN NAIR,
Chief Secretary.

To,

All Heads of Department and Offices,
All District Collectors/ The Director of public Relations Thiruvananthapuram
The Registrar, High Court of Kerala, Ernakulam (with C.L)
The Secretary, Kerala Public Service Commission (with C.L)
The Advocate General, Kerala, Ernakulam (with C.L)
The Secretary to Governor, Rajbhavan, Thiruvananthapuram.
The Accountant General (A&E/Audit), Thiruvananthapuram
All Commissioners&Secretaries/Secretaries/Special Secretaries/ Additional Secretaries/Joint Secretaries/ Deputy Secretaries/ Under Secretary to Government.
All Departments (all sections) of the Secretariat including Law, Finance Legislature.
The Secretary to Chief Minister/The Private Secretary to all Ministers/ The Private Secretary to Leader of Opposition, MLA Hostel, Thiruvananthapuram.
The Private Secretary to Chief Whip, Thiruvananthapuram/ The Deputy Secretary to Chief Secretary.