

GOVERNMENT OF KERALA

Abstract

PUBLIC SERVICE — THREATENED STRIKE BY A SECTION OF THE GOVERNMENT EMPLOYEES IN FEBRUARY 1983 - MEASURES FOR DEALING WITH – ORDERS ISSUED

GENERAL ADMINISTRATION (SS) DEPARTMENT

G.O. (P) No. 38/83/GAD.

Dated, Trivandrum, 12th February, 1983.

O R D E R

Certain organizations of Government employees have threatened to go on an indefinite strike from the 17th February, 1983. 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 (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.)
- (c) Examination purposes.
- (d) Maternity purposes.
- (e) Other unavoidable reasons of a like nature.

2. Heads of Departments and other sanctioning 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 medical grounds. In cases of doubt about 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.

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

4. All employees who have been granted leave for purposes 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. 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.

6. 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.

7. 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 Officers. The District Officer should make immediate necessary arrangements for opening the office in such cases.

8. The District Collectors and Heads 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 the offices.

Instructions have been given to the Police Department to give all necessary assistance in this regard.

9. The Heads 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.

10. The Inspector General of Police will, in consultation with the Heads of Departments, make arrangements for guarding the Government offices at night in the event of the strike materializing.

11. The District Collectors are authorized to requisition vehicles belonging to other Departments or agencies or 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 were so requisitioned/hired.

12. The unauthorized absence of the employees for participation in the strike will be treated as 'dies-non' under Rule 14-A, Kerala Service Rules, Part 1. The period will also be entered in the Service Books of the employees concerned as it will not count for leave. No separate Government sanction need be sought in this regard.

13. The Heads of Department and Offices will furnish the names and designation of the Gazetted officers, if any, who are unauthorisedly absent to the Accountant General for similar action. Nil reports also will be furnished. In respect of Gazetted Offices of the Secretariat, this information will be furnished to the Accountant 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, in respect of the Law and the Finance Departments.

14. Persons indulging in violence or who commit offences involving harassment to women employees or abuse of women employees will be prosecuted.

15. 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 be placed under suspension. The model form appended to this order (Vide Appendix I) will be utilized for 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.

16. The Inspector General of Police will arrange to report the names of such persons to the Heads of Offices in the Districts for necessary action.

17. Under sub-rule (i) of Rule 10 of the Kerala Civil Services (Classification, Control and Appeal) Rules, 1960, Government hereby authorize all Gazetted 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, Kerala Service Rules, Part 1, 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.

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

19. The instructions in sub-para (18) above will not, however, apply to persons arrested by the Police and kept under suspension for offences coming under sub-para (14) above.

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

21. The Provisional recruits in Government service who absent themselves without sanction during the period of the strike will removed from service. The reasons for such termination need not be indicated in the individual orders.

22. Government servants who are on probation (on first appointment as well as those on promotion) and who are unauthorizedly absent during the period of the strike will be asked to show cause why their probation should not be terminated. A show cause notice will be issued to them and further action pursued. A copy of the model form is at Appendix II.

23. If in the circumstances of any case it is not possible to serve the notice individually, it will be published in the Kerala Gazette. The Superintendent of Government Presses will publish such notice received from competent authority in the next issue of the Gazette. In case where it is not possible to publish the notice in the Kerala Gazette, it will be published in a local daily

24. In the event of the strike materializing, the District Collectors will forward to Government in the General Administration (SS) Department not later than 11.30 a.m. and 3 p.m. daily by Teleprinter or Telephone (No. Trivandrum 67559), a general situation report indicating the total strength of staff, the number of employees present, number of employees absent and number of employees on authorized leave in the Collectrate as well as in the major offices in the District (including non-revenue offices). In the case of the Trivandrum District, the general situation report will be furnished by the District Collector and the Heads of Departments in respect of their respective offices.

By Order of the Governor,

R. GOPALASWAMY,
Chief Secretary to Government.

To

All Heads of Departments and Offices.

All District Collectors.

The Director of Public Relations.

The Registrar of High Court, Ernakulam (with C.L.)

The Secretary, Kerala Public Service Commission, Trivandrum (with C.L.)

The Secretary, to the Governor, Raj Bhavan, Trivandrum.

The Accountant General, Kerala Ernakulam

The Advocate General , Ernakulam.

The Managing Director/General Manager of all public Sector Undertaking.

All Commissioners & Special Secretaries/Special Secretaries/Secretaries/Additional Secretaries/Joint Secretaries/Deputy Secretaries/Under Secretaries to Government.

All Departments (all sections) of the Secretariat including Law, Finance and Legislature.

The Special Secretary to the Chief Minister.

The Special Private Secretary to the Chief Minister.

The Private Secretary to the Deputy Chief Minister.

The Secretaries/Private Secretaries to other Ministers.

The Deputy Secretary to the Chief Secretary.

The General Administration (SC) Department

Appendix-I

MODEL FROM

(For Suspension)

Read:- From.....letter No.....
Dated.....

ORDER

It has been reported by.....in the letter read above that a criminal case has been registered against Shri/Smt.....under Section.....of.....in Crime No.....of.....Police Station in connection with the strike by Government employees and that it is pending investigation/trial. In the circumstances the above said Shri/Smt.....is placed under suspension forthwith under Rule10(1) (b) of the Kerala Civil Services (Classification, Control and Appeal) Rules, 1960, pending the final outcome of the criminal proceedings taken against him /her.

Appendix-II

MODEL FORM

(For Show Cause Notice)

It is reported that you/the undermentioned person(s) a probationer/who are probationers in the post/posts mentioned below are unauthorisedly absenting yourself/themselves from offices as shown below and are not attending to the duties attached to the post/posts. In view of your/their above action/actions it has been provisionally decided that you/they are unsuitable for full membership of the post/posts in which you/they are now a probationer (s). It is therefore proposed to terminate your/their probation in the said post/posts (and to discharge you/them from service) under General rule 19 in Part II of the Kerala State and Subordinate Services Rules, 1958.

You/The undermentioned persons are therefore requested to show cause, if any, why the action proposed above may not be taken against you/them. You/They are allowed seven days' time from the date of receipt of this notice/publication of this notice to submit your/their written explanation in the matter. If no such reply is received from you/them within the said period, the matter will be proceeded with on the presumption that you/they have nothing to say in the matter.

Name of Probationer	Department	Post of which He is on Probation	Date from which un- authorisedly Absent from duty
(1)	(2)	(3)	(4)

Place:

Date:

Name and Designation of appointing
authority or Higher authority.

Strike off whichever is not applicable .

*In the case first appointees only.