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26/12/12



GOVERNMENT OF KERALA  
Abstract

Public Services - Threatened Strike by a section of Government Employees on 8<sup>th</sup> January 2013 - Measures for dealing with - Orders Issued.

**GENERAL ADMINISTRATION (SECRET SECTION) DEPARTMENT**

G.O.(P) No.385 /2012/GAD.

Dated, Thiruvananthapuram, 26.12.2012

Read: 1. G.O.(P)No.34 /2002/GAD, dated, 23.01.2002.

**ORDER**

Certain Organisations of State Government Employees and Teachers have threatened to go on an indefinite strike from 8<sup>th</sup> January 2013. To meet the situation, in case the threatened strike materialises, the following orders are issued:

1. Leave of any kind should not ordinarily be granted to Government Employees, Teachers etc. (including Gazetted Officers) for the strike days except on the following grounds:

- 1) Sickness of the individual or near relatives ('near relative' will mean wife, husband, children, father and mother of the Government servant).
- 2) Examination purpose of the employee.
- 3) Maternity purpose of the employee.
- 4) Other unavoidable reasons of a like nature.

2. Heads of Departments and other sanctioning authorities shall insist on Medical Certificates from Government Doctors in the proper form with the office stamp/seal affixed, to be produced by the applicants for the leave applied for on medical grounds. In case of doubt on the bona fides of the Medical Certificates, the applicants are to be directed to appear before the Medical Board immediately. Irrespective of 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 decisions the above instructions 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 shall 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 may be directed to observe strictly the instruction regarding grant of leave to their subordinates. They may be informed that they are liable to be proceeded against in cases of violation of the instructions.
7. If the Head of an Office is on strike and as a result the office is closed, thereby preventing employees not on strike 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 case.
8. The District Collectors and Heads of Departments will take action (a) to give protection to those not on strike, (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 context.
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 office sufficiently early to enable the employees not on strike to enter the offices.

10. The Director 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.

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 are so requisitioned/hired.

12. The unauthorized absence of the employees for participation in strike will be treated as *dies non*.

13. The Heads of Departments and offices will furnish the names and designation of the Gazetted Officers, if any, who unauthorisedly absent to the Accountant 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 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 be in respect of the Law and Finance Departments.

14. Persons indulging in violence or who commit destruction to public property and 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 or suspension is passed by the competent authority.

16. The Director 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 & Appeal) Rules, 1960, Government hereby authorise all Gazetted Heads of Offices, for the duration of the threatened strike, to place under suspension any Non-Gazetted Officer under their administrative control. 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 employees 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 orders of his/her suspension may be reconsidered and the Head of the Office who placed the employee under suspension may cancel the orders of suspension with 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 be 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 unauthorisedly 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 appended (Vide 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 materialising all Heads of Departments will convey to Government in the **General Administration (Secret Section) Department** over Telephone (**Telephone Nos. 2327559/2518399**) by 11.00 a.m. daily, a general situation report indicating their total strength of staff, the number of employees present, number of employees unauthorisedly absent, number of employees on authorised leave and number of applications for leave received in their offices. The District Collectors will furnish to Government in the General Administration (Secret Section) Department over telephone on the day of strike a general situation report by 11.00 a.m. in respect of the employees in their offices as well as in the Major Offices in the Districts (including non-revenue offices). The Additional Chief Secretaries/ Principal Secretaries/ Secretaries/Special Secretaries will also forward to General Administration (Secret Section) Department on the day of strike similar situation reports (Consolidated Department-wise) in respect of the employees in their Department, in the Secretariat, by 11.00 a.m.

25. In addition to the situation report mentioned above, in the case of the Secretariat Departments, the Additional Chief Secretaries/ Principal Secretaries/ Secretaries/Special Secretaries to Government concerned or in his absence the senior most officer available in the Department should get a list of absentees (with name and designation), participating in the strike prepared. Consolidated lists of such employees will be prepared and forwarded to the Secretary to Government, General Administration (Secret Section) Department on each day of the strike for further action. In the case of the offices of Heads of the Department and offices, similar lists will be prepared on each day of the strike by the officers concerned and forwarded to the Secretary to Government, General Administration (Secret Section) Department as early as possible. This record

will serve as the basis for treating the unauthorised absence of the employees as **dies non**.  
The attendance position should be furnished at the appointed time.

26. All Heads of Departments/Offices and District Collectors will ensure that the normal functioning of the essential services under their control is not interfered with.

27. The Director General of Police, in consultation with the Heads of Departments will make necessary arrangements to avoid any untoward incidents and tension in the office premises.

28. All concerned are requested to ensure that the above instructions are followed scrupulously.

By order of the Governor,

K. Jose Cyriac  
Chief Secretary

To

All Addl. Chief Secretaries/Principal Secretaries/Secretaries/Special Secretaries to Govt.  
All Heads of Departments/All District Collectors.  
The Director of Information and Public Relations, Thiruvananthapuram.  
The Registrar General, High Court of Kerala, Ernakulam (with C.L).  
The Secretary, Kerala Public Service Commission, Pattom, Tvpm (with C.L).  
The Secretary to Governor, Raj Bhavan, Thiruvananthapuram (with C.L).  
The Private Secretary to Chief Minister.  
The Private Secretary to Speaker, Kerala Legislative Assembly.  
The Private Secretaries to All Ministers.  
The Private Secretary to Opposition Leader.  
The Accountant General (A&E), Kerala, Thiruvananthapuram (with C.L).  
The Principal Accountant General (Audit), Kerala, Thiruvananthapuram (with C.L).  
The Advocate General, Ernakulam (with C.L).  
The Registrars, University of Kerala/Cochin/Calicut/Mahatma Gandhi/Kannur/Sanskrit  
(with C.L).  
The Registrar, Kerala Agricultural University, Thrissur (with C.L).  
All Departments (All Sections) of the Secretariat including Law and Finance.  
The Secretary, Kerala Legislature Secretariat, Thiruvananthapuram. (with C.L).  
All Heads of Public Sector Undertakings.  
The Joint Secretary to Chief Secretary.  
SF/OC.

Forwarded / By Order

  
Section Officer

APPENDIX F  
Model Form  
(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 Rule 10 (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 office 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 day's 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.

| <i>Name of Probationer</i> | <i>Department</i> | <i>Post of which he is on Probation.</i> | <i>Date from which unauthorisedly absent from duty</i> |
|----------------------------|-------------------|--|--|
| (1)                        | (2)               | (3)                                      | (4)  |
|                            |                   |  |  |

Place:  
Date:

Name and Designation of Appointing Authority or Higher Authority.

Strike off whichever is not applicable.  
\* In the case of first appointees only.