

section 24 of the Act. Thus present call of strike is illegal. Further, the matter of such willful contravention of the provision of ID Act shall be reported to RLC (Central) New Delhi.

3. It may be noted that Sub- rule 14 (1) of BSNL REA Rules provides "The Association eschews completely the agitational approach, such as resorting to strikes or practices or conduct, which is likely to result in or results in cessation or substantial retardation of work, and also to coercion or physical duress. Further, the Association will not join hands with the non-executives' unions for furtherance of their issues and/or participate in any joint trade union action".

It is, therefore, reiterated that the executives are prohibited from resorting to strike in view of the aforesaid provisions of BSNL (REA) Rules, 2017.

4. Further, BSNL vide letter dated 04.01.2017 reiterated the provisions relating to strike. In the said letter it is clarified that 'strike' means refusal of work or stoppage or slowing down of work by a group of employees acting in combination, and that Dharna, Work to rule, No-Cooperation amount to strike. Therefore, it may be ensured that no such agitation as per your notice programme takes place.

5. Moreover, the executives **are not workman under section 2(s) of ID Act, 1947** and therefore, any strike by them shall be in violation of ID Act.

6. Also participation in any kind of strike or inciting others for any kind of agitation by them would be treated as misconduct in accordance with Rule 5(23) and Rule-8 of BSNL Conduct Discipline & Appeal (CDA) Rules 2006 and on account of such activities such employees are liable to disciplinary action.

7. DOP&T in its OM no. 45018/2017-Vig. Dated 15.03.2017 states that—

"— 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 ruled in several judgments that going on strike is a grave misconduct under the Conduct rules and that misconduct by Govt. 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 deductions of wages may also include appropriate disciplinary action. Attention of all employees of this department is also drawn to this department OM no. 33012/1/(s) 2008-Estt(B) dated 12.09.2008 on the subject for strict compliance".

It is also stated that if any employee resorts to strike, his/ her pay shall not be paid for the day/ days in question. This will be without prejudice to any disciplinary action that may be initiated against such employee(s) for participating or inciting other to participate in strike.

8. Your kind attention is also invited to the interim injunction order dated 06.05.2017 in Civil Suit No. 538/2017 passed by Hon'ble Patiala Court at New Delhi "restraining them from further intensifying the ongoing strike so as to impede the functioning of the BSNL...." (conveyed vide this office letter dated 08.05.2017). It is surprising to see that in spite of above mentioned Hon'ble Court interim injunction and numerous advisories issued frequently on the matter, All Unions & Associations have served a fresh notice calling two day strike on 12.12.2017 & 13.12.2017.