

Government of Jammu and Kashmir  
**Power Development Department**  
Civil Secretariat, Jammu/Srinagar  
\*\*\*\*\*

**Subject: Demonstrations/strikes by the Government employees – instructions thereof.**

**Circular No: 03 -JK(PDD) of 2024**  
**Dated: 26-03-2024**

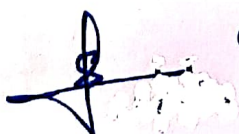


It has come to the notice of the Department that some employees are resorting to demonstrations and strikes in favour of certain assumed demands, which is totally illegal. The Government instructions, J&K Government Employees (Conduct) Rules, and ruling of the Hon'ble Supreme Court for dealing with such issues are reproduced as under:-

1. Rule 20(ii) of the Jammu and Kashmir Government Employees (Conduct) Rules, 1971 reads as under:-

***"Demonstrations and strikes:- No Government employees shall resort to, or in any way abet any form of strike in connection with any matter pertaining to his service or the service of any other Government employee".***

The above provision of law is not merely declaratory, but will definitely entail consequences in case of violation, as it clearly prohibits demonstrations and strikes by the Government employees.

2. Vide SRO-160 dated 14-7-1995, the Jammu And Kashmir Civil Services (Recognition of Service Association) Rules, 1995 have been issued by the General Administration Department, which shall apply to the Service Associations of all regular civil employees of the Government, except;
  - (a) Gazetted Services;
  - (b) Persons in industrial establishments employed mainly in managerial or administrative capacity, and those who being employed in supervisory capacity drawing salary in pay scales above Rs.3200/- per mensem; and
  - (c) Police Personnel.

These rules further provide the following:

**I. Service Associations already recognised:** A Service Association which has been recognised by the Government before the commencement of these rules and in respect of which the recognition is subsisting at such commencement, shall continue to be so recognised for a period of one year from such commencement or till the date on which the recognition is withdrawn, whichever be earlier.

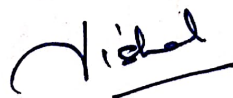
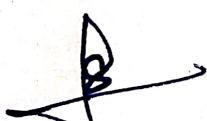
**II. Rule 6(k): Conditions for continuance of recognition of Service Association:-** The Service Association shall not do any act or assist in the doing of any act which, if done by a Government servant, would contravene any of the provisions of the Services (Conduct) Rules.

**III. Rule 9: Withdrawal of Recognition:** If in the opinion of the Government, a Service Association recognised under these rules has failed to comply with any of the conditions set out in rule-5 or rule-6 or rule-7, the Government may, after giving an opportunity to the Service Association to present its case, withdraw the recognition accorded to such Association.

3. In terms of O.M No: GAD-ADM0III/158/2023-09-GAD dated 03.11.2023, all the Administrative Secretaries were requested to circulate the instructions to employees in their respective Department(s) to desist from all such uncalled for demonstrations and strikes: an act of serious indiscipline and misconduct.

4. Further, the Hon'ble Supreme Court in case Appeal(Civil) No.5556/2003 titled T.K. Rangarajan vs Government of Tamil Nadu (SC 2003) has held that the employees have no fundamental, statutory or moral right to resort to strike as there is no law regarding it, and also, according to various service and conduct rules, they are prohibited to go on a strike.

The Hon'ble Apex Court further stated: *'a strike is a powerful weapon; it affects the society as a whole, and the government employees cannot go on a strike affecting society... Government employees cannot claim that they can take the*



*society at ransom by going on strike. Even if there is injustice to some extent, as presumed by such employees, in a democratic welfare State, they have to resort to the machinery provided under different statutory provisions for redressal of their grievances. Strike as a weapon is mostly misused which results in chaos and total maladministration.'*

The above instructions/rules are brought to the notice of all concerned, and if any employee is found indulging in organizing, or taking part in demonstration(s) and/or strike(s) in violation of the rules and instructions mentioned above, strict action as per law shall be taken against such employee(s).

**Sd/-**

**(H. Rajesh Prasad), IAS**

Principal Secretary to the Government

No. PDD-HRM/12/2024-05(C.No. 7422719)

Dated: 26-03-2024

**Copy to the:-**

1. Commissioner/Secretary to the Government, General Administration Department.
2. Managing Director, (All).
3. Director Archives, Archaeology and Museums, J&K, Jammu.
4. Director Information, J&K, Jammu.
5. Special Secretary to the Chief Secretary, J&K.
6. Private Secretary to the Principal Secretary to the Government, PDD.
7. In-charge Website, PDD.
8. Stock file.

**(Misbah Arjumand), JKAS**

Under Secretary to the Government

26/3/24 Nishal