



BHARAT SANCHAR NIGAM LIMITED
(A GOVERNMENT OF INDIA ENTERPRISE)
SR Cell, Corporate Office
8th Floor, Bharat Sanchar Bhawan,
Harish Chander Mathur Lane,
Janpath, New Delhi-110 001

F.No.BSNL/7-1/SR/2019

Dated: 27.08.2019

ADVISORY

Instance of gherao of some senior officers by the employees have come to the notice of this office.

In this regard, attention is invited to the following provisions contained in DoT letter No. 39-24/87-SRT dated 07.10.1987:

Gherao: Gheraos are pre-judicial to the maintenance of public order and come within ambit of restraint, wrongful confinement, criminal trespass and incitement to commit offence. Such offences are punishable under the relevant provisions of Indian Penal Code. They are also subversive of discipline and harmful to public interest. Participation in such Gheraos by Govt. servants amount to conduct wholly unbecoming of Govt.servant and would constitute good and sufficient reasons within the meaning of Rule 11 of the CCS(CCA) Rules, 1965 besides coming within the purview of Indian Penal Code.

Following line of action has been advised to be taken against the offenders vide OM No. 25/S.11/67-Ests.(A), dated the 13th April, 1967:

(i) *Disciplinary action should be taken against the prominent participants in the 'Gherao' for contravention of Rules 3 and 7 of the Central Civil Services (Conduct) Rules, 1964. In the charge-sheet to be served in pursuance of such disciplinary action, it should be specified to the extent that the facts justify, that demonstrations prejudicial to public order and involving criminal offences, namely, wrongful restraint, wrongful confinement, criminal trespass and incitement to such offences, have been held; that such conduct was subversive of discipline and harmful to the public interest; and that the conduct was wholly unbecoming of a Government servant.*

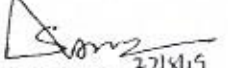
(ii) *Absence from work on account of participation in 'Gherao', should in all cases be treated as unauthorized absence involving break in service. The absence should not be regularized as leave of any kind.*

(iii) Whenever there is a case of 'Gherao', wrongful restraint, wrongful confinement or criminal trespass or of any other cognizable offence, a written report should be made to the Officer-in-charge of the Police Station having jurisdiction, requesting him to register the offence and to take action under the law. The names of the offenders should be included in the written report. Copies of the report should be endorsed to the Police Commissioner/Superintendent of Police and the Home Secretary to the State Government concerned for necessary action according to law.

(iv) If, notwithstanding the mandatory provisions of the Criminal Procedure Code, Police takes no action on such a report, action should be taken promptly to file a complaint before the appropriate Magistrate in respect of the substantive offences under the Indian Penal Code or other law. In certain circumstances a petition could be filed before the High Court for issue of the appropriate writ, but this should be done after taking legal advice.

Hence all are advised to desist from such type of agitation activities failing which suitable action shall be taken against them. Any attempt to gherao senior officers of the management not only endanger industrial harmony but create the problem of law and order also. A serious view shall be taken of such acts of lawlessness and indiscipline on the part of employees. It is, therefore, the duty of all the union leaders & employees to condemn this form of protest and maintain industrial peace and harmony.

This is issued with the approval of competent authority.


(Shyam Arora)
27/8/19
AGM (SR), BSNL C.O.

Copy to:

1. All non-executive employees' Unions in BSNL which participated in the last membership verification.
2. All Associations in BSNL.
3. All CGMs- with the request to give wide publicity to this circular.
4. All PGM/GM, HR Vertical, BSNL CO, New Delhi
5. DDG(SR), DoT, New Delhi.
6. CLC(C), Ministry of Labour, Shram Shakti Bhawan, New Delhi.


Endst. No : CGMT/MH/Admn-I/Agitation/2018-19/Part-File/72

Dated at Mumbai the – 27 /08/2019.

Copy of Advisory No. BSNL/7-1/SR/2019 dated 27-08-2019 received from Assistant General Manager (SR) ,BSNL C.O. New Delhi is endorsed for information & necessary action.

To:-

- 1] All SSA / Unit Heads of Maharashtra Telecom Circle.
- 2] All Circle Secretaries / District Secretaries / Representatives of Unions / Associations functioning in BSNL Maharashtra Telecom Circle.


Assistant General Manager (Admn)

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