

No. BSNL/31-7/SR/2016 (pt)

Dated: 10-04-2017

To

All Unions/Associations.

Subject : Notice of Strike – Regarding.

Sir,

It has been observed in some of the cases that intimation of the strike/demonstration etc. Is given not fulfilling the prescribed requirements. Some of the non-compliance observed are as follows:

- a) It is addressed to only CMD, BSNL /Secretary, DoT but a copy is not given to this office i.e. SR Cell BSNL CO.
- b) The statutory requirement of notice period is not met.
- c) A hard copy of the notice is not delivered in this office and it is uploaded only in website of the Association/ Union or at times it is delivered just before the strike/demonstration.
- d) Notice is not submitted in the form prescribed under the relevant rules i.e. Form-L prescribed in ID (Central) Rules, 1957.
- e) It does not specify the date of strike.
- f) Copy of the notice is not given to the concerned Conciliation Officer having the jurisdiction on the matter i.e. concerned RLC as per the requirement of Form-L.

2. In view of the above, it is advised that the statutory notice as required under Section 22 (1) of ID Act 1947 shall be in the Format-L as prescribed under Rule 71 (1) of ID (Central) Rules, 1957 which reads as

Rule 71. Notice of Strike :-

- (1) The notice of strike to be given by workmen in a public utility service shall be in Form L.
- (2) On receipt of a notice of a strike under sub rule (1), the employer shall forthwith intimate the fact to the Conciliation Officer having jurisdiction in the matter.

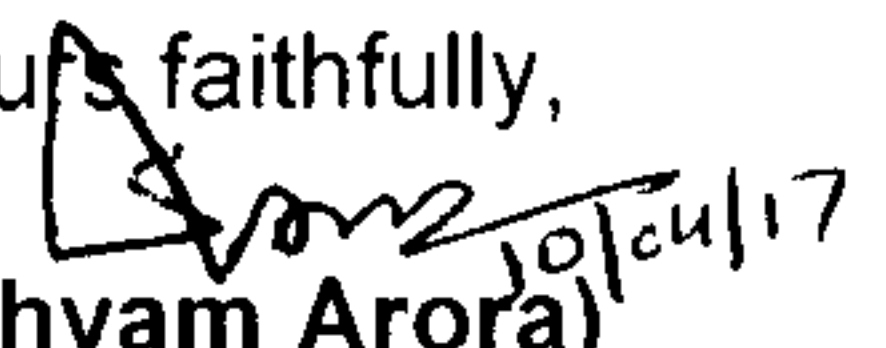
3. Perusal of the relevant provisions and the Scheme under Section 22 (1) of ID Act read with Rule 71 of ID (Central) Rules, 1957 leaves no doubt that the compliance of the contents of the prescribed notice is mandatory. BSNL provides the Telecom Services and as per provisions under section 2(n) of ID ACT, 1947 "**Telecommunication is a public utility service**".

4. Kindly note that the Notice not fulfilling the requirements as above shall render the notice ineffective as a statutory notice as contemplated under Section 22 (1) of the ID Act 1947 read with Rule 71 of ID (Central) Rules, 1957.

5. It is therefore advised that the notice of strike/demonstration shall be given fulfilling all the above requirements.

A sample copy of Format L as prescribed in ID (Central) Rules, 1957 is enclosed.

Encl.: As above.

Yours faithfully,

(Shyam Arora)

Asstt. General Manager (SR)

Copy for information to:

1. PPS to CMD, BSNL./Director(HR), BSNL CO
2. All CGMs.

FORM L**[SEE RULE 71]****FORM OF NOTICE OF STRIKE TO BE GIVEN BY ¹[UNION/WORKMEN] IN
PUBLIC UTILITY SERVICE
NAME OF UNION**²[Names of five elected representatives of workmen.]

Dated the day of20.....

To

(The name of the employer)

Dear Sir/Sirs,

In accordance with the provisions contained in sub-section (1) of section 22 of the Industrial Disputes Act, 1947; I/We hereby give you notice that I propose to call a strike/ We propose to go on strike on20....., for the reasons explained in the annexure.

Yours faithfully,
Secretary of the Union

³[Five representatives of the workmen duly elected at a meeting held on.....(date), vide resolution attached]

ANNEXURE

Statement of the case.

Copy to :

- (1) Assistant Labour Commissioner (Central).....
(Here enter office address of Assistant Labour Commissioner (Central) in the local area concerned)
- (2) Regional Labour Commissioner (Central) Zone.
- (3) Chief Labour Commissioner (Central), New Delhi.