

A scenic landscape featuring rolling green hills and a winding asphalt road. In the background, a dense forest covers a hillside, with some trees showing autumnal colors. The sky is filled with dramatic, grey clouds. The overall mood is serene and natural.

# **OFFICERS' CAUSE DECEMBER - 2025**





UNION IS STRENGTH

# OFFICERS' CAUSE

**OBSERVE AGITATIONAL PROGRAMMES****GET READY FOR STRIKE ACTION****WE DEMAND : IMPLEMENTATION OF 5 DAYS BANKING PER WEEK**

**Text of AIBOC Circular No. 2025/43, dated 28.11.2025 , reproduced text of UFBU Circular no. 2025/16 dated 28.11.2025.**

The issue and our demand are known to everyone. Due to the increasing stress and strain with which employees and officers are working in the Branches, UFBU demanded introduction of 5 working days per week.

In the 10th Bipartite Settlement / 7th Joint Note signed in 2015, it was agreed that 2nd and 4th Saturdays of every month will be holidays and in lieu of that the remaining Saturdays will be full working days.

In the negotiations for the 11th Bipartite Settlement/ 8th Joint Note, we pursued our demand for declaring the remaining Saturdays also as holidays. But it could not be materialized at that time, as our settlement was signed during the covid pandemic period.

Hence the issue was again taken up during the negotiations for the 12th Bipartite settlement / 9th Joint Note. After a lot of discussion, IBA agreed as under in the MOU signed on 7-12-2023.

\* Regarding introduction of 5 Day Banking,

while IBA has already recommended the same to the Government, IBA agreed to pursue the matter with the Government so that the same is cleared without further delay. We have emphasized and urged that in any case it should be introduced before our final settlement.

In the final settlement/Joint Note signed on 8-3-2024, the following clause was agreed upon and provided:

\* **Weekly off** : In terms of understanding dated 7th December, 2023, reached between IBA and Workmen Unions for declaration of all Saturdays as holidays under Negotiable Instrument Act for Banking industry, IBA has accordingly recommended to the Government. The due changes in the working hours, will be effective after approval by the Government of India and necessary clearances from Government / Reserve Bank of India.

\* Thus, it is two years since the issue has been recommended to the Government for approval. Government is also aware that this is one of the important demands of the UFBU. Government is equally aware that due to multiple reasons, bank staff are working under undue physical and mental stress. Due to inadequate staff,

employees, officers and Managers are working under extreme pressure of work. Hence our demand for declaring the remaining Saturdays as holidays is most reasonable and justified.

\* In the financial sector, already in RBI, LIC and GIC, this has been implemented. Hence bank employees and officers are aggrieved that they are being discriminated while it is stressful to work in the Banks.

\* Hence, when UFBU gave the call for agitation and strike in the month of March, 2025, this was one of the important demands. In the conciliation meeting held by the Chief Labour Commissioner, in which the Finance Ministry representatives also participated and assured that

the recommendation of the IBA in this regard was under active consideration. This was one of the reasons why UFBU deferred the strike programme.

\* But in the last more than six months, the Government has not moved in the matter and it is still pending. The assurances given during the conciliation meeting remains only assurances but with no result.

\* Hence in our last UFBU meeting it was decided to manifest our protest against this undue delay in considering our demand and the IBA's recommendation of the understandings reached in the Settlement in March, 2024. It was decided to undertake agitational programmes including strike action.

<b>1<sup>st</sup> Dec. 2025 to 15<sup>th</sup> Jan. 2026</b>	<b>Campaign meetings, workshops, seminars, etc at all levels to explain the programmes and also appraise our members about the various attacks ahead of us at present like merger, FDI, privatisation, etc.</b>
<b>01-12-2025</b>	<b>UFBU letter to IBA informing them about the agitation</b>
<b>03-12-2025</b>	<b>UFBU letter to CLC informing them about the agitation</b>
<b>05-12-2025</b>	<b>UFBU letter to DFS informing them about the agitation</b>
<b>08-12-2025</b>	<b>UFBU letter to all MDs informing them about the agitation</b>
<b>09-12-2025</b>	<b>Mass Memorandum by all members from all Branches to IBA</b>
<b>12-12-2025</b>	<b>Mass Memorandum by all members from all Branches to FM</b>
<b>16-12-2025</b>	<b>Badge Wearing</b>
<b>23-12-2025</b>	<b>Demonstrations in all State Capitals</b>
<b>30-12-2025</b>	<b>Demonstration in all centres, towns and Districts</b>
<b>04-01-2026</b>	<b>Twitter campaign</b>
<b>05-01-2026</b>	<b>Dharna in all State Capitals – Announcing the date of Strike</b>
<b>13-01-2026</b>	<b>Press meet/ press release</b>
<b>3<sup>rd</sup> week of Jan. 2026</b>	<b>All India Strike</b>

Comrades, we have waited enough. Our patience is being misunderstood. Our genuine demand is being ignored. Hence the agitation is forced on us now. Implement the programme with unity and militancy.■

**NATION FIRST, ORGANISATION NEXT, INDIVIDUAL LAST**

## DISCUSSION BY SECRETARY, DFS WITH UFBU

*Text of AIBOC Circular No. 2025/42, dated 27.11.2025, reproduced the text of UFBU Circular no. UFBU/2025/15 dated 27.11.2025*

After the Gazette notification by Government on 21-11-2025 on implementation of the four Labour Codes in replacement of the 29 existing labour laws, a lot of apprehensions and concerns have been raised amongst the trade unions and employees at large. In this background, the Department of Financial Services, Ministry of Finance contacted us and desired a meeting with the UFBU to understand our concerns.

Accordingly, today, DFS held a meeting with UFBU representatives in their office in New Delhi. From DFS, Mr. M Nagaraju, Secretary, along with Ms. Shalini Pandit, Joint Secretary, Mr. Mohd. Ashraf, Dy. Secretary, Mr. Sanjeev Kumar Mishra, Under Secretary and Mr. V.S. Tiwari, Under Secretary participated in the meeting. From UFBU, all our representatives were present.

From DFS, they wanted to know and understand the concerns of the Unions about the new Labour Codes. From our side, we pointed out that labour rights in our country have evolved over the years due to the continuous efforts of the trade union movement and working class. We informed that while improvements and changes in the labour laws are necessary according to changing needs and aspirations, the same have to be undertaken in consultation with the Central Trade Unions.

We pointed out that the youth of our country need regular and permanent jobs and hence the labour laws should promote the same instead of encouraging contractual jobs. We also pointed out that while the Labour Code talks of payment of gratuity after one year's service, our demand for increasing the limit to Rs. 25 lacs has not been acceded to. We further said that while some of the provisions and procedures under the existing labour laws need simplification, it should not result in dilution of any of our existing labour rights.

We reiterated our view that the Labour Ministry should engage in discussion with the Central Trade Unions and ensure that any change in labour laws is undertaken after due consultation process.

Other issues : Taking advantage of the meeting with the Secretary, DFS, we brought to his attention our pending issues like implementation of 5 Days Banking, filling up of posts of Workman and Officer Directors in PSBs, adequate recruitments of clerical, substaff and security staff in the Banks, updation of pension, premium on Group Medical insurance Policy for retirees to be borne by Banks, etc.

We also informed the Secretary, DFS that UFBU is always for strengthening our public sector banks and would be willing to submit our views and suggestions towards the same and for which the DFS may hold meeting with the UFBU. ■

## RBI'S REVISED NORMS EMPOWER CO-OPERATIVE BANKS WITH GREATER AUTONOMY

RBI's final business authorisation norms expand operational autonomy for co-op banks while strengthening oversight, introducing a four-tier framework for the diverse UCB sector

These revisions strike a balanced approach, empowering co-operative banks with enhanced operational autonomy while embedding robust

safeguards, the RBI said in a statement.

The Reserve Bank of India on Thursday issued revised norms for cooperative banks to help them expand credit outreach, leverage technology-driven solutions, and support localised development priorities.

**SUCCESS AWAITS AT THE DOOR WHERE DILIGENCE IS**

These revisions strike a balanced approach, empowering cooperative banks with enhanced operational autonomy while embedding robust safeguards, RBI said in a statement.

The calibrated relaxation of authorisation norms paves the way for cooperative banks to contribute to India's economic growth, it added.

The banking regulator had from time to time issued instructions to these banks like urban cooperative banks (UCBs), state cooperative banks (StCBs) and district central cooperative banks (DCCBs), on topics such as the location of a bank's business, how to change its name, and other scheduling matters.

On July 28, the RBI placed draft Master Direction (MD) on Business Authorization for Co-operative Banks (Directions), 2025 to harmonise the instructions and guidelines and consolidate them in one place. The feedback received from banks and other stakeholders has been examined and the consequent modifications have been suitably

incorporated in the final directions, it added. Referring to UCBs, RBI said it has adopted a four-tiered regulatory framework, given the heterogeneity in the urban cooperative sector. This approach focuses on balancing the spirit of mutuality and cooperation more prevalent in banks of smaller sizes and those with limited area of operation vis-à-vis the large-sized UCBs to expand and engage in more complex business activities. RBI said it was not considering any fresh proposal for new UCBs or for conversion of cooperative credit societies into UCBs.

UCBs are categorised into the following four tiers for regulatory purposes, with Tier-1 covering banks having deposits up to ₹100 crore. Tier-2 would comprise of UCBs with deposits of more than ₹100 crore and up to ₹ 1,000 crore. Tier-3 would cover urban banks with deposits of more than ₹ 1,000 crore and up to ₹ 10,000 crore, and Tier-4 would have UCBs with deposits of more than ₹ 10,000 crore, the RBI said.■

*Source: Business Standard, Dt 05/12/2025*

## **BANK DEPOSIT GROWTH SLIPS TO 7-QTR LOW OF 9.9% IN Q2**

The rural, semi-urban and urban branches registered 11.7 per cent, 10.7 per cent and 9.5 per cent deposit growth, respectively, during the same period, the RBI's quarterly data on bank deposits said.

Scheduled commercial banks' deposits growth slowed to a seven-quarter low of 9.9 per cent in the July-September 2025 period, compared to a 11.7 per cent growth a year-ago, the Reserve Bank of India (RBI) data showed.

Metropolitan branches, having larger share of deposits, exhibited moderation in deposit growth to 9.6 per cent in September 2025 from 12.7 per cent a year ago.

The rural, semi-urban and urban branches registered 11.7 per cent, 10.7 per cent and 9.5 per cent deposit growth, respectively, during the same period, the RBI's quarterly data on bank deposits said.

During the September quarter, public sector banks (PSBs) recorded an improvement in share of deposits

to 57.6 per cent from 57.3 per cent in the previous quarter.

Private sector bank deposit growth declined to 10 per cent in September from 15.1 per cent a year ago.

In the reporting quarter, there was a declining trend in term deposit growth (11.6 per cent). However, growth in current (9.3 per cent) and savings deposits (6.7 per cent) was higher in Q2 FY26.

At the end of September, 69.8 per cent of term deposits were held under the original maturity bucket of 'one to three years' compared with 66.8 per cent a year ago, and 20 per cent of term deposits were held under maturity period up to one year.

The share of term deposits bearing interest rate of less than 7 per cent surged to 46 per cent in September from 31.2 per cent a year ago, the data showed.■

*Source: The Indian Express, dt. 5/12/2025*

**ARISE, AWAKE, STOP NOT TILL THE GOAL IS REACHED**



## PSU BANKS GAIN LEAD IN HOME, AUTO LOANS AS RETAIL CREDIT DEMAND REBOUNDS

Loans above ₹ 75 lakh now contribute 39.4 per cent of total originations. PSU banks strengthened their lead in the segment, lifting their market share to 50 per cent, according to data from CRIF High Mark, a credit information bureau registered with the RBI.

A low-rate phase is not a signal to rush into a home loan. It gives you the space to plan better, because a home loan is a long-term commitment that stays steady across interest rate cycles.

Public sector banks have gained an edge over private lenders in the personal loan market, particularly in home and auto loans, as demand continued to recover in the second quarter ended September of FY26. Retail and consumption loan outstandings grew 18 per cent on a year-on-year basis and 4.5 per cent quarter-on-quarter, led by gold loans, auto loans and two-wheeler loans, says a report.

Home loan origination surged to Rs 3.02 lakh crore in Q2, up 25 per cent quarter-on-quarter, supported by an 18 per cent rise in loan volumes and a clear move toward high-value credit. Loans above ₹ 75 lakh now contribute 39.4 per cent of total originations. PSU banks strengthened their lead in the segment, lifting their market share to 50 per cent, according to data from CRIF High Mark, a credit information bureau registered with the RBI.

Loan origination refers to the entire process of creating a new loan — from the moment a borrower applies to the moment the lender approves and disburses the money. Overall personal loan portfolios grew 12 per cent year-on-year and 2.9 per cent sequentially, helped by a strong recovery in fresh disbursements to ₹ 2.92 lakh crore (+32 per cent quarter-on-quarter or QoQ). Large-ticket loans above ₹ 10 lakh accounted for 37.4 per cent of origination value, largely driven by PSU banks. At the other end of the spectrum, NBFCs continued to dominate small-ticket loans, accounting for 90 per cent of volumes, CRIF High Mark said.

In the auto loan market, portfolio growth picked up to 16.3 per cent year-on-year and 2.9 per cent quarter-on-quarter as disbursements rose to Rs 96,000 crore (+15.9 per cent QoQ) after two slow quarters. The average loan size increased to ₹ 8.7 lakh. PSU banks expanded their share to 40.4 per cent, while NBFCs maintained a strong grip on volumes.

Gold loans surged, with portfolio outstanding jumping 35.8 per cent year-on-year and 8.6 per cent quarter-on-quarter to ₹ 14.5 lakh crore. This was propelled by stricter norms for unsecured credit and demand for quick, collateral-backed financing amid high gold prices. Origination value grew fastest among all products (53 per cent), with NBFCs leading the volume game and PSU banks leading value.

Sachin Seth, chairman of CRIF High Mark and regional managing director – CRIF India & South Asia, said the data reflects strong demand and robust lender performance.

"India's retail credit cycle is on a stable footing, led by a decisive shift toward secured lending and more responsible underwriting," he said. "How India Lends (report) is designed to decode these transitions and equip lenders and policymakers with actionable intelligence."

On a year-on-year basis, non-food bank credit grew by 10.2 per cent as on the fortnight ended September 19, 2025, compared to 13.0 per cent during the corresponding fortnight of the previous year (September 20, 2024), according to the RBI. Credit to agriculture and allied activities registered a y-o-y growth of 9.0 per cent (16.4 per cent in the corresponding fortnight of the previous year). Credit to industry recorded a y-o-y growth of 7.3 per cent, compared with 8.9 per cent in the corresponding fortnight of last year.■

*Source: The Indian Express, dt. 5/12/2025*

## **THE RBI HAS CUT RATES. BUT NOTHING CHANGES OVERNIGHT**

*A 25 bps cut will help the economy, but don't expect instant relief on your EMIs.  
Monetary policy works in slow motion.*

### ***RBI rate actions tend to influence lending rates but may not immediately***

Typically, almost every time, RBI rate actions trigger a set of usual questions. If one takes the latest instance too, the Reserve Bank of India's rate cut on Thursday has sparked the same set of questions: Will my EMI come down? Should I wait before fixing a home loan? Will deposit rates drop? And the answer to all three is the same—there is no magic immediately. Let's look at these questions in this column.

Of course, a policy rate cut is big news, but it is not a switch that changes everything overnight. Think of it as easing the steering wheel of a large ship. You turn it now, but the ship responds slowly. That is exactly how monetary policy works.

The RBI cut the repo rate by 25 basis points, bringing it to 5.25 per cent. It also promised to inject Rs one lakh crore into the banking system through open market operations. Both decisions are meant to make borrowing cheaper over time. But banks don't adjust their own rates the moment the Governor finishes speaking.

They look at their cost of funds. This means what they pay depositors, how much cash they have, and how tight or loose liquidity is.

This is why the RBI added the liquidity boost. Without it, the rate cut alone would not have travelled far. When liquidity improves, banks get more comfortable lowering lending rates. Even then, the response is staggered. Home loan EMIs, for instance, may fall a little in the next few weeks, not the next few hours. For MSMEs and small borrowers, it may take even longer.

For savers, the change is also gradual. Deposit rates will not collapse suddenly. Banks compete fiercely for deposits, and nobody wants to lose customers by cutting too quickly. The larger worry for savers is inflation. The good news is that inflation has dropped to historic lows, which means the real value of your savings is protected even if deposit rates soften a bit.

If you follow markets, the reaction there too follows this pattern. Bond yields fall first because the bond market moves instantly to RBI signals. Equity markets respond to a mix of global cues, earnings, and sentiment. A rate cut helps, but it doesn't rewrite the script.

So why make such a big deal about 25 basis points if it doesn't transform anything overnight? Because monetary policy is about momentum. It tells businesses, banks, and consumers which way the wind is blowing. After months of waiting, today's move signals the start of a cycle where borrowing costs could trend lower for a while—provided inflation stays tame.

What matters is the direction, not the speed. The RBI doesn't want a sudden surge in borrowing or a sudden drop in deposit rates. It wants a slow, controlled shift, where the economy gets support without losing stability.

So, the message for the average reader is simple: the rate cut will help you—just not all at once. Your EMI will ease, deposit rates may soften a bit, and credit might feel a little easier. But monetary policy is not a breaking news event. It is a slow-moving process, and today was just the first step. ■

**Source: Money Control E-paper Dt. 08/12/2025**  
**Article by Dinesh Unnikrishnan**

## **CREDIT CARD-RELATED CUSTOMER COMPLAINTS RISE AS THE CARDS IN CIRCULATION GROW**

The RBI Ombudsman received 50,811 complaints from consumers relating to credit cards, a 20% growth from FY24, and making up around 17% of the total complaints of over 2,96,000

As banks get aggressive on bringing out and marketing various kinds of the credit card, customer complaints relating to this product dominated grievances taken to the banking and financial services Ombudsman in FY25.

The RBI Ombudsman received 50,811 complaints from consumers relating to credit cards, a 20 per cent growth from FY24, and making up around 17 per cent of the total complaints of over 2,96,000. In FY23, credit card complaints made up just about 13 per cent of the total complaints as more grievances and queries raised pertained to mobile and electronic banking. It was 12 per cent in FY22, annual reports show.

Further, 64 per cent of the credit card complaints of FY25 came from private banks, a segment that has been most aggressive in selling the product. Analysts note that more complaints in this product reflects the rise in number of cards in circulation and increased usage by customers across banks and NBFCs. RBI data shows a 7.8 per cent YoY growth in total number of credit cards outstanding in private banks from FY24 to FY25.

“There has been a significant push by banks, especially private banks, in credit card products in

the last 1-2 fiscals. From the consumers side, there is an increased demand for credit cards, not just as a credit product, but for the reward points and other benefits these bring,” Vivek Iyer, Partner and Financial Services Risk Leader, Grant Thornton Bharat, said. “A look at the airport lounges can attest to the number of credit cards owned per person among urban India,” he added. Overall, he noted that the Ombudsman annual report reflects the need for the regulator to create more awareness amongst customers in the semi-urban and rural areas.

The number of complaints under other categories such as mobile/electronic banking and ATM/Debit card related grievances dipped 13 per cent and 28 per cent respectively, indicating maturing usage and easing out of issues.

Overall, complaints against the banks formed the largest portion (2,41,601), accounting for 81.5 per cent of complaints received by the offices of the RBI Ombudsman, followed by NBFCs (43,864) accounting for 14.8 per cent during FY25.

Among the banks, the share of complaints received against private sector banks was the highest and increased from 34.4 per cent in FY24 to 37.5 per cent in FY25. However, the share of complaints received against the public sector bank, which was the highest in FY24 at 38.3 per cent, declined to 34.8 per cent in FY25. ■

**Source: Business Line, Dt. 08/12/2025 Article By Sindhu Hariharan**



**[2025 (187) FLR 107]  
(UTTARKHAND HIGH COURT)  
MANOJ KUMA TIWARI,J  
W.P.MISC. SINGLE NO. 1400 OF 2022  
JUNE 26, 2025  
BETWEEN  
M.C.G.M.V.N. LTD AND ANOTHER  
AND  
PRESIDING OFFICER, LABOUR COURT, DEHRADUN AND ANOTHER**

*U.P. Industrial Dispute Act, 1947-Sections 2(s)(iv) and 2(z)-Termination-Award of reinstatement with continuity of service and back wages-Hence, instant petition-Respondent No. 2/204kman was allowed to work as clerk which was to denied by appellant-Enquiry-was held in violation of principles of natural justice-workman was also denied opportunity to defend himself-Finding returned by Labour Court was finding of fact, which oud not be interfered under Article-227 of the Constitution of India-No interreference-Writ petition dismissed. [Para 12 to 18]*

*Petitioner has not made any averment in his written statement filed before learned Labour Court to show that duty of respondent No.2 was to supervise the work of other workers. Respondent NO. 2 had no disciplinary control over other employees and as per his unrebutted statement, he was discharging duties of a Clerk.*

*The wage limit of ₹ 500/- was fixed in Section 2(s)(iv) several decades ago, when money had more purchasing power. With the passage of time, the said wage limit has become otiose and a person serving in the lowest rung of employment in any establishment today is getting many times more wages than what is specified in Section 2(s)(iv) of U.P. Industrial Disputes Act. Industrial Disputes Act is a beneficial legislation, therefore, it requires a liberal interpretation.*

*Learned Labour Court considered and discussed all relevant aspects and held the domestic enquiry, which culminated in passing of termination order against respondent No.2, was held in violation of principles of natural justice and further that respondent NO.2 was denied reasonable opportunity to defend himself. The finding returned by leaned Labour Court is a finding of facr, which cannot be interfered with in a petition under Articles 227 of the Constitution.*

**Counsel for the Petitioners:** Ms. Abhilasha Tomar and Sandeep Kotharti.

**Counsel for the Respondent:** Nagesh Agarwal

### **JUDGMENT**

MANOJ KUMAR TIWARI, J- This is employer's petition under Article 227 of the Constitution challenging the award dated 17.02.2022 rendered by learned Labour Court, Dehradun in Adjudication Case No. 24 of 2012. By the said award, termination of service of respondent no.

2 was declared to be unjust and illegal and it was provided that the workman shall be entitled to reinstatement with continuity of service and back wages at the rate of 5 percent of his monthly salary from the date of raising the dispute till the date of his reinstatement.

**OUR LIFE IS WHAT OUR THOUGHTS MAKE IT**

2. Learned counsel for the petitioners submits that respondent no. 2 was appointed as Production Supervisor in Garhwal Mandal Vikas Nigam, therefore, learned Labour Court had no jurisdiction to entertain and decide the dispute raised by respondent no. 2, who was not a workman. It is further contended that the work and conduct of respondent no. 2 was far from satisfactory and due to the misconduct committed by him, domestic enquiry was initiated against him by issuing a charge sheet; since he did not participate in the enquiry, therefore, after issuing show cause notice on 08.04.1999, his services were terminated vide order dated 01.07.1999. Thus, she submits that interference made by learned Labour Court in the matter is unwarranted in the facts and circumstances of the case.

3. Per contra, Mr. Nagesh Agarwal, learned counsel appearing for respondent no. 2 submits that although the designation given to petitioner was Supervisor, however, he had no supervisory powers and he was simply discharging clerical functions, such as, making challan, maintaining record of the production in the factory, preparing challan for transporting the goods out of the factory, etc. He further submits that charge sheet was not served upon respondent no. 2 nor his reply was ever sought regarding the charges, and the show cause notice was also not served upon him. He further submits that one Sri Rajesh Naithani appears to have been appointed as enquiry officer, but no intimation regarding the enquiry was sent to respondent no. 2, therefore, he was not aware about pendency of any enquiry and the enquiry, if any, was held in absolute violation of principles of natural justice and his services were terminated, without issuing show cause notice, on 01.07.1999.

4. Based on the pleadings made by the parties, the following three points for determination were

formulated by learned Labour Court:-

- (i) Whether the domestic inquiry proceedings were conducted by the OP in accordance with the Principles of Natural Justice? If no, then effect?
- (ii) Whether the termination of service of workman Chintamani Sharma by the Ops w.e.f. 01.07.1999 is proper and/or legal? If no, then effect?
- (iii) The workman is entitled to what benefit/relief?

5. Respondent no. 2 appeared as witness and filed his affidavit. One Sri K.N. Nautiyal, Assistant General Manager, Tourism, GMVN was examined as employer witness.

6. On the first issue, learned Labour Court held that domestic enquiry was held in violation of principles of natural justice and respondent no. 2 was not given reasonable opportunity to defend himself. Issue nos. 2 & 3 were also decided in favour of respondent no. 2 by holding that as the domestic enquiry was held without granting opportunity to defend himself to respondent no. 2, therefore, the termination order passed, on the strength of such domestic enquiry, is not sustainable in the eyes of law.

7. Mr. Nagesh Agarwal, learned counsel for respondent no. 2 has drawn attention of this Court to the averment made in para 1 of the written statement filed by his client before learned Labour Court, where it is stated that even though designation given to respondent no. 2 was Supervisor, but he discharged duties of a Clerk e.g., maintaining record of the production made in the factory, preparing challan for transporting the goods out of the factory etc. He further submits that employer, in para 1 of his written statement, admitted this statement made by respondent no. 2 in para 1 of his written statement. Thus, he submits that petitioner cannot be permitted to raise the

contention regarding status of respondent no. 2, at this belated stage.

8. Section 2(z) of the U.P. Industrial Disputes Act, 1947 defines "Workman" as follows:-

"'Workman' means any person (including apprentice) employed in any industry to do any skilled or unskilled manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person -

- (i) who is subject to any Army Act, 1950 or the Air Force Act, 1950, or the Navy (Discipline) Act, 1934; or
- (ii) who is employed in the police service or as an officer or other employee of a prison; or
- (iii) who is employed mainly in a managerial or administrative capacity; or (iv) who being employed in a supervisory capacity, draws wages exceeding five hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature."

9. From the aforesaid definition of 'Workman', it is revealed that a person employed in any industry to do skilled or unskilled manual, supervisory, technical or clerical work is a Workman. However, such person are not included in the definition of workman; (i) who are subject to Army Act, Air Force Act or Navy (Discipline) Act; (ii) who is employed in the police service or

as an officer/employee of a prison; (iii) who is employed mainly in managerial or administrative capacity; and (iv) who being employed in supervisory capacity draws wages exceeding five hundred rupees per month or exercise functions mainly of a managerial nature.

10 In determining the question whether an employee is a workman under Section 2(z) of the U.P. Industrial Disputes Act or not, the Court has to see the principal duty/responsibility of an employee and neither his designation is decisive nor any incidental work that he may be required to do shall get him outside the purview of workman. Anyone whose principal job and nature of employment is manual, technical or clerical would be a workman. Although the designation given to respondent no. 2 is that of a Supervisor, however, a Supervisor is one who has authority over others; someone who superintends and directs others. Thus, an employee, who in the interest of employer, is responsible to control the work done by other workers and if the work is not done correctly to guide them to do it correctly, as per norms, shall certainly be a Supervisor.

11. Petitioner has not made any averment in his written statement filed before learned Labour Court to show that duty of respondent no. 2 was to supervise the work of other workers. Respondent No. 2 had no disciplinary control over other employees and as per his un rebutted statement, he was discharging duties of a Clerk.

12. In the present case, respondent no. 2 made a categorical statement in his written statement that he was employed to do clerical work in the factory and this statement was admitted by the employer in his written statement. Admission is the best evidence, therefore, learned Labour Court was not expected to delve into this aspect any further. Employer did not lead any evidence regarding duties and function of respondent no. 2 to prove that he was not a workman. Moreover, employer did not raise any contention before learned Labour Court on the question of its jurisdiction to entertain the dispute, therefore, the employer cannot be permitted to raise the issue of status of respondent no. 2, in these proceedings.



13. Learned counsel for the petitioner then submitted that respondent no. 2 was getting wages exceeding ₹ 500/- per month, therefore, he cannot be treated as workman in view of provision contained in Clause (iv) of Section 2(2) of Industrial Disputes Act.

14. The said submission looks attractive in the first blush, but on a deeper scrutiny, the said contention cannot be countenanced. The wage limit of ₹ 500/- was fixed in Section 2(s)(iv) several decades ago, when money had more purchasing power. With the passage of time, the said wage limit has become otiose and a person serving in the lowest rung of employment in any establishment today is getting many times more wages than what is specified in Section 2(s)(iv) of U.P. Industrial Disputes Act. Industrial Disputes Act is a beneficial legislation, therefore, it requires a liberal interpretation.

15. Learned Labour Court considered and discussed all relevant aspects and held that the domestic enquiry, which culminated in passing of termination order against respondent no. 2, was held in violation of principles of natural justice and further that respondent no. 2 was denied reasonable opportunity to defend himself. The finding returned by learned Labour Court is a finding of fact, which cannot be interfered with in a petition under Article 227 of the Constitution.

16. Law is well settled that while exercising supervisory jurisdiction under Article 227 of the Constitution, this Court does not sit as a court of appeal. Hon'ble Supreme Court in the case of Syed Yakoob vs. K.S. Radhakrishnan & others reported in 1964 AIR 477 has held as under:-

"7. The question about the limits of the jurisdiction of High Courts in issuing a writ of certiorari under Article 226 has been frequently considered by this Court and the true legal position in that behalf is no longer in doubt. A writ of certiorari can be issued

for correcting errors of jurisdiction committed by inferior courts or tribunals: these are cases where orders are passed by inferior courts or tribunals without jurisdiction, or is in excess of it, or as a result of failure to exercise jurisdiction. A writ can similarly be issued where in exercise of jurisdiction conferred on it, the Court or Tribunal acts illegally or properly, as for instance, it decides a question without giving an opportunity, be heard to the party affected by the order, or where the procedure adopted in dealing with the dispute is opposed to principles of natural justice. There is, however, no doubt that the jurisdiction to issue a writ of certiorari is a supervisory jurisdiction and the Court exercising it is not entitled to act as an appellate Court. This limitation necessarily means that findings of fact reached by the inferior Court or Tribunal as result of the appreciation of evidence cannot be reopened or questioned in writ proceedings. An error of law which is apparent on the face of the record can be corrected by a writ, but not an error of fact, however grave it may appear to be. In regard to a finding of fact recorded by the Tribunal, a writ of certiorari can be issued if it is shown that in recording the said finding, the Tribunal had erroneously refused to admit admissible and material evidence, or had erroneously admitted inadmissible evidence which has influenced the impugned finding. Similarly, if a finding of fact is based on no evidence, that would be regarded as an error of law which can be corrected by a writ of certiorari. In dealing with this category of cases, however, we must always bear in mind that a finding of fact recorded by the Tribunal cannot be challenged in proceedings for a writ of certiorari on the ground that the relevant and material evidence adduced before the Tribunal was insufficient or inadequate to sustain the impugned finding. The adequacy or

sufficiency of evidence led on a point and the inference of fact to be drawn from the said finding are within the exclusive jurisdiction of the Tribunal, and the said points cannot be agitated before a writ Court. It is within these limits that the jurisdiction conferred on the High Courts under Article 226 to issue a writ of certiorari can be legitimately exercised (vide Hari Vishnu Kamath v. Syed Ahmad Ishaque Nagandra Nath Bora v. Commissioner of Hills Division and Appeals Assam [(1958) SCR 1240] and Kaushalya Devi v. Bachittar Singh [AIR 1960 SC 1168])"

17. Similar view was taken by Hon'ble Supreme Court in the case of Sadhana Lodh v. National Insurance Co. Ltd., reported in (2003) 3 SCC 524. Para 7 of the said judgment is extracted below:-

"7. The supervisory jurisdiction conferred on the High Courts under Article 227 of the

Constitution is confined only to see whether an inferior court or tribunal has proceeded within its parameters and not to correct an error apparent on the face of the record, much less of an error of law. In exercising the supervisory power under Article 227 of the Constitution, the High Court does not act as an appellate court or the tribunal. It is also not permissible to a High Court on a petition filed under Article 227 of the Constitution to review or reweigh the evidence upon which the inferior court or tribunal purports to have passed the order or to correct errors of law in the decision."

18. Since learned Tribunal has returned findings of fact, which cannot be interfered with while exercising power of superintendence under Article 227 of the Constitution. Thus, any interference with the impugned award would not be warranted. *The writ petition fails and is dismissed.* ■

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