

***Officers' Cause,
February - 2019***



Editorial

MASSIVE DHARNA

It was a mammoth gathering of our members from all parts of the country as a part of agitation program chalked out by AIBOC on 4th February 2019, in the capital city of Delhi in order to highlight the issues of the Bank Officers and also to draw the attention of the Parliament which was in session in order to consider the Budget Presentation of the Central Government. The affiliates and their members gathered with banners and flags to demonstrate their unity and solidarity. The posters containing each and every issue was displayed by the members in the demonstrations and it was very attractive to the electronic as well as print media. The members from the media were busy taking the photographs of the demonstrators and also the issues raised by the Confederation. The members from the nearby affiliates of the Federation and also the entire leadership of the Federation was present in the demonstration and Dharna program to highlight the issues that are confronting the bank officers' movement. The Confederation has raised certain fundamental issues before the IBA and the Government initiatives on some of the issues despite there is around unhappiness about the steps taken by the Government of India. The issue of merger was also high on the agenda of our agitation. The Non-recovery of corporate loans, the need to take firm step for recovery of corporate loans, the question of providing additional capital

to the banks and also to take a fresh view on those banks who are under the scanner of the Prompt Corrective Action, the inordinate delay in the matter of bipartite settlement and the failure of the IBA and the Government in regard to resolution of the issue of Mandate etc., The action program was also to highlight the problems of the Pensioners' and the Family Pensioners and the improvement in the family pension as well as other superannuation benefits.

The major issues covering the agitation are:

- (i) To Oppose the proposed merger of Vijaya Bank, Dena Bank, Bank of Baroda and merger of Regional Rural Banks (RRBs)
- (ii) Opposing fractured mandate for officers, demanding decent wage revision based on Charter of Demand and Minimum Wages concept.
- (iii) Scrapping of NPS and restoration of defined pension scheme.
- (iv) Demanding Five Day Week.
- (v) Demanding updation of Pension and Revision of family Pension.
- (vi) Demanding publication of willful corporate defaulters list

(vii) Demanding adequate recruitment in PSBs

(viii) Protesting attack and assault on bankers

Our members are aware that the IBA is ignoring the sentiments of the Officers fraternity in the banking industry. It is aiming to create confusion amongst the rank and file across the country by holding series of meetings despite the fact that the Confederation is not attending the negotiations under protest demanding the resolution of the issue of the truncated mandate issued by certain banks taking a position that they are not allowing the IBA to discuss the salary revision in respect of Scale IV and above. This is not the first time that such a stalemate is created by IBA. The earlier attempts were nullified through the strong position taken by the Confederation. The Confederation represents the entire group of officers in the banking industry not discriminating between the scales. It has members beginning from Scale I to Scale VII and has been protecting their interest in the matter of bipartite settlement as well as all other service condition matters. Hence, the stand of IBA and the Government is most unreasonable and deserves to be rejected.

The leadership of the Confederation has taken a firm stand that unless the mandate issue is resolved, they will not partake in the negotiations. The slogan of the Confederation is "No Mandate - No Negotiations" and hence it is not participating in the meetings conducted by IBA since a couple of weeks.

The leaders from the various organizations as well as the affiliates of the Confederation addressed the gathering and extended their fraternal support to the agitating members of the Confederation. The issues were explained by the leaders at length and appealed to the members to remain cool and calm and not be swayed away by the cheap tactics of IBA and other vested interest in the banking industry. The Confederation has raised very serious issues and it needs to be resolved by the Government in the interest of the banking industry. It is the duty of the Government to save the Banking Industry from the current chaotic condition so that the banks will be able to come out of the

present crisis.

The massive assembly of the members in Delhi despite the tough weather condition is a clear demonstration of the mind of the members across the country that the issue of the Mandate should be resolved, before the Confederation participates in the negotiations with IBA. The leaders of the Confederation have addressed the gathering and assured the members that the Confederation will not leave the issue unsettled and it is willing to take the battle to the logical end.

The rally also witnessed the spontaneous participation of huge number of lady members and the youth, who chanted slogans all the way to the Parliament Street in support of our legitimate demands. Political and Central Trade Union leaders across the spectrum addressed the rally which included Shri Sanjay Singh, MP, Aam Aadmi Party, Shri N K Premachandran, MP Revolutionary Socialist Party, Shri Tapan Sen, General Secretary, CITU. This added an extra dimension to the protest programme.

Leaders of fraternal organisations were also present to extend their support. Shri Subhas S Sawant, General Secretary, INBEF, Shri Debasish Basu Chaudhury, General Secretary, BEFI, Shri Amit Chandan, Jt. Secretary, NOBO, Shri Srikantha Mishra, Secretary, AIIEA Delhi State Unit, Shri Subhash Lamba, All India State Govt. Employees Federation, Delhi State Unit, Shri V K Tomar, President AIPCOC, Shri Sebastin K, General Secretary, SNEA (BSNL), Shri K V Acharya, General Secretary, CBPRO, Dr. Prasenjit Bose, eminent economist and social worker addressed the gathering in support of our movement. We acknowledge with gratitude their support to our cause. We place on record our deepest appreciation to AIBOC Delhi State Unit, who under the leadership of Com Sunil Kumar Bansal, Secretary and Comrade Ravinder Gupta, President, shouldered onerous responsibility to organize the programme in a befitting manner. Kudos to State Units of adjacent states, who also put in their earnest effort to mobilise thousands of members, who braved climatic hazards and attended our program.

SUCCESS AWAITS AT THE DOOR WHERE DILIGENCE IS

The march with the multitudes of participants brimming with such tumultuous enthusiasm and fervour has ignited the pent-up angst, frustration and unbridled passion of the officer community, which would fuel our movement to its logical conclusion and thwart the evil designs of the government. The tremor generated by the bold footsteps and the thunderous slogans that resonated across the National capital has definitely served a wake-up call to the government. AIBOC has firmly established that it is a force to reckon with as we are connected to 80 crore citizens of the country. The day of 4th February, 2019 would be engraved in golden letters in the annals of the history of officers'

trade union movement. The remarkable and resounding show of solidarity, dedication, grit, gumption and determination displayed by the participants was a clarion call to the powers to wake up from slumber and realise the magnitude of the challenge posed by AIBOC and also to realise that we are now a formidable opinion forming force in the country and we are confident that it is only a matter of time before our concerns would be heard and addressed.

We take this opportunity to again convey our sincere thanks and appreciation to all our affiliates for their unstinted support and making our Maha Morcha an outstanding success. ■

*Wage
Negotiation*

JOINT LETTER ON WAGE NEGOTIATION: NEGOTIATING COMMITTEE MEETING WITH UNIONS/ASSOCIATIONS

In this context, we would like to inform you that we, the following two Officers' Associations, namely, All India Bank Officers' Confederation (AIBOC) and National Organisation of Bank Officers' (NOBO) have decided not to take part in the Wage Revision talks proposed to be held by you with the Unions/Associations on 2nd February, 2019, unless 'unconditional (i.e. full) mandate' is given by the remaining five Public Sector Banks for Wage Negotiation for all Officers from Scale I to Scale VII.

It may please be recalled that in the joint Charter of Demands (COD) of the four officers' organisations submitted to you on 5th June, 2017, it was clearly spelt out that negotiations should be for all officers upto Scale VII. Therefore, it is imperative that IBA should have 'unconditional (i.e. full) mandate' from all its Member Banks. We may point out that in the past, 'Joint Notes' covering wage revision for all scales of officer employees had been signed by the IBA with the officers' organisations on as many as 8 successive occasions, i.e. in 1979, 1984, 1989, 1995, 2000, 2005, 2010 and 2015 and there is no reason that there should be any deviation from the same in the current process.

It is observed with concern that only 5 PSBs have given 'fractured mandate' for Wage Revision upto Scale III/ IV grade only and no fruitful effort is perceptible on your part to ensure that these

remaining member Banks also submit their 'unconditional (i.e. full) mandate' in spite of advice of CLC. Instead, you are proceeding with the Wage Negotiation process only upto Scale III, notwithstanding the fact that majority PSBs (15 out of 20) have already conveyed their full mandate for Wage Revisions for all Scales of Officers.

This is totally in contravention of tested practice hitherto followed in the industry and also not in tune with the recommendations of the Pillai Committee Report. With the gradual erosion in minimum Basic Pay of Bank Officers in comparison to Central Government Officers the parity created by Pillai Committee is lost. This time the officers' community in the banking sector is legitimately in the hope of a just Wage Revision based on the concept of parity of pay of the Bank Officers with that of officers of other sectors – more particularly the Central Government Officers. We also expect the Wage Negotiation talks to be based on the Charter of Demands, which is based on the principle of '**Minimum Wages**'. As such, your approach so far has not only disappointed the rank and file of the Bank Officers / Executives, but also left them in a state of extreme de-motivation, distress and anguish. It has also triggered off serious industrial unrest for which the IBA is squarely responsible, and also aware that since officers are promoted from one scale to another in the Banking Industry and

ARISE, AWAKE, STOP NOT TILL THE GOAL IS REACHED

accordingly fitment formulae is derived; if all the scales and increments are not decided simultaneously, fitment formulae cannot be worked out and anomaly will be created. Hence, your decision of holding wage talks only upto Scale III is illogical and irrational. Under

the above circumstances, besides expressing our inability to attend Wage Negotiation talks for only upto Officers in Scale III, we request you not to convene any such talks without resolving the issue of Fractured Mandate. ■

FORMATION OF CO-ORDINATION COMMITTEE FOR ABOLITION OF NPS

Text of AIBOC Circular No. 2019/05 dated 22nd January, 2019

The Central Government has introduced a new pension scheme, called as National Pension Scheme (NPS) w.e.f 01.04.2004 for all government officers and employees and forced on other sectors subsequently thereafter.

02. NPS envisages defined contribution, but an uncertain pension. Pension payable depends on the vagaries of stock/ financial markets. Economic downturn, financial crisis in stock/ financial markets can wipe out the very pension fund itself. We have seen such a situation in country like US during 2008. In fact, recent articles published in newspapers indicate that many pension funds have invested substantial amounts and may lose Rs 20,000 crore in IL & FS bonds, which would have a significant impact on the return.

03. Pension is a deferred wage and is intended to ensure a dignified living of personnel who have contributed to the growth and cause of the Organisations in the prime of their age. Therefore, it becomes necessary that pension has to be protected, which the National Pension Scheme (NPS) will not

be able to ensure.

04. Trade Unions have been agitating against NPS and demanding reintroduction of conventional pension scheme – OPS (Old Pension Scheme). Due to such sustained agitation, many State Governments (e.g. Tamil Nadu, Andhra Pradesh and Kerala) have appointed Committees to review the Scheme. The government of West Bengal is yet to introduce NPS and the conventional pension scheme is still in vogue. We have been witnessing that various departments of the Central and State Governments have also been voicing their protest and demanding OPS. Despite continued opposition, the government is in no mood to reintroduce the same.

05. Since the welfare and the quality of life of the retired personnel is involved, there is a necessity to scale up the agitation and entire working class needs to converge, stand united and wage a sustained battle. Towards this direction, a Co-ordination Committee consisting of representatives of various trade union organisations needs to be formed. We propose to hold a meeting of representatives of all Trade Unions at Delhi on 5th February 2019 at 10-30 am at SBI Officers' Association office, Local Head Office, Sansad Marg, New Delhi. ■

Organisational Activities

53RD ANNUAL GENERAL MEETING OF SBIOA, BENGAL CIRCLE A MASSIVE PARTICIPATION – STUPENDOUS SHOW OF UNITY AND SOLIDARITY

It was a grand event. Over 4200 comrades from all parts of Bengal Circle had assembled in a fantastic manner to participate in their Annual General Body Meeting in the city of Kolkata. It was highly inspiring for all those who were present on the occasion. The Circle leadership and the Federation leadership along with the leaders of the fraternal organizations were present on the occasion. The continuous raising of the slogans by the militant members of the Circle Association along with their leaders set a solid foundation for the conduct of the

53rd Annual General Meeting. The venue, Nazrul Mancha Rabindra Sarovar, Kolkata is a renowned place for the activities of our Bengal Circle Association.

2. The Programme Coordinator Com.Arunima Ghosh welcomed Com.Sabuj Mistry, the President and Com.Soumya Datta, the General Secretary of the Association as well as the President of the Federation and the General Secretary of the Confederation on the dais.

WORK IS WORSHIP , DO YOUR DUTY

Officers' Cause, February - 2019

3. The dignitaries who were present on the dais included S/Shri.Ranjan Kumar Mishra, Chief General Manager Kolkata Circle, Shivakumar GM NW-I, Mahesh Goel GM NW-II & Naresh Yadav, GM-NW III, Mrs. Suranjana Dutta, DGM,CDO Kolkata Circle .

4. The dignitaries who were present on behalf of the organizations were Com. G. Subramanyam, Chairman, AISBOF & General Secretary, SBIOA (Hyderabad Circle) Com. Ramkumar Sabapathy, General Secretary of the Federation, Com. Ravinder Gupta General Secretary, SBIOA, Delhi Circle, Com. Sushil Ahuja, President SBIOA, Delhi Circle, Com.Pawan Kumar, General Secretary SBIOA, Lucknow Circle, Com. Arun Shrivastava, E.C.Member, AISBOF, Com.Rupam Roy, General Secretary, SBIOA, N.E Circle, Com.Kamlakar Singh, President, SBIOA, Patna Circle and Com.Narendra V.Kulkarni Treasurer, AISBOF, Bengaluru, Shri Dipak Basu, General Secretary of SBIPA Bengal Circle, Shri Abhay Sharma, DGS SBISA Bengal Circle and Shri Sanjay Das, Secretary, AIBOC West Bengal State Unit.

5. The programme was inaugurated by lighting the lamp and offering floral tribute to the portrait of Swami Vivekananda, the great visionary and Saint whose birth anniversary was celebrated on the same day. Homage was also paid to Com.R.N.Banerjee, Former General Secretary, SBI Staff Union,(Bengal Circle), Com.Dilip Kumar Biswas, former AGS, SBIOA(Bengal Circle) & Chairman, SBIOAMS Co-op.Credit Society Ltd.

7. As mark of the 53rd Annual General Body Meeting and also symbolically demonstrate their social welfare activities, the leadership of the Circle Association had identified number of organizations and personalities who were instrumental in rendering social service to the society in various fields for honor and financial assistance. The details are as follows:-

(i) Com.Bhimsen Rai- The State Bank family was shocked by the untimely death of comrade Bhimsen Rai, Assistant Manager of RBO, Gangtok, who gave up his life on 27.10.2018 due to unwarrantable circumstances. He is survived by his parents, wife and infant son. With deep concern, AZC, Siliguri Module gave a grant of Rs.2 lakh for the child's education .The Bengal Circle association gave one time financial assistance of Rs.2 lakh. The cheque was handed over to Ms.Matrika Limbu, wife of late Shri.Bhimsen Rai.

(ii) Bandhur Sparsha – An organisation formed by a group of few retirees, mainly from SBI to stand by the differently abled children of our society, eradicating disparities and imparting formal education, various vocational training that secure their future and make them self-sufficient.

(iii) Suvendu Memorial Seva Pratisthan – A trust formed by Shri. Sankareswar Dutta, former workmen Director of SBI with a hospital for eye treatment for extending medical facilities at a nominal cost to the weaker section of the society.

(iv) Calcutta Social Project- This is an internationally awarded social organisation dedicated to the empowerment of slum and street children of Kolkata through education and skill development. It runs street children education centres, primary school, computer education centre, day care centres for children of slum dwelling single mothers, shelters for vulnerable boys and girls, sports program for marginalised slum and street children.

(v) Organisation for Friends Energies and Resources (OFFER). OFFER has been serving children who are severely under-privileged in the city of Kolkata and semi- urban areas of West Bengal, providing institutional specialised health care, psycho-social support to the children with HIV/AIDS, mentally challenged children.

(vi) Sri Subash Sarkar, Coach of Ms.Swapna Barman.-Shri. Sarkar is associated with the coaching profession and had training at China, London, and Cuba. Under his able guidance, Ms.Swapna Barman secured Gold medal at ASIAN Games.

(vii) Ms.Swapna Barman- She is our brand ambassador for SBI YONO, Kolkata Circle. This 21 year old girl won the Gold medal in the heptathlon event at the recently concluded Jakarta Asian games. A daughter of Rickshaw Puller and Tea Estate worker had a very difficult time dealing with the conditions all her life.

(viii) The felicitation of Com.Pranab Kumar Sarkar,Former CCM, SBIOA SENIOR and

LET CUSTOMER SERVICE BE OUR MOTTO

Com. Rama Prasad Roy, SBIOA SENIOR.

8. Whenever the contribution of each and every personalities were invited to receive the honor and financial assistance, the august house expressed their happiness with thunderous applause throughout.

9. Com.Soumya Datta, the General Secretary of the Circle Association who has also taken the onerous responsibilities of shouldering the position of the General Secretary of the All India Bank Officers' Confederation along with the role of the President of our mighty Federation, rose to extend a warm welcome to all the dignitaries and the members who were present on the occasion. He was greeted with thunderous applause and slogan from the members of the Circle Association. Com.Soumya Datta, is a popular leader of Bengal Circle Association and had served the organization for the last several decades. He is known as a powerful orator and a militant leader from the Circle and had served the organization in various capacities before taking up the onerous responsibility of leading the Circle from the front. He is loved by the membership across the Bengal Circle and an inspiring leader for the membership of the circle. He congratulated and complimented the membership for such a wonderful gathering as a mark of unity and solidarity and for making the countrywide strike on 21st December, 2018; a grand success. He explained at length the grounds on which the Confederation had to take a decision to strike work in the banking industry. He also emphasized the stand of the Confederation in regard to the ill-advised decision of the Government in regard to merger of Vijaya Bank, Dena Bank and Bank of Baroda which was uncalled for. He explained at length the efforts of the Confederation in driving home the point both to the Government as well as the RBI and IBA in regard to this unwarranted move on their part. He also told that the organization is exploring all the alternatives in resisting this move of the Government. The Confederation has also initiated moves for taking up the issue in Delhi High Court to stop merger of these banks in the interest of the country, the customer, and the employees as well.

10. He also referred to the major issues confronting the banking industry and the need for a continuous onward march in fighting all those issues. The issues connected with the State Bank under the leadership of the Federation were also elaborated on the occasion. He desired that the Work Life balance

should not remain only in the books, but it should be virtually implemented by each and every controller in the bank so that the benefit of the same will be passed on to the bank by the membership. He also covered the issue of the disciplinary cases, the problems relating to the operations, the transfer of officers, the difficulties in regard to the cross selling etc., He wanted the membership to stand up to the occasion and fight against the injustice rather suffering in silence. The management should take necessary steps against the humiliation and ill treatment of officers by the controllers lest it will lead to frustration and the productivity in the bank is largely affected. Today, the youngsters have low level of tolerance and they need to be supported emotionally by the Management. He also wanted that the members should refer the issues connected with the CDS to the Circle to take up all the grievances of the officers.

11. The occasion was also utilized for the release of a special issue of News Bulletin of State Bank of India Officers Association, Bengal Circle namely SUPVOICE on the occasion.

12. Shri.Ranjan Kumar Mishra, the Chief General Manager, Kolkata Circle was highly impressed with such a wonderful conduct of the meeting and specially a huge gathering of officers at one place. He expressed his thanks to the Circle leadership for giving him an opportunity to participate in the General Meeting of the Association.

13. Com.Ramkumar Sabapathy, the General Secretary of the Federation expressed extreme happiness on the occasion and appreciated the militant comrades in attending in such a large number which will enthuse the entire rank and file across the country. He appreciated the way the Programme was conducted and complimented the Musical performance, the volunteers and the membership, the recognition of good work, appreciations, felicitations of social workers and sharing of the grief by extending financial assistance to the family of the Officer who died at an young age.

14. He referred to the birth anniversary of Swami Vivekananda on the occasion and invoked his thoughts. He complimented the various initiatives taken by the Confederation and assured the leadership present on the dais that the AISBOF will extend all the support to protect the interest of the members. He also emphasized the need for taking our organization to greater heights in the days to

BE TRUTHFUL, BE FEARLESS

come. Narrating the reasons for the stalemate in the talks of salary revision, he explained that after submission of Charter of Demands in May 2018, talks are not moving in the right direction as five banks have given restricted mandate. We are demanding pay equal to Central Govt. officers but there is an attempt to divide us, which will not be allowed. IBA wants to bring performance linked pay linked to growth in Operating Profit and return on assets. We went on two days strike but nothing is moving. We assure our member that unless mandate issue is resolved there will not be any talks on wage negotiation. We congratulate Com. Soumya Datta for creating a history by giving a strike call on 21st Dec 2018. He complimented the members for the massive success of the strike. Talking on the issue about the participation of Scale IV & V in the strike, he clarified that as members of the Association, they should respond to the calls given by the association and take part in all the agitation programmes called by the Association. He further informed that the issue is a settled one and minutes have been recorded on the subject with the Management, wherein the Management has agreed on the constitutional position as stated by the Association. He reiterated the constitutional right of the members of the Association and assured that all required steps will be taken to protect the interest of the Officers. He complimented the Bank Officers and invoked the thoughts of Swami Vivekanandji, "arise, awake and stop not till the Goal is achieved" and stated that the Officers have will not stop till the goals are achieved.

16. Com.G. Subramanyam started his address with the appreciations to the Circle Leadership and highlighted the auspicious 126th birth anniversary

of Swami Vivekananda. He stated that the Merger issue was fought at various levels like signature campaign, submission of memorandum but the process did not top. So we have approached court to have legal relief on this issue. As regards the Wage revision, he stated that the Govt. has utilised our services for implementation of Govt. Programmes like demonetization, insurance, Adhar linkage, Jandhan Account opening and many more schemes and bankers have fully cooperated and made them successful.

17. Com. Ravinder Gupta thanked the leadership for an opportunity to join and address a big gathering. Associations are taking many social welfare activities like Schools in different part of the country, blood donation camps, and support to disabled etc.

18. Com. Abhay Dev Sharma DGS Staff Union, State Bank Staff Union Bengal Circle expressed his views and demanded that Govt. Should take action against defaulters and treat the wilful defaulters as criminal offenders.

19. Com. Sanjay Das, the Secretary of AIBOC State Committee, urged the members to strengthen themselves and pointed the suffering of officers in banking industry.

20. Com. Dipak Basu, General Secretary, SBIPA conveyed good wishes for the Annual Generalbody Meeting on behalf of the Pensioners Association..

21. Com. Raktima Soren, the Vice President, proposed the vote of thanks. ■

140TH PROGRAMME OF NATURE CONCLUDED 3 DAYS WORKSHOP ON DISCIPLINARY AND VIGILANCE PROCEEDINGS EXCLUSIVE FOR THE BENEFIT OF OUR COMRADES OF AIPNBOA

Over 50 members of the All India Punjab National Bank Officer's Association had the privilege of participating in the 3 days' workshop on Disciplinary and Vigilance Proceedings held on 11th January to 13th January, 2019 at Gandhi Nilaya, Bangalore. The programme was organized at the request of the leadership of AIPNBOA Com. Ajay Jaitley, President and Com. Dilip Saha, the General Secretary of the organization in order to provide an opportunity to their leaders at various levels as well as their activists in different parts of the country to take up Defense

Cases. It was yet another opportunity for the NATURE to conduct this exclusive programme at Bangalore.

The programme commenced with an inaugural function wherein Com. Dilip Saha, the General Secretary of the Association was present. Com. G. Subramanyam, the Chairman of AISBOF, who was the chief guest on the occasion, was also present in the programme. The programme commenced with a welcome address by

Com.S.K.Srinivas, Jt. General Secretary of AISBOF. The other dignitaries who were present on the occasion were Com. Shantharaju, Former General Secretary, AISBOF & AIBOC, Com. Uday Kumar, Asst. General Secretary, AIPNBOA, Faculty Members-Com.B.S.Ravindra, Com. D.Shamsundar Rao, Com. C.S.Chekki Former leaders of AISBOF, Com. N.V.Kulkarni, Treasurer, AISBOF.

The dignitaries on the dais symbolically lighted the lamp to signify the commencement of the programme. Com.G.Subramanyam, addressed the participants on behalf of NATURE.

Com.Dilip Saha, the General Secretary of AIPNBOA, acknowledged the service rendered by NATURE to those who are taking up the sacred responsibility of providing defense to the innocent charged officials in the banks. He also recalled the excellent fraternal relationship between AISBOF

and AIPNBOA since the beginning of the Officers movement in the country.

Com.D.Shamsundar Rao, proposed vote of thanks on the occasion and the programme was compered by Com.N.Nagaraja Shastry, Former Secretary, AISBOF. The members of the faculty included sarvashri. Com.G.Subramanyam, Com.S.K.Srinivas, Com. Shantharaju, Com.G.D.Nadaf, Com.G.Muthuswamy, Com. Y.Sudarshan, Com. B.S.Ravindra, Com. D.Shyam Sundar Rao. The programme was concluded with a valedictory function. Com. Arun Jaitley, the President of the AIPNBOA, had arrived from Delhi to be the chief guest on the occasion.

Com.Y.Sudarshan, the former General Secretary of the AISBOF and Chairman AIBOC spoke on the occasion and advised the participants to take up the cases and render assistance to their organization. ■

Article

SBI SWINGS TO PROFIT AT ₹ 3,955 CR

THE STATE BANK of India on Friday posted its highest net profit since March 2012 at ₹ 3,954.81 crore for the December quarter, partly on the back of lower provisions and a rise in net interest income. The lender had posted a net loss of ₹ 2,416 crore in the year-ago period.

The state lender's provisions was ₹ 6,006.22 crore against ₹ 18,876 crore from a year earlier, the bank said in a stock exchange filing. Meanwhile, it made provisioning on stressed assets with ₹ 13,970.82 crore, against ₹ 17,759.72 crore in the year-ago period .

The bank's asset quality improved further, with gross non-performing assets coming down to 8.71% from 10.35% at the end of December quarter, while net NPAs improved to 3.95% from 5.61%, on the back of accelerated provisioning made during the quarter.

"We are working in direction of bringing down net NPAs. And with some luck, we should be below 3% by end of March 2019," chairman Rajnish Kumar said in a post earnings conference call.

Kumar said the bank was closely tracking eight

accounts, including three from the power sector, in advanced stages of resolution amounting to ₹ 34,000 crore. "If all get resolved within next two months, we are looking at gross NPA below 7% and net below 3% he said .

On IL&FS, the SBI management said exposure at the holding company level of around ₹ 900 crore had already been classified as NPA against which the bank had made accelerated provision of 50%, while exposure at the special purpose vehicle (SPV) level, worth about ₹ 2,200 crore, was performing with cash flows coming in and debt currently being serviced .

In case of Essar Steel, despite account classification changing from "D2" (doubtful) to "D3" requiring 100% provision against existing 50%, the bank has maintained status quo on the front at ₹ 5,275 crore in view of the estimated full recovery of the book value as per the ArcelorMittal's resolution plan, which is currently awaiting the National Company Law Tribunal's approval.

SBI witnessed a 21.4 % y-o-y rise in net interest income (NII) to ₹ 22,690 crore. NII is the difference between interest earned and interest paid by a bank. Net interest margin was higher at 2.97 % from

LET US BUILD A STRONG AND SELF RELIANT INDIA

September-end.

The bank's domestic advances rose 15.65 % y-o-y to ₹ 18,79,053 crore by the end of December, though for the bank as a whole, advances were up 11.99 % to ₹ 21,55,316 crore

Domestic savings bank deposits grew 9.44 % to ₹ 10.64,497 crore during Q3 FY19. SBI shares rose 3.1% intraday, before settling to ₹ 284.30 per share, down 3.1%. ■

Source: Financial Express, Dt.2/2/2019

Judicial Verdict

**2019-I-LLJ-1 (SC)
LNIND 2018 SC 583
IN THE SUPREME COURT OF INDIA**

Present:

**Hon'ble Mr. Justice Abhay Manohar Sapre and
Hon'ble Ms. Justice Indu Malhotra**

C.A.No.1977 of 2010

Management of Sri Ramnarayan Mills Ltd.

Versus

Secretary, Coimbatore District Textile Workers Union and Others

2nd November, 2018

Appellant

Respondents

Amendment of Standing Orders – Validity of clause - Payment of Gratuity Act – Labour Court rejected application of Appellant-employer seeking permission to add one more new ground of “break in service in Clause 16 of Chapter of Punishment in Certified Standing Orders and same confirmed by Division bench, hence this appeal - Whether, Courts below justified in rejecting application of Appellant seeking permission to add one more new ground in Clause 16 of Chapter of Punishment in Certified Standing Orders –Held Division Bench rightly concluded that existing grounds enumerated in Clause 16 by way of punishment sufficient to take care of misconduct committed by employee – No reason to introduce one more new ground- Proposed ground would be misused by employer against its employees for their own benefit and detrimental to employees interest - it also enables employer to take action against its employees even in situation where employee found absent even for day - Such absence would be treated as “break-in-service” under Certified Standing Orders and also under Payment of Gratuity Act which would defeat object of Act — Appeal dismissed.

JUDGMENT

ABHAY MANOHAR SAPRE, J.

1. This appeal is filed against the final judgment and order dated 13.08.2007 passed by the High Court of Judicature at Madras in W.A. No. 2675 of 2002 whereby the Division Bench of the High Court dismissed the Writ Appeal and affirmed the order of the Labour Court and Single Judge.

2. Facts of the case lie in a narrow compass. They, however, need mention in brief infra to appreciate the short controversy.

3. The appellant is a limited company having its mill in Coimbatore. The appellant being an employer applied to the Joint Commissioner of Labour (Respondent No.3) praying in their

application that they be allowed to add one more new ground namely “**break in service**” in Clause 16 of the Chapter of Punishment in Certified Standing Orders in addition to the existing grounds specified therein.

4. In other words, the appellant's prayer was that if any employee commits “**break in service**” in any year, then it should be regarded as one of the ground for punishment enabling the employer (appellant) to take action against such employee under their certified standing order. They, therefore, prayed that they may be allowed to add this new ground in Clause 16 of the Chapter of Punishment in Certified Standing Orders.

5. On 02.04.1992 the third respondent (Joint Commissioner of Labour) allowed the said application of appellant and permitted them to

DUTY FIRST, RIGHT NEXT

amend their certified standing orders by adding **"break in service"** as one new ground in Clause 16 of the Chapter of Punishment in Certified Standing Orders.

6. The Workers' Union (Respondent No.1) felt aggrieved by the order dated 02.04.1992 filed appeal in the Labour Court. By order dated 06.02.1995, the Labour Court allowing the appeal and setting aside the order dated 02.04.1992 held that if the proposed amendment is allowed, it would cause immense prejudice to the rights of the workmen and further the employer would likely to misuse this new ground of punishment mostly for their benefit. It was also held that apart from these two reasons, it would also defeat the object of the Payment of Gratuity Act while calculating the employee's continuous service as defined under the Payment of Gratuity Act which provides for different modes of calculation.

7. The appellant felt aggrieved of the order of the Labour Court and filed the writ petition in the High Court at Madras questioning therein the legality and correctness of the order of the Labour Court. By order dated 19.07.2002, the learned Single Judge dismissed the appellant's writ petition which gave rise to filing of the intra court appeal by the appellant (employer) before the Division Bench of the High Court.

8. By impugned order, the Division Bench dismissed the appeal and affirmed the order of the Labour Court and Single Judge. It is against this order; the appellant (employer) has felt aggrieved and filed the present special leave to appeal in this Court.

9. So the short question which arises for consideration in this appeal is whether the Courts below (Labour Court, Single Judge and the Division Bench) were justified in rejecting the application filed by the appellant (employer) to the Joint Commissioner of Labour (certifying officer) seeking therein a permission to add one more new ground i.e. **"break in service"** in Clause 16 of the Chapter of Punishment in Certified Standing Orders.

10. Having heard the learned counsel for the parties and on perusal of the record of the case

and the written submissions, we find no merit in this appeal.

11. The Division Bench dealt with this issue in Para 6 of the impugned order which reads as under:

"We have considered the above submission of the learned counsel for the appellant. In fact, what is sought for is to include **'break in service'** as one of the punishment under Clause 16 of the Standing Orders. To say in other words, if the workman does not come for duty, for any reason, break in service will be effected for such period of absent. By permitting the appellant to modify the Standing Order so as to include the break in service as one of the punishment, in fact, will enable the appellant to exercise the power to impose the punishment in an arbitrary manner i.e., if an employee is punished for the absence in accordance with the existing Standing Order, continuity of service of the employee is not disrupted whereas, if the appellant is permitted to modify the Standing Order so as to include the break in service as also one of the punishment, even a half day absent from duty in a year of 12 months, will give an opportunity to the appellant to take disciplinary action against an employee concerned at the end of the year and to impose a punishment of break in service, which will have a consequence of depriving the employee's right to get gratuity for that particular year. When so many other punishments have been enumerated under Clause 16 of the said Standing Order, there is no need to include the punishment of break in service as one of the punishments. In fact, permitting the appellant to include **'break in service'** as one of the punishment, defects the object of the Payment of Gratuity, that is to say, as per Gratuity Act, on completion of every continuous service of 5 years, an employee is eligible to get the gratuity. As referred above, if for a particular period of absents, to say for a day also, this proposed modification enables an employer to impose a punishment of break in service. Consequently, for that particular year, an employee will not get gratuity inspite of the

fact that he had worked for 12 calendar months. Now, only 240 days shall be taken into account and not 240 days attendance shall be taken into account. As such, if the modification is allowed, the future right of the employee to get a gratuity for a particular year will get affected. Apart from this, if an employee, for certain reasons beyond his control, was forced to be absent even for a day, he can be imposed with the punishment of break in service which will have consequence on his gratuity. That apart, if an employee has to be punished for the absent as referred above, the punishment of either censure, reduction in rank or payment cut etc. may be imposed and continuity of service of that employee is not disrupted. If the appellant is permitted to include break in service also as one of the punishment, even for one day or half a day absent from duty in a year of 12 months, will give power to the appellant to impose the punishment of break in continuity of service in order to deprive the employee's right to get the gratuity for that particular year. In fact, this proposed amendment is against the welfare of the employee and as rightly held by the learned Single Judge, besides, this can be exercised in an arbitrary manner, consequently, the employees will be penalized. That apart, as rightly held by the learned Single Judge, on the appreciation of the entire materials, the Labour Court has arrived at a factual conclusion that the amendment sought for, namely, inclusion of break in service in Clause 16 is unreasonable and it would be possible for the Management to act arbitrarily. That apart, by including the break in service as one of the punishment, in fact, what the appellant intends to do is only to get an opportunity to impose punishment which will have an impact in the gratuity of the employee of the concerned year."

12. The Division Bench, in our considered opinion, rightly concluded that a **"break in service"** cannot be allowed as a ground by way of punishment in Clause 16 of the Chapter of Punishment in

Certified Standing Orders for the following reasons:

13. Firstly, the existing grounds enumerated in Clause 16 by way of punishment are sufficient to take care of any misconduct committed by any employee and there appears no reason to introduce one more new ground in the existing grounds specified in Clause 16 for imposing a new punishment.

14. Secondly, the proposed ground, if allowed, would likely to be misused by the employer against its employees for their own benefit and detrimental to the employees' interest.

15. Thirdly, it would enable the employer to take action against its employees even in a situation where an employee is found absent even for a day and such absence will be treated as **"break in service"** under the Certified Standing Orders and also under the Payment of Gratuity Act. It will, therefore, be in conflict with the definition of the expression **"continuous service"** defined under the Payment of Gratuity Act which gives different modes of calculation for determining the continuous service for payment of gratuity amount.

16. Fourthly, such ground will, therefore, defeat the very object of the Payment of Gratuity Act which is a beneficial legislation enacted for the benefit of the employees and lastly, it is neither bona fide nor reasonable and nor required and hence it cannot be allowed.

17. In our opinion, we find no good ground to differ with the reasoning assigned by the Division Bench mentioned above for rejecting the application made by the appellant (employer) for adding, **"break in service"** as a new ground for punishment in the Certified Standing Orders. The reasons given by the Division Bench, in our view, deserve to be upheld.

18. In the light of the foregoing discussion, we find no merit in this appeal. The appeal thus fails and is accordingly dismissed.■

Appeal dismissed.

OFFICERS' CAUSE ENGLISH MONTHLY-RNI. NO. 36617/81 TOTAL NO. OF PAGES 12 FEBRUARY-2019

REGN.NUMBER.KRNA/BGE/202/2018-2020 REGD. NUMBER.527/MDS PUBLISHED ON

10TH OF EVERY MONTH-POSTED AT BANGALORE PSO, MYSORE ROAD, BANGALORE - 560 026

POSTED ON 15TH OF EVERY MONTH-LICENSED TO POST WITHOUT PREPAYMENT. LICENCE NO. WPP/82

DEARNNESS ALLOWANCE

The Index Numbers for the quarter ended Dec -2018 are as under:

MONTH	INDEX AS PER 2001 SERIES	CONVERSION FACTOR	INDEX AS PER 1960 SERIES
Oct 2018	302	4.63 x 4.93	6893.42
Nov 2018	302	4.63 x 4.93	6893.42
Dec 2018	301	4.63 x 4.93	6870.59
	Total		20,657,43
	Average = 20,657,43/3		6885.81
Difference in excess of 4440 points			2445.81
D.A.paid for the previous quarter on (i.e. 607x4)			2428.00
Difference			17.81
Increase in number of Slabs = 17.81/4 =			4

Accordingly, Dearness Allowance is payable to Officers on 611 (i.e. 607+4) slabs with effect from 01-02-2019 as against 607 slabs for the previous quarter. The rates worked out are as per the industry level scales upto Scale VII including SBI.■

Subscribe to

**OFFICERS' CAUSE DOMESTIC ENQUIRY LABOUR RESEARCH
SUBSCRIPTION SUBSCRIPTION SUBSCRIPTION**

Annual : ₹.40/-

Annual : ₹.40/-

Annual : ₹.30/-

Drafts should be drawn in favour of

All India State Bank Officers' Federation

and mailed to

The General Secretary

ALL INDIA STATE BANK OFFICERS' FEDERATION

State Bank Buildings, St.Mark's Road, Bangalore-560001

☎ : 080 22270619; Fax : 080 22214959/22214956

E-mail: aisbofbangalore@gmail.com

Website: <http://www.aisbof.org>

Registered news paper

To:

If Undelivered please return to:

ALL INDIA STATE BANK OFFICERS' FEDERATION

ST.MARK'S ROAD, BANGALORE - 560 001

Printed, Edited and Published By Shri. Ramkumar Sabapathy on behalf of AISBOF at State Bank Building St.Mark's Road, Bangalore-560001 and printed by Shri. Ranga Reddy, at L. V. Graphics 3968, 7th Cross, 2nd Main, Gayathri Nagar, Bangalore - 560 02