

Officers' Cause - January-2022

2022

HAPPY NEW YEAR



Editorial

NON-PERFORMANCE AS A CRITERION FOR INITIATION OF DISCIPLINARY ACTION – A MISPLACED APPROACH – LET US BE WORRIED OF ILL-CONSEQUENCES

We have come across Banks issuing instructions that Non Performance/non-achievement of targets to be a criterion for initiation of disciplinary action. This has huge ramifications. Time has come to look at this new found criteria from various perspectives.

Every organization will have its aims and objectives, goals and ambitions, called as budget or target. This is broken down to various elements and reduced to branch/unit level targets. While arriving at the targets, it is a rational thinking that economic situation at micro and macro level, geography, business cycle, governmental policies, backward/forward linkages, potentiality, risk aptitude of the organization with its mitigating strength, economic activity, political stability and its orientation, and last but not most important is the infrastructure (in terms of human resources and enablers like availability of lucid, easy to understand business rules coupled with needed IT facilities). Business targets cannot just be numbers, but a function of various factors put together. Each one must understand that these are the numbers which labels the organization and its personnel as efficient or otherwise. It is unfair to fix 95% as passing marks and declare all as failed!!

It is to be understood that budgeting/goal

targeting is more than a routine function of distributing the numbers to branches. It is necessary to appreciate that targets cannot be same numbers or formulae for all branches. Just not that, it cannot even be the same for branches situated in same location. The potentiality differs from area to area, place to place, geography to geography depending upon economic, business, agricultural and industrial activities and demographics and the culture of clientele. Past performance can also not be the yardstick as environment changes dynamically.

The achievement of business goals, compliance to the rule book depends on the human resources available at the branch, and the support extended by the immediate supervising authorities. Even, being all same, the achievement depends on the officers and staff, the level of operational knowledge they are imparted and is applied in day to day business. Target and its achievement is a Team Work consisting of messenger to top management, than a mountain on the shoulders of branch functionaries. Achievement of budget/goal is highly dependent and interdependent process and never a stand-alone activity.

Now, the question arises whether non-performance [not achieving business targets] should be a trigger for initiation of disciplinary

action?

Performance/achieving goals depend upon so many factors as can be seen from earlier paragraph. Very pertinent questions arise here are:

★ Are all these factors in the hands of officers working at the Branch?

★ Are the economic, business, political stability and the priorities of political will in the hands of bank/branch functionaries?

★ Are the bank branches well supported?
[A matter which needs specific attention is that clerical-officer ratio which was about 4:1 three decades ago has been reduced to 0.95:1 now, but business has grown multi-fold. That means, an officer is bound to carry out the work of 3 clerks in addition to his own supervisory work!]

★ Whether budget allocation is a branch-specific activity and with discussion?

★ Does it take into account the staffing pattern, business environment, potentiality and the skillset of officers/staff posted there? [But, on the other hand, it is hard truth that budget allocation is an Excel function of formulae, than a conscious allocation based on available potentiality, ability to perform and achieve keeping the human resources available at the branch].

★ Whether the next immediate supervising office, most often called as Regional Offices, act as Business Support Office or Controlling Office? [There is huge difference in Office being a Support Office or Controlling Office. Thematically, the functioning differs.]

If we do not have a right answers to the above questions, it is grossly unfair to brand branch functionaries as non-performers. Bank is estopped from initiating disciplinary action against officers down the line.

Non-performance and Officers Service Regulations

Let us see whether Officers' Service Rules/ Regulations provides for disciplinary action for non-achievement targets. Emphatically No. It does not include non-performance or non-achievement of business goal as a trigger for initiating of disciplinary action. It only revolves around omission/commission or irregularity.

In fact, it is unfortunate that an attempt is being made to include this as a trigger within the most misused draconian phrases in Service Regulation ***"Every officer shall, at all times, take all possible steps to ensure and protect the interests of the Bank and discharge his duties with utmost integrityhonesty, devotion and diligence and do nothing which is unbecoming of an officer"***. This omnibus clause is being misinterpreted and misused to implicate and initiate disciplinary action on officers.

Let us see the Paragraph 7.12.2, Page 156 of CVC Manual (2021 Edition) which talks about Charges.

*"A charge may be described as the prima-facie proven essence of an allegation setting out the nature of the accusation in general terms, such as, negligence in the performance of official duties, inefficiency, acceptance of sub-standard work, false measurement of work executed, execution of work below specification, breach of a conduct rule, etc. A charge should briefly, clearly and precisely identify the **misconduct / misbehaviour**. It should also give time, place and persons or things involved so that the public servant concerned has clear notice of his involvement.*

Non-performance – ie achievement of business goals cannot be charge, by itself.

It must be observed here that non-achieving business goals is NOT a violation of Service conditions enshrined in OSRs or CVC Manual.They talk about misconduct or misbehaviour. An effort is being made to extrapolate the omnibus Regulation of unbecoming an officer to include non-achievement of business goals.

SUCCESS AWAITS AT THE DOOR WHERE DILIGENCE IS

Whether non-performance is applicable only to the officers in operations?

Nearly all officers who are labelled as non-performers are branch level functionaries. They are most blamed for non-performance. Is it not the responsibility of all above these branches to ensure fair allocation of realistic business goals, commensurate with the obtaining human resources, potentiality and environment? A fact need to be kept here is to evaluate how burdensome the environment at the branch, before labelling them. If a branch functionary is labelled as non-performer, the blame has to be shared equally by its supervisory office and upwards! Vicarious responsibility!!

Achieving goal should not be a misplaced priority in a financial institution.

This has grave consequences. In the garb of achieving target, for the fear of disciplinary action, functionaries may resort to unethical practices. We have heard of this in the banking industry. The rule book is more likely to be violated. Deviations

to the extant instructions will become a common place. The threat of disciplinary proceedings will prod the officers to go out of way to achieve target. This certainly results sub-prime lending, leading to higher NPAs, Provisions, Losses and reputation risk, and many are dragged into disciplinary proceedings. We must all know that ***"bad business" is worse than "no business"!***

This will surely damage the confidence of officers in the long run, which will not be good for the Bank, society and the common man who depends on Banks.

Non-achievement of business goals/targets should be seen as an operational and administration issue than a disciplinary issue. All in the system must appreciate the seriousness. Otherwise, majority of the officers will be labelled as non-performers and eventually the organization is also likely to bear this board!!

Let us guard against such misinterpretations. Let us not be a party to such interpretations. Let us be truthful and resist such perilous thinking. ■

WELCOME 2022

As the first rays of the sun lit up the sky, a new year has been ushered in. We fervently hope that the new dawn will dissipate the pall of gloom around and let our lives be enlightened with fresh aspirations, hopes and dreams. Let us all wake up to a radiant and prosperous New Year.

The year 2021 will probably be relegated as one of the sombre years of the century. The country was ravaged by the devastating second wave of the Covid-19 pandemic, which has brutally exposed the vulnerabilities of healthcare systems of the country and had a telling effect on the economy. And in this period of gloom and doom, the bankers, who represent the financial army, played a significant role in keeping the wheels of the economy moving amidst constraints. Hundreds of our brethren and comrades have laid down their lives in the line of duty. Yet we continued to keep up the good work unfazed and undeterred.

The year 2021 taught us myriad lessons. Every pain that we experienced made us wiser and the subsequent joy and cheer offered us a new vision of life and hope.

Let us, on the first day of a new year begin with hope. Hope - that standing at the threshold of this New Year challenges will be surmounted, knots will be untied and vistas of new opportunities and possibilities are opened up.

Several decisions of the government have thrown up new challenges in the banking trade union arena. The listing of the Banking amendment bill as an agenda item of business in the Winter session and the subsequent nationwide backlash which possibly compelled the government not to table the bill is one of the major challenges that we have to encounter in the new year. Let us counter the threat with steely resolve and be

ARISE, AWAKE, STOP NOT TILL THE GOAL IS REACHED

prepared to meet adversities head-on.

Our esteemed institution has been playing a pivotal role in the economic progress of the nation. Our members have been effectively performing their roles and responsibilities in taking our bank forward. The bank has earned record profits during 2021 and a number of 'positive' changes and welfare measures for employees have been ushered in. As major stakeholders of the bank, we have a definite role to play to foster growth and development. Let us propagate the message to ensure customer delight at all our branches and establishments for both external and internal customers. We have to work in unison to make our esteemed institution the preferred financial

destination for the citizenry. We are certain that with the growth and development of the institution, benefits in many forms will be bound to come in the coming months as the bank will definitely acknowledge the tremendous effort put in by the officers' fraternity despite several constraints. The Federation is committed to pursue all our issues with utmost earnestness and zeal.

Let us also join hands to make our Federation more vibrant and responsive.

On this momentous occasion, we wish you and all your family members a rewarding, healthy and fulfilling New Year 2022.■

NEW YEAR 2022: RESOLUTION FOR A SUSTAINED MOVEMENT AGAINST PRIVATISATION

Text of AIBOC Circular No. 01/2022 dated 01/01/2022.

As the curtains for the year 2021 draws to a close, a new beginning awaits us. The year 2021 had witnessed the devastating effect of the second wave of the pandemic which took away the lives of hundreds of our brethren and comrades. As we usher in the New Year 2022, we are faced with another surge of Covid cases across the country for which we have to exercise utmost care and attention.

This gloomy period witnessed rejuvenated banking trade union activities. AIBOC had taken the lead to conceptualise a country wide mass movement launch agitation against the banking amendment bill listed during winter session of the parliament. Protests and demonstrations were held throughout the year both physically and virtually. The Facebook Page www.facebook.com/BankBachoDeshBachao/ is gaining hundreds of followers with each passing day and each post is reaching out to significant number of people. This has become the flagship movement of the conscience keepers of the country.

The year 2021 stand etched in the annals of banking

trade union movement. AIBOC embarked upon a unique programme – Bharat Yatra to protest against proposed amendment to banking laws, commencing from Kolkata and Mumbai to Delhi on 24th and 25th November 2021 respectively. Leadership and activists travelled in buses, across towns and cities especially across the poll bound state of Uttar Pradesh, meeting every section of society sensitizing the ill effects of the draconian banking amendment bill, culminating in a mammoth rally at Jantar Mantar, New Delhi on 30.11.2021. The protest rally at Jantar Mantar witnessed participation of prominent lawmakers, central trade union leaders, leaders of farmers' movement, students, representatives of mass movements' and thousands of our comrades from every nook and corner of the country. This event was a virtual game changer and sent a strong signal to the powers that be that any move to table the banking amendment bill would be resisted tooth and nail. This was followed by a 2 day strike call by UFBU on 16th and 17th December 2021, which was also a stupendous success. Many stakeholders joined the picketers on both the days of strike which included farmers, students, SHGs, working class, workers from organized and unorganized sectors, retirees and common people.

WORK IS WORSHIP , DO YOUR DUTY

The farmers' agitation during the year deserves its place in the history as it demonstrated the world the power of a united, democratic, and peaceful movement. It vindicated the old adage – "The streets can undo what the Parliament can do". The government was compelled to roll back the three contentious farm bills without discussion in Parliament. AIBOC had extended fraternal support to the movement. Farmers' organizations had reciprocated and extended support to our movement against privatization.

Comrades, while we have every reason to celebrate the occasion of the new year at the same time we have to make a fresh resolve to escalate our movement against the proposed banking amendment bill. To thwart this, we must continue to be connected, united and stand committed to the cause of saving public sector character of banks. Towards this, we call upon all our affiliates and members to be alert and in all preparedness to continue our struggle both on street and on virtual platforms like social media. We must make #BankBachoDeshBachao a mass movement.

Every effort should be made to disseminate the ill effects of privatization to each one in the society and harp on the truth that the depositors' money would be safe only with PSBs and RRBs.

We call upon our membership to extend whole-hearted support in all our future endeavours. Attempts will be made to scuttle our unity, destroy the very fabric of our public sector banks, and reverse the historic nationalisation. We firmly believe that at the end of a focused and determined struggle, there will always be fruits of success.

We wish all our Affiliates and members that New Year 2022 should usher in an abundance of happiness, landmark achievements and fulfilment of aspirations. We wish you and your family members a vibrant and sparkling New Year 2022, marked with more militancy and organised struggles involving all stakeholders to protect the interest of the common man and to protect the sovereignty of the nation.■

MISCELLANEOUS WELFARE MEASURES FOR EMPLOYEES EXTENSION OF INSURANCE COVERAGE FOR PERSONAL LOAN & CONVEYANCE LOAN

Text of our letter No. 6527/48/21, Date: 07.12.2021 Addressed to The Deputy Managing Director (HR) & CDO, State Bank of India, Corporate Centre, Mumbai – 400 021.

It is a matter of great pride for us that the Bank showed unfettered concerns and empathy for the safety, wellbeing, good health of the employees and their family also in this trying times. In this direction, the bank initiated considerable number of pathbreaking staff welfare measures true to its tradition and legacy. We place on record our sincere gratitude for such benevolent initiatives of the bank.

02. Indeed, banking services are the life line of the country's economy and is the mainstay and essential platform of executing commercial and personal banking transactions. Despite all efforts,

footfall in the banking premises could not be restricted in our country notwithstanding the level of digital transformation amidst the rapid surge in the number of COVID-19 cases due to Omicron variant and experts believe that the Omicron variant may in fact evade vaccine-induced immunity and could be more evolved and probably more transmissible.

03. Despite the strict in-house provision of Covid -19 appropriate measures initiated by the bank, our employees are quite vulnerable to transmission of the virus and their family members as well from the employees on the other hand because of the nature of job they are performing day in and day out in close contact with hundreds of customers. As work from home model of working system like other sectors viz IT, is not feasible for the bankers, they remain at

LET CUSTOMER SERVICE BE OUR MOTTO

the mercy of the heavily mutated disease.

04. Despite this life threat to the bankers from the dreaded virus, they have showed their mettle as Covid Warrior since the onset of Covid-19 in the country and extended exemplary services to citizenry. It is heartening to mention here that considering the gravity of the situation, the Bank has extended insurance coverage for all the existing house building loan accounts availed under Individual Housing Loan Scheme as a result of which the hapless bereaved family members in case of demise of the employee have been saved from plunging into financial crisis and consequential despair and also from the clutches of private money lenders to liquidate outstanding dues. This measure has been heartily appreciated by the officers' fraternity.

05. It is worth mentioning here that the eligibility limits of both Conveyance loan and Personal Loan have gone up steeply in order to respond to the

pressing need of the changing statutory requirements, customer friendliness, improved safety and comfort features in the latest and upcoming vehicles as well as increase in prices of vehicles and changes in the life style of people. We have received reports that there has been growing number of cases across the country wherein the bereaved families have to exhaust major part of the fund paid to them by the bank out of PF balances, ex-gratia, leave encashment and gratuity payable the deceased employee to liquidate outstanding dues in Conveyance and Personal Loans.

In the above backdrop, we would request your good office to extend the facility of insurance coverage like IHLS in respect of both Conveyance Loan and Personal Loan also in case of an employee who dies in harness. A positive decision on the part of the bank will immensely benefit innumerable families from stringent financial crisis. ■

CONGRATULATIONS! STUPENDOUS SUCCESS IN 2 DAY STRIKE

Text of AIBOC Circular No.2021/84 dated 17/12/2021 reproduced text of UFBU Letter No. 2021/24 dated 17.12.2021.

We congratulate all our affiliates and State Units for the stupendous success of our 2day strike. We have amply demonstrated what a united struggle can achieve. Reports are pouring across the country that the bankers were joined by stakeholders from various strata of the society. Lawmakers, SHG workers, students, farmers, workers from both organised and unorganised sectors, IT professionals, doctors, advocates, professionals, Unions and Associations from various sectors expressed their solidarity by joining our protest programmes across the country. The Bank Bachao Desh Bachao slogan resonated and reverberated across the country and definitely reached the ears of powers that be. Let us hope that the message has been delivered that we are ready for a protracted fight that would have serious repercussions in the future. Let us not relent until the government withdraws the proposed banking law amendment bill.

Let us take the fight to its logical conclusion.

**Congratulations – Hats Off to you
all comrades
You have made our 2 Days' Strike
a massive success**

We convey our greetings and congratulations to all our Unions and members for the massive success of our call for 2 Days' Continuous Strike on 16th and 17th December, 2021. Reports are pouring in about the successful observance of the strike in all the Banks and in all the centres. Employees and officers have enthusiastically participated in the strike with total concern, full involvement and visible determination. That is why the strike was an impressive success.

Upto 15th evening, we were participating in the conciliation meeting convened by the Addl. CLC during which the IBA and Finance Ministry representatives were appealing to our Unions to defer our strike. We had also indicated to them

BE TRUTHFUL, BE FEARLESS

that if the Government could give an assurance that the Bank Privatisation Bill would not be introduced in the Parliament during the current session, UFBU would be inclined to reconsider the strike. But they did not come forward with any such assurance and thus the strike action was forced on us.

There is no need to elaborate here about the reasons for our opposition to the moves of privatisation of public sector banks. From UFBU we have been consistently expressing our opposition to attempts of privatisation of Banks as the same is neither in the interest of our economy nor in the interest of the workforce.

Further, our experience in the past has been bitter about the track-record of many private banks which had collapsed due to mismanagement and financial irregularities. We also know that the huge problems faced by the Banks on account of bulging bad loans is attributable to the deliberate default of loans by the private corporates.

On the other hand, the contributions of the public sector banks have been invaluable and highly commendable. Hence UFBU is of the considered view that privatisation of banks is a retrograde measure.

We recall that when the Government announced in the Budget 2021-22 that two PSBs would be privatised, UFBU immediately decided and expressed our strong protest against the decision through 2 days massive strike on 15th and 16th March, 2021. Now, when the Government had listed the Amendment Bill in the agenda for the current session, we again gave the call for strike and we have implemented the same successfully.

We only hope that the Government would understand and appreciate the justified concerns of the bank employees and officers and all our trade unions and not proceed with the decision to privatise any Bank.

We are thankful to all the Central Trade Unions – BMS, INTUC, AITUC, HMS, CITU, AIUTUC, TUCC, AICCTU, SEWA, LPF, TUCC, BKS – who have extended their support to our demands and struggle. We are also thankful to the Unions in RBI, LIC, GIC, NABARD, RRBs, Co-op. Banks, other Public Sector Undertakings, Government departments, Bank Retirees organisations, etc. for their fraternal support.

We are equally thankful to all the political parties, Congress, DMK, AITC, Shiv Sena, NCP, CPI, CPI-M, VCK, YSRC, TRC, RSP, AIFB, CPI-ML-L, and all others for their support to our cause. Similarly, we express our thanks to all the Members of Parliament who took up the issue in the Parliament and also addressed letters to PM and FM in support of our demands. We are thankful to the MPs belonging to the Left Parties and others who staged a demonstration today inside the Parliament campus in support of our strike. Our thanks are also due to all the various eminent personalities who expressed their support and endorsed their views in favour of our demands.

Our strike had impacted the functioning of the Banks in a big way. Most of the Branches remained closed. Clearance of cheques in the three Grids were also severely affected. While we regret the inconvenience caused to the banking public due to this strike, we are sure that they would appreciate that the strike was forced on us due to negative attitude of the Government in averting the strike. We are also sure that the people at large would appreciate that our strike was in defence of public sector banking and to prevent privatisation of our Banks.

UFBU will meet shortly to take note of the developments and decide our further course of action.

We once again greet all our Unions and members

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**COVID-19 PANDEMIC: OMICRON VARIANT
SEAMLESS BANKING SERVICES TO THE SOCIETY
PROACTIVE SAFETY MEASURES**

Text of the AIBOC Letter No. AIBOC/2022/01 dated 07.01.2022 addressed to the Hon'ble Finance Minister of Govt of India. Copy of the letter has also been sent to the Secretary, DFS and the Chairman of IBA for their information and necessary action.

Smt. Nirmala Sitharaman ji
Hon'ble Minister of Finance & Corporate Affairs,
Government of India,
North Block
New Delhi

Respected Madam,

**COVID-19 PANDEMIC: OMICRON VARIANT
SEAMLESS BANKING SERVICES TO THE
SOCIETY
PROACTIVE SAFETY MEASURES**

Greetings from All India Bank Officers' Confederation (AIBOC), the apex trade union of officers in the banking industry.

You are aware that the country is witnessing the third wave of the Covid-19 pandemic, which is spreading exponentially. The daily new Covid cases have crossed the 1 lakh mark, while the omicron variant of Covid 19 has resulted in massive surge of Covid cases. This is causing cluster infections not only in offices but also in closed environments of homes and within extended families. The infections among the bankers have been rising rapidly as per reports pouring in from across the country. The anxiety among the bankers runs high and the fear for safety of near and dear ones is once again haunting the fraternity as the trauma of the last two waves, especially the second wave still persists.

2. Madam, you are aware that the bankers have been extending yeoman service to the citizenry

during the crisis period and have been instrumental in keeping the wheels of the economy moving unhindered. As per our conservative estimate, over 2000 bankers have sacrificed their lives in the line of duty having succumbed to the contagion. Thousands of our family members have also died of Covid 19 virus. Many, who have contracted and recovered, too, suffer from heterogeneous issues on health. We consider ourselves to be a part of the 'Financial Army', who have braved the constraints and have served the nation in the time of crisis. Unfortunately, the recognition of Bank employees as Frontline Covid Warrior was delayed denying the opportunity of getting vaccinated along with other FLWS in the first instance, which could possibly have averted the loss of precious lives. Again, it appears that another colossal crisis is looming large and bankers are determined to render their services to the best of their abilities at the call of the nation.

3. In the above backdrop, we wish to offer the following suggestions for your kind consideration and issuance of necessary advisory urgently for ensuring safety and wellbeing of the bankers who are the most vulnerable section of frontline workers because of the nature of their job and responsibilities enshrine upon us in ensuring uninterrupted banking service across the nation.

- i) The bankers to be administered Booster dose along with other FLWs at the first instance when the scheme is rolled out.
- ii) Implementation of 5 day week and all Sundays and Saturdays to remain closed to break the chain of spread.
- iii) At all branches/ offices, only 50% staff should be physically present and remaining staff should be allowed to work from home.
- iv) Visually Challenged employees/

LET US BUILD A STRONG AND SELF RELIANT INDIA

- employees with physical disability should be allowed to work from home.
- v) Pregnant women should be allowed to work from home.
 - vi) Business hours should be restricted between 10 am and 2 pm to reduce physical presence of customers at branches to contain transmission. Customers interests are unlikely to suffer because of rapid growth in Alternate Delivery Channels such as ATMs, phone, net and mobile banking. Unified Payment Service in use across various platforms continue to average transactions worth ₹ 6000 crore per month.
 - vii) The office hours should be strictly from 10 am to 5 pm to enable the bankers reach home safely in the backdrop of cancellation of local trains and withdrawal of public transport after dusk
 - viii) Implementation of skeleton services at the branches for the time being as majority of the employees of the branches may remain on mandatory quarantine due to massive transmission of the virus.
 - ix) Mandatory Rapid Antigen tests at HOs/ZOs/RBOs/CPCs and big establishments to 'Detect, isolate and treat' at regular intervals.
 - x) Special status to bankers for availing Public transport including suburban railways under essential service category.
- It is heartening to note that the Central Government have already initiated various cognitive measures for the wellbeing of the common people and also to effectively contain the contamination. Our suggestions will help strike a fine balance between controlling the spread of infections and ensuring seamless banking services. We reaffirm our wholehearted support and commitment for the development of the economy and the wellbeing of the common citizenry.■

SBI's PE ARM HIKES CLIMATE FUND'S TARGET 5X TO ₹ 2,000 CR

State Bank of India's private equity capital arm has scaled up the target for its Climate fund by five times to ₹ 2,000 crore on growing emphasis on investments in clean technology and environment-friendly businesses.

This climate and environment-focussed fund started off with a corpus of ₹ 400 crore. When it approached the market for commitment, it got good traction from global investors. This led to scaling up of its corpus target, SBI group executives said.

SBICap Ventures, an SBI group company that is managing the fund, has already got commitment from European Investment Bank (EIB) for about ₹ 215 crore. It is also talking to financial institutions from Japan and the United Kingdom for commitments. Investment by a Japanese agency is likely to be over ₹ 200 crore. Neev Fund

II will invest in Indian small and medium-sized enterprises (SMEs). It will provide growth and expansion capital to companies offering solutions for clean energy, electric vehicles, efficient use of raw materials and water as well as circular economy projects.

It will enable India's innovative and emerging companies to fund their growth through equity or quasi-equity instruments.

Besides overseas investors, a clutch of domestic financial institutions are also going to invest in the Neev II fund. Small Industries Development Bank of India (SIDBI) has indicated that it will commit ₹ 160 crore. The total commitments are expected to touch ₹1,000 crore by the end of this month. SBI has given a fairly sizable commitment that is about ₹ 400 crore (20 per cent of the fund corpus).

SBI Cap Ventures expects to have the full fund up and running by June 2022. Work has also commenced on making the investment. It has made commitments of ₹ 275 crore into three companies, including two in waste management and another in pollution control technology.

Besides the climate fund, SBI group's entity is also managing Neev Fund I - a ₹ 500-crore one started in 2015. It is a partnership between two governments – the United Kingdom and India. The SBI group was given the mandate to manage the fund. *Sources: Business Line Dated 22.12.2021*

AIBOC GUEST HOUSE: NEW DELHI COMMENCEMENT OF BOOKING FROM 01.01.2022

Text of AIBOC Circular No.2021/85 dated 31/12/2021.

We are pleased to inform that booking of Confederation's Guest House in New Delhi will resume from 1st January 2022. The apartment, consisting of three bedrooms and a drawing-cum- dining room located at Rajendra Nagar, has been now renovated and refurbished (details appended). In this context, we place on record our deepest appreciation to Com. Pankaj Kapoor, Joint General Secretary of the Confederation for his effort in making the guest house operational again.

02. The tariff of the rooms for the members of all the Affiliates of the Confederation is fixed at a reasonable rate of Rs. 800/- per day. All our Affiliates / State Units and members are requested to bring this communiqué to the notice of the members so that they can avail of this facility. Please note that the request for booking should be only through the respective affiliate/State Unit.

The address of the Guest House is as under:

**7/13, 1st Floor, Old Rajendra Nagar,
(Near Water Tank) New Delhi-110060**

Caretaker	:	Mr. Deo Narayan Sah
Mob No.	:	08882872017
Landline No.	:	011-25720817

The request for booking can be sent to the following e-mail ID

E-mail ID	:	aiboc.guesthouse@gmail.com
	:	aiboc.sectt@gmail.com
Contact Person	:	Shri Surender Sharma
Mobile No	:	09818008855

The confirmation of booking would be sent to the members through letter after receiving transaction ID of deposit of booking amount with date to AIBOC Guest House, A/c No. 601610110005803, Bank of India, Parliament Street Branch, New Delhi, IFSC Code: BKID0006016.

NEVER BEND BEFORE THE INSOLENT MIGHT

**[2021 (169) FLR 102]
(MADRAS HIGH COURT)
P.D.AUDIKESAVALU,J.**

W.P. No. 192 of 2019 and W.M.P. Nos. 204 and 4363 of 2019

August 14, 2020

Between

**DIVISIONAL MANAGER, NADUVATTAM TEA DIVISION, TAMIL NADU TEA
PLANTATION CORP. LTD., NADUVATTAM, THE NILGIRIS**

And

**CONTROLLING AUTHORITY UNDER THE PAYMENT OF GRATUITY ACT,
COIMBATORE and others**

Payment of Gratuity Act, 1972-Sections 4(5), 5 and 14-Gratuity-Claim of respondent No.3/employee-Granted by respondent No.1-Appeal by petitioner was rejected-Hence, the present writ petition-Held, amount of gratuity offered to respondent No.3/employee was lesser than respondent No.3 was lawfully entitled-Petitioner paid gratuity under D.C.R.G. Scheme which would however not absolve liability of petitioner to pay gratuity in accordance with law-No exemption obtained by petitioner under section 5 of Act-Amount of gratuity must be determined in accordance with the Act-Respondent No. 3/employee entitled to get differential amount of gratuity-No infirmity in the orders impugned-Petition dismissed.[Paras 2 and 3]

JUDGMENT

(Through Video Conference)

P.D.AUDIKESAVALU,J.- Heard Mr. Anand Gopalan, learned Counsel for the Petitioner, Mr. D. Sathyaraj, learned Special Government Pleader appearing for the First and second respondent and Mr. P.Ganesan, learned Counsel for the third respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner is a Company owned by the Government of Tamil Nadu and had framed the Tantea Employees Death-cum-Retirement Gratuity Scheme (hereinafter referred to as the 'DCRG Scheme' for short) for its employees. According to the Petitioner, in view of the aforesaid DCRG Scheme, the provisions of the Payment of Gratuity Act, 1972, (hereinafter referred to as the 'Act' for short) would not apply to its employees. The third respondent, who was an employee of the Petitioner, was paid the amount in terms of the DCRG scheme on his retirement from service. However, as the amount in terms of the DCRG scheme was lesser than the amount of gratuity under the Act, the third respondent made a claim bearing G.A. No. 87 of

2016 for the differential sum of gratuity before the first respondent/Assistant Commissioner of Labour under section 7 (4) of the Act for the payment of gratuity, which was granted after hearing the Petitioner by order dated 15.09.2017. The appeal bearing A.G.A. No. 23 of 2018 preferred by the Petitioner against that order under Section 7(7) of the Act was rejected by order dated 11.09.2018 passed by the Second Respondent/Joint Commissioner of Labour. Aggrieved thereby, the Petitioner has challenged the said order of the second respondent confirming the order of the first respondent in this writ petition.

3. The contention raised by the learned Counsel for the Petitioner that the first respondent does not have jurisdiction to adjudicate the claim for gratuity made by the third respondent under the Act due to the distinguishing features of its DCRG scheme in terms of section 4(5) of the Act, is misconceived. In the first place, section 4(5) of the Act cannot have any application when the amount of gratuity offered by the petitioner to the third respondent under its DCRG scheme is admittedly lesser than what the third respondent is lawfully entitled under the Act. Moreover, section 14 of the Act in no uncertain terms states that the provisions of that Act or any rule made

TIME AND TIDE WAIT FOR NONE

thereunder shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than that Act or in any instrument or contract, having effect by virtue of any enactment other than that Act. This would obviously mean that merely because the petitioner has framed the DCRG scheme and payment has been made thereunder to the third respondent, it would not absolve the liability of the Petitioner to pay gratuity in accordance with the provisions of the Act, unless the establishment of the Petitioner has been exempted under section 5 of the Act, on being satisfied that the employees are in receipt of gratuity and pensionary benefits are not less favourable than the benefits conferred under that Act. It is not in dispute that the Petitioner has not obtained any such exemption. Hence, the amount of gratuity that the third respondent is entitled would have to be determined only in accordance with the provisions of the Act. This view is fortified by the binding decisions of the Hon'ble Supreme Court of India in *Municipal Corporation of Delhi v. Dharam Prakash Sharma* and *Allahabad Bank v. All India Allahabad Bank Retired Employees Association* It would necessarily follow that the petitioner is liable to pay the differential amount of gratuity due to the third respondent, after deducting

the amount already paid under the DCRG scheme, as rightly held in the impugned orders which do not suffer from any infirmity. The Third respondent may make necessary application for payment out of that amount said to have been already deposited by the Petitioner with the first respondent pursuant to the impugned orders.

In the result, the writ petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

Petition Dismissed.



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