

A foggy landscape with tall trees and a fence. The scene is misty, with a gravel path leading through a field of tall grass. The trees are mostly bare, with some green foliage visible. The overall atmosphere is quiet and somewhat somber.

**OFFICERS' CAUSE
MARCH -2021**

Editorial

MASS MOVEMENT AGAINST PRIVITISATION OF PSBS BANK STRIKE ON 15TH AND 16TH OF MARCH, 2021

Banking industry is an anchor sheet of the economy. It is the pivot around which economic wellbeing of nation revolves around. Banking is critical next only to the defence in as much as it can build a Nation. Banking industry in developing countries play very crucial and catalytic role in translating the intentions of Government and to make available the precious financial resources to the neglected, ignored or resource-starved class of the society. In this sense, banking is the bedrock for any Government which pursues Welfare State policy and more especially in a country like ours where the difference between haves and have-nots have remained miles apart and galloping. We are a country with huge population, still developing and capable of being a very lucrative market to the developed countries. For the same reason, in order to capture the market, it is not an unknown factor that Bretton Wood Twins - IMF and the World Bank, which are in the grip of developed and wealthy nations, have been strangulating the Government from time immemorial, and more particular since last four decades, to force-in structural reforms in the country. This misplaced structural reforms include - reckless opening of economy, free trade, foreign investment in critical sectors like banking, infrastructure, defence etc, with the ultimate aim of subjugating the resource-rich nation like ours.

2. One such ill-advised reform is privatizing public sector banks and undertakings, which have huge assets, network, establishments and

consumers. Public Sector Banks low-hanging fruits with lakhs of crores of money and money's value with them. The filthy rich business houses are eyeing on them, always. Government, in the garb of aligning with the enslaving international policies dictated by international financial institutions, have given in to the pressure. PSBs, the national builders are being attacked by the very owner! The budget day of the year 2021 turned out to be the blackest day when the Finance Minister announced privitisation of 2 PSBs.

3. Opposing this, United Forum of Bank Unions has plunged into various actions - from demonstrations, walkathons, street meets, wearing black badges, masks, press meets etc, with 2 days of all India Strike on 15th and 16th of March 2021.

4. The tone and tenor of the speak of the Governments over the years are more than revealing. Trade unions in banking industry have withstood, opposed and even restrained the government from implementing ill-conceived reforms - like privitisation and disinvestment. Unfortunately, the present Government has ventured into an attempt of handing over the PSBs to private sector on a plotter forgetting the great contributions that the Public Sector Banks have made to the growth of the economy since the last 50 years. The Public Sector Banks have taken the responsibility of spreading the message of the inculcation of the banking habits to all and have committed themselves to

the implementation of all the Government's Scheme which were aimed at socio-economic prosperity of millions and millions of people living below the poverty line. The Public Sector Banks have done tremendous job in garnering the savings of the masses for the development of the country. Over the last 50 years its deposits have grown leaps and bounds. Banks have created employment opportunities by lending to Agri, MSME, large corporates, village and cottage industries, stand-up/start up projects. This has infused huge liquidity in the hands of citizenry, uplifting crores and crores of citizenry from poverty. This was the objective why the banks were brought under the Public Sector Ownership. The country needs the services of all the Public Sector Banks and none in the country can be a mute spectator to see the handing over the Public Sector Banks to the Private Sector.

5. The United Forum of Bank Unions (UFBU) have been championing the cause of the Public Sector Units not only in banking but elsewhere as well. The initiative of the Government to hand over the Public Sector units in other sectors of the economy was tooth and nail opposed by UFBU and agitation programs have been embarked upon by the Central Trade Union. Public Sector Undertakings are the modern temples of the Indian economy and it has rendered a yeomen service to the country in ensuring self-sufficiency in several areas and also showing to all other countries that the Public Sector Units are the major source of economic development in our country. The role of the Banking Sector has been acknowledged on several counts and the services of the employees and officers serving in the banking industry has been appreciated by the Government time and again. The Public Sector Banks were also appreciated for their service during demonetization, remonetization and in Corona pandemic as well. Despite proving the mettle, the present imitative of the Government to privatize PSBs is nothing but a sinister design to gradually dismantle the existing Public Sector Banks and to invite the Private managements to handle these banks.

6. It is agonizing to see that a popular Government is pursuing an indifferent public policy, which could potentially destroy banking system, resulting

in huge loss of financial resources of citizenry and its misuse by business houses/corporates for their own selfish objectives. Government has been proclaiming that PSBs are inefficient quoting NPAs as reason. It is also within the knowledge of the Government that nearly all NPAs from Corporate Sector pertain only to private enterprises. If the private sector is efficient, how come their loans are NPA? This has not been answered till date either by Government or the Regulator. On the other hand, again, the situation is being exploited by the powers in the country to promulgate laws like IBC, which ultimately encourages day-light robbery to enrich corporate defaulter with so called "hair cuts" (writing off by Banks).

7. Country has seen many experiments in banking space. Model like Local Area Banks or Bharat Mahila Bank were unsuccessful. Umpteen number of Cooperative Banks, though their aim and objectives were pious, have failed due to political intervention within them. A large number of Private Sector Banks have to be rescued, by Public Sector Banks. This very Government roped in PSBs to rescue a prominent and much hyped new generation private sector bank. Under these circumstances, the economists, financial experts, trade unions and stake holders have failed to understand the intention of the Government and the tacit support of Regulator in privatizing the PSBs. It is certain beyond every doubt that the Government has resorted to shirking the responsibilities of a Welfare State, and handing over the national assets to private business houses/corporates which results in unjust enrichment. This is decisively an act in haste, only to repent at a later age, which is of no avail.

8. Recollecting the quote of Shaheed Bhagat Singh - "If the deaf are to hear, the sound has to be very loud." The pleadings and demands have fallen on the deaf ears of State. As such, Trade Unions under the banner of UFBU has embarked upon to make the sound loud and clear. The issues raised in the Strike Notice are:

- ➔ Demanding - Strengthening of Public Sector Banks

SUCCESS AWAITS AT THE DOOR WHERE DILIGENCE IS

- **Opposing Proposed Privitisation of Public Sector Banks**
- **Opposing Retrograde Banking Reforms.**

9 It is the sacred duty of each and every citizen of the country, employee/officer in the banking industry to participate in this struggle and uphold the supremacy of the Public Sector Banks and send a clear message to the Government and all other authorities who are inimical to the success of the Public Sector Banks that the proposed strike action is only a beginning and in case the Government pursues its initiative to hand over the Public Sector Banks which are the property of the common man to the Private Sector our struggle shall be intensified in order to take our battle to the logical end.

Concludingly, It is also the responsibility of the executives, senior officers of PSBs, to stand up and extend support and own the movement of Save Public Sector, for they owe their present position and career to the very Public Sector fabric, which they are heading. This is time to take decisive stand - whether they owe their loyalty to the PSBs or to the Master! Whether the PSBs should exists for billions of people or to be usurped by Billionaires!!!

Saving PSBs is nothing short of saving country's economic independence and it is a show of patriotism!!

*"Abolish plutocracy if you would abolish poverty.
As millionaires increase, pauperism grows.
The more millionaires, the more paupers
(Rutherford B Hayes)*

FINANCIAL RESULTS OF THE BANK FOR THE QUARTER ENDING DEC 2020 - CONGRATULATIONS!!

We are sure that you must have gone through the Q3 results of the Bank announced on 4th February'21. You must have also observed the remarkable performance of the Bank in the background of crisis caused by the pandemic that devastated the entire world, which had huge impact on lending, recovery and on the very functioning of the bank. The past 9 months were turbulent for the country, economy and the banking industry. Despite these adversities, the diligence, hard work, relentless struggle of the officers, risking their lives in the line of duty, have been instrumental in achieving the results that beat the market expectations. Bank has registered positivity in all parameters like- Net and Operating Profit, Interest and Non-interest Income, very reasonable growth in deposits, substantial growth in retail loans, a good portfolio of housing loans, and substantial reduction of Net NPA to 1.23% and GNPA to 4.77%. Topping them all, Provision Coverage Ratio (PCR) has risen to 90.21%, depicting the strength and shock absorbing capacity of the Bank. Slippages have been arrested; CAR has increased to 14.50%, the healthiest, with increase in ROA. Most importantly, the digital banking share has increased to 93%. The stellar performance reflects the hard work that our members have put in.

2. Comrades, the entire industry has lauded the sterling performance of the bank and undoubtedly,

this has become possible only due to dedicated workforce like you who have shown exemplary courage and indomitable spirit and enthusiasm to carry forward the bank to a new height amidst an unprecedented situation in the entire world due to covid-19 pandemic which has redefined the global health crisis of our time and shaken the economy by their roots. On this auspicious occasion, we are extremely happy and proud to appreciate and congratulate you for your hard work, taking ownership over the work for achieving the goals of the bank and dedication. When entire society remained inside the four walls due to the lockdown on account of the pandemic, you have accepted the gauntlet and have proved the world what we are capable of.

3. We believe that interest of ours and the bank are intertwined. We have been making efforts constantly for improvement in working environment and the service conditions ensuring job security and flow of financial and other benefits. Towards this, keeping the health of the bank is one important step. The next two months are critical to the Bank and all of us as well as we approach the end of the fiscal. We, therefore, appeal to you to prove that State Bank is unique and can sustain and overcome any adversity! The healthier the bank, the better will be the service conditions. We would also draw your attention to the fact that as per a new clause incorporated in the 8th Joint Note, Banks are now

ARISE, AWAKE, STOP NOT TILL THE GOAL IS REACHED

enabled to share a part of the profit, as Profit Linked Incentive, over and above our salary. This can be maximized when our institution registers a rise on operating profits over the previous year and earns Net Profit.

4. Comrades, salary revision is complete as of now. However, our entire membership is expecting enhancement of our existing perks and benefits, which have not been revised for a considerable period as well as introduction of new allowances, which is eminently justified considering that we have been the driving force behind the progress. We

remain seized of the matter. Considering the importance of the issue, we have flagged off the matter with the top management through series of letters and discussions at different forums. We do hope that the management will respond positively to our genuine demand in the upcoming months.

4. Nonetheless, we remind you that healthy human resources are pivotal to any healthy organization. Please take business and targets professionally; take care of yourself and your family and let us work in unison to make our esteemed institution scale new heights and our movement stronger than ever.■

UFBU ANNOUNCES AGITATION PROGRAMMES MARCH ON TO ALL INDIA BANK STRIKE ON 15TH AND 16TH MARCH, 2021

Text of AIBOC Circular No. 2021/13 dated 11/02/2021 reproduced text of UFBU Circular No.2021/02, dated 10.02.2021.

- * **OPPOSE PRIVATISATION OF PUBLIC SECTOR BANKS**
- * **MARCH ON TO ALL INDIA BANK STRIKE ON 15TH AND 16TH MARCH, 2021**

We have informed all our unions and members that in the UFBU meeting held at Hyderabad on 9th instant, the call has been given for observing 2 Days Strike on 15th and 16th March, 2021 to express our protest and opposition to the proposed move of the Central Government to privatise 2 public sector banks in addition to IDBI Bank. *In continuation, we append the detailed agitational programmes to be undertaken by our unions and members:*

14 th Feb. to 14 th March	Committee meetings, mass meetings to explain the importance of the struggle to all our members.
15 th Feb.	Letters to all Central Trade Unions seeking support to our struggle
16 th Feb.	Letters to all political parties seeking their support
18 th Feb.	Serving Strike Notice by UFBU
19 th Feb	Day long Dharna in all State Capitals
19 th Feb	Demonstrations in all centres
20 th Feb. to 14 th March	Dharnas in Districts/towns in each State on different days
20 th to 25 th Feb.	Petition to all Members of Parliament by UFBU
22 nd Feb.	Black Badge Wearing
From 22 nd Feb	Distribution of leaflets/pamphlets amongst employees/ customers
From 1 st March	Display of posters before all Bank Branches
1 st March	Wearing of protest Masks
2 nd March & 3 rd March	Submission of online petition to Prime Minister
1 st to 4 th March	Press Meets in State Capitals – on any one day
8 th March	Wearing of protest masks (Parliament session opening day)
9 th March	Twitter campaign
10 th March	Demonstration before Parliament – all UFBU leaders to participate
11 th March/12 th March	Badge Wearing
11 th March/12 th March	Demonstrations in all State Capitals
15 th and 16 th March	Two days continuous stay out strike

WORK IS WORSHIP , DO YOUR DUTY

Comrades, all of us should realise that the challenges are serious and hence our struggle has to be massive, militant and determined. We seek the co-operation

and involvement of all our unions and members in all the programs listed above to make them successful. ■

**ORGANISING CAMPS BY URBAN LOCAL BODIES
TO DISBURSE LOANS TO STREET VENDORS
OPENING OF BRANCHES ON 27TH FEBRUARY AND 13TH MARCH, 2021**

Text of AIBOC Circular No.2021/17 dated 26/02/2021 reproduced text of the joint communique from four officers' organisations (AIBOC, AIBOA, INBOC, NOBO) dated 26.02.2021 addressed to Shri Debashish Panda, Secretary, Department of Financial Services, Govt. of India on the captioned subject. Copy of the letter has also been sent to the Chairman, IBA and MD & CEOs of all banks.

ORGANISING CAMPS BY URBAN LOCAL BODIES TO DISBURSE LOANS TO STREET VENDORS.

Ref: Government of India DFS Letter: No. D.O.NO. 27/08/2020 – IF- II dated 23/02/2021 – PMSVANIDHI SCHEME – ORGANISATION OF CAMPS.

2. Government of India –Ministry of Housing and urban affairs – Letter D.O.No: -K-12020(4) /2/ 2020 –PMS- B(9098169) dated 23.02.1021 addressed to Chief Secretaries of State Governments and Union Territories.

We have been given to understand that there was a review of the progress made by the Urban Local Bodies in the matter of lending the loan amount of Rs 10,000.00 each to street vendors under the above-mentioned Government scheme. The plan of action to clear the backlog of applications, the eligibility criteria has also been changed i.e. CIBIL score need not be insisted upon. Further, the local Bodies are to organise the camps to achieve the targets stipulated.

2. You are well aware that during the Pandemic Covid – 19, the relief announced by the Government to Jan Dhan Account holders were effectively handled by the Public Sector Banks

despite severe constraints working with truncated manpower at the respective bank branches. Financial Sector Warriors are second to none in extending the help to the downtrodden and also the poor during this trying times.

3. We have been given to understand that there is an advisory directing the Public Sector Banks to keep the offices opened on declared holidays under the Negotiable Instruments Act i.e. on 27th Feb 2021 and 13th March 2021. You are aware that the 2nd and 4th Saturday have been declared as holidays in the banking industry following the Industry level settlement arrived at with IBA with the full concurrence of the Government of India effective from 01.09.2015. Secondly, the documents executed by the borrowers on holidays has got no legal binding. Thirdly, officers working at the Branches are overburdened with the tremendous work pressure and need the weekend for maintaining proper work-life balance.

4. While the members of the officers' organisations are willing to walk an extra mile during extreme natural calamities or extraordinary circumstances, such unilateral and arbitrary decision to keep all the branches open on the 4th Saturday of February and the 2nd Saturday of March has evoked tremendous resentment across the country. Alternatively, we suggest that the ULB may be advised to keep all the relevant papers for considerations at the branches, disbursement of the loans to street vendors will be only on regular working days of the Public Sector Banks.

5. We, therefore, request you to issue a revised advisory immediately rescinding the earlier order lest we shall have to take certain organisational steps for the interest of our members, for which the authorities will be held squarely responsible. ■

LET CUSTOMER SERVICE BE OUR MOTTO

55TH ANNUAL GENERAL MEETING OF SBIOA – BENGAL CIRCLE MASSIVE SHOW OF SOLIDARITY

Nazrul Manch in City of Joy - Kolkata was the destination of over 3600 officers of SBIOA (Bengal Circle) as they congregated thereat from nooks and corners of the circle- from Andaman to Sikkim. 55th Annual General Meeting of Bengal was the event which beckoned this massive presence on 27th February, 2021.

2. The meeting preceded by hoisting of the flag of SBIOA by the President, AISBOF Com. Deepak K Sharma and the undersigned in the august presence of the local Management functionaries, the Presidents and General Secretaries of various affiliates of AISBOF and the Circle Association office bearers. The venue reverberated with thunderous slogans, raising the passion of trade unionism in each member present on the occasion. More endearing was the significant presence of women and youth, infusing the conference with vigour and vitality.

3. The meeting commenced with the melodious and rousing rendition of the opening chorus, performed by the members of the Siliguri Zone of the cultural wing of the Circle Association 'Srijan'. The group, who hailed predominantly from the hills of Darjeeling charged the entire atmosphere with their mellifluous rendition. This was followed by lighting of the ceremonial lamp by the dignitaries present on the dais which included Comrade Deepak Sharma, President, AISBOF, the undersigned along with Janab Md. Saad Imteyaz Hussaini, General Manager(North Bengal & Sikkim), Kolkata Circle, Shri Dilip Sadashiv Nirkhe, General Manager (South Bengal, Andaman & Nicobar Islands), Shri Ashok Kumar Mahakul, General Manager (FI & MM, Bengal), Shri Subrata Mujherjee, General Manager(Addl. CVO), Kolkata Circle, Shri Debadarshi Tripathy, DGM & CDO, Kolkata Circle, Comrade Asitava Kundu, President & Comrade Shubhajyoti Chattopadhyay, General Secretary of SBIOA (Bengal Circle), Comrade Nilesh Radia, Dy. General Secretary, AISBOF & President, SBIOA(Ahmedabad Circle), Comrade Sabyasachi Swain, Vice-President, AISBOF & General Secretary SBIOA (Bhubaneswar Circle), Comrade Sanjay Kumar Sharma, Dy. General Secretary, AISBOF & President, SBIOA(Chandigarh Circle), Comrade Nallaperumal Pillai, Dy. General Secretary, AISBOF & President, SBIOA(Chennai Circle), Comrade R. Balaji, Vice-

President, AISBOF & General Secretary , SBIOA (Chennai Circle), Comrade Manimaran Seeni, EC Member, AISBOF & Treasurer, SBIOA (Chennai Circle), Comrade Jatinder Pal Singh Sethi, Dy. General Secretary, AISBOF & President, SBIOA (New Delhi Circle), Comrade Sushil Ahuja, Vice-President, AISBOF & General Secretary , SBIOA(New Delhi Circle), Comrade R Govinda Rajan, Dy. General Secretary, AISBOF & President , SBIOA(Mumbai Metro Circle), Comrade Arun Balkawade, Vice-President, AISBOF & General Secretary , SBIOA (Mumbai Metro Circle), Comrade Ajit Kumar Mishra, Sr. Vice-President, AISBOF & General Secretary, SBIOA(Patna Circle), Comrade Sashidhar Choudhary, Vice President, SBISA(Bengal Circle), Comrade Dipak Kumar Basu, General Secretary, SBI Pensioners' Association (Bengal Circle), Comrade Sanjoy Das, Secretary, AIBOC (West Bengal State Unit) and the undersigned.

4. Following the lighting of lamp, the veterans and SBIOA Seniors namely Shri Tapan Mitra, Comrade Rabin Gopal Maitra, Comrade Asit Kumar Sinha, Comrade Bimalendu Biswas, Comrade Ajit Kumar Chattopadhyay, Comrade Pronab Kumar Sarkar were befittingly felicitated for their exemplary support to SBIOA (Bengal Circle) by Com Deepak K Sharma, President, AISBOF and the undersigned along with Com Asitava Kundu and Com Shubhajyoti Chattopadhyay.

5. The special edition of the journal of the Circle Association- 'Sup-Voice' along with 'Hand Book on "Customer Grievance Redressal Mechanism" and an app named 'SAMPRIKTO' were released by Janab Md. Saad Imteyaz Hussaini, General Manager(North Bengal & Sikkim), Kolkata Circle and Chief Guest of the meeting.

6. Com Shubhajyoti Chattopadhyay, General Secretary (Bengal Circle) in his warm and passionate welcome address greeted the dignitaries and the members. He briefly touched upon the activities and achievements of the Circle Association and also highlighted the various issues taken up during the CNC meetings.

7. Janab Md. Saad Imteyaz Hussaini, General Manager(North Bengal & Sikkim), Kolkata Circle and Chief Guest of the meeting, congratulated and

BE TRUTHFUL, BE FEARLESS

thanked the officers' fraternity for the yeoman services rendered by them during pandemic and achievement of Circle as it remained amongst the front runners in MD ranking matrix. He thanked Circle Association for many of its initiatives and the active participation of officers. He reiterated the importance of customer service and urged on migrating bank's business on digital platform, improving compliance culture.

8. The undersigned during his address expressed happiness for the wholehearted participation of members. He warmly congratulated the Circle Association who had "Dared to Do" by organizing the massive gathering during these trying times. He shared the arduous journey of recent wage revision which finally was signed on 11th November, 2020. He acknowledged with sincere appreciation the positive role of Comrade Sunil Kumar, former President of AIBOC and Shri Alok Kumar Chowdhary, DMD Finance, the then Chairman of negotiation committee in clinching many new benefits to the Officers' fraternity through the 8th Joint Note. The undersigned also called upon the fraternity to be in readiness for the upcoming challenges of privatization of Public Sector Banks. He gave a clarion call to resist this anti-people initiative of the Government by mobilizing public support. Highlighting the services rendered by the PSBs to the people and the Government, he stated that it was actually a "**Bank Nirbhar Bharat**". The undersigned made it categorically clear that AIBOC will be fighting tooth and nail to resist Govt.'s move towards privatization of PSBs. He lauded the HR initiatives of Bank during COVID-19 pandemic when 215 employees as on date succumbed to the deadly virus. Appreciating the publication of Hand Book on Customer Grievance Redressal Mechanism, he urged on being courteous to the juniors, peers and subordinates in the work place as well as to all customers to enhance our brand image. He appreciated the functioning of the Circle Association under the new team of Comrade Asitava Kundu and Comrade Shubhajyoti Chattopadhyay in taking the Circle Association forward. He concluded wishing a grand success of the meeting and formally inaugurating the meeting.

9. Com. Deepak Kumar Sharma, President (AISBOF) mesmerised the gathering by his prolific oratory skills. He admired and appreciated the participation of large number of members of the circle in the Annual General Meeting. He appreciated the publication of various Hand books by the circle

association, which not only help the members in increasing their knowledge base but will also help in rendering better customer service. Referring to Chairman's message of "Positivity", he urged the membership that the positive approach should prevail in all walks of life by adopting Work Life Balance, dignity and respect to all. He appreciated the role of AIBOC leadership under the leadership of Com. Soumya Datta for the decent wage revision and that also during the Pandemic. He appreciated the PLI; 5/7 days leave encashment, enhancement of Banks share in NPS, increase in family pension and so many other things in the 8th Joint Note. He briefed the members about the pending issues including financial and non-financial which they have raised with the Management of SBI during their visits to the Corporate Centre. He denounced the acts of the Bhopal administration, who had forcibly sealed a branch of our Bank. He appreciated and congratulated the members as well as the leaders of Bhopal Circle for the end result of the agitation against the local administration. AISBOF had a glorious tradition of standing up to every atrocity and this time also we fought and won. He alerted all the members present in the hall about the move of the central Government for privatising two public sector Banks. He told the gathering that our Government had an agreement with IMF for privatising all the Public sector in the year 1991 and this move of the present government is one step ahead in the same direction. He appreciated the role of Public sector Banks in the development of this great country. He appealed to all present to remain united and attend to every call given by the Associations for saving the Public Sector Banks. At the end he congratulated the leadership of Bengal Circle as well as all the members of the circle for the wonderful gathering and wished them success for the 55th Annual General meeting. He thanked the organisers for giving him an opportunity to share his views.

10. Comrade Sashidhar Choudhary, Vice President, SBISA (Bengal Circle), greeted the congregation and extended fraternal support.

11. Comrade Sanjoy Das, Secretary, AIBOC (West Bengal State Unit), appreciated the theme of the meeting "*Let us dare to do*" and urged upon fighting against move of privatization of PSBs with public support.

12. Comrade Dipak Kumar Basu, General Secretary,

SBIPA, extended fraternal support, thanked AIBOC for taking up the issues of pensions and family pension and expressed confidence in AIBOC in taking forward the issues of retirees to a logical conclusion.

13. Comrades, the Annual General Meeting in Kolkata was yet another show of strength of supervisory trade unionism. The massive gathering, participation of women and youth indicated the innate strength that we possess. It demonstrated the urge of the officers to be united. This also provided us an opportunity to interact with them, understand and get connected to the

ground, to forge a bonding so that the trade unionism and the legacy flourishes and proliferates for the common good of the officers' fraternity, working class and the bank as well.

14. We congratulate our affiliate, SBIOA (Bengal Circle) and the vibrant leadership and membership who made the event an outstanding success. Later in the day, the reports from SBIOA (Bengal Circle) indicated active participation by the members during the business session and about the meaningful deliberations by the participants, which proved that the meeting achieved its objective with profound success. ■

COVID-19 PANDEMIC: TREATMENT OF PAYMENT / REIMBURSEMENT OF HOSPITAL EXPENDITURE MADE BY THE BANK MANAGEMENT - FOR TAX PURPOSE

Text of AIBOC Circular No.2021/19 dated 01/03/2021 reproduced text of the joint communique from four officers' organisations (AIBOC, AIBOA, INBOC, NOBO) addressed to the Chairman, CBDT, New Delhi dated 01.03.2021. Copy of the letter has also been sent to the Chairman, IBA and MD & CEOs of all banks.

COVID-19 PANDEMIC: TREATMENT OF PAYMENT / REIMBURSEMENT OF HOSPITAL EXPENDITURE MADE BY THE BANK MANAGEMENT - FOR TAX PURPOSE

At the outset, we, the four officers' organisations viz. AIBOC-AIBOA-INBOC-NOBO, representing the entire fraternity of officers in the banking industry, convey our sincere gratitude to you for providing breathing time by extending time norms for various income-tax related activities as a solace to the tax payers against the backdrop of COVID-19 pandemic.

It is a well-known fact that bank employees and officers, being part of the country's financial army, have been rendering uninterrupted and yeoman service from the front line and therefore have been exposed to the contagion. More than a lakh bank employees and officers and their family members have been affected by Coronavirus and many have succumbed to the deadly virus.

Sir, we wish to point out that the banks, as a part of industry wide bipartite settlement, are reimbursing the hospitalisation medical

expenditure of employees within certain limits for the medical treatment taken by them from various hospitals for COVID-19 treatment. This reimbursement is of two types – direct payment to the hospital and reimbursement to the employee against relevant bills.

Any reimbursement of medical expenditure on account of hospitalisation is being classified into taxable and non-taxable income / perquisite for the employees. This classification is based on the specific diseases provided for in the Circular no. 747 dated 02.12.1996 issued by the Central Board of Direct Taxes. COVID-19 is not a part of the said list of specific diseases.

Consequently, the reimbursement of hospitalisation expenditure for COVID-19 being spent / reimbursed by the bank management to the employees is being classified as taxable.

Sir, it is a hard reality that the hospitals are charging hefty amounts for treating COVID-19 patients. It ranges from Rs.4.00 lakh to Rs.15.00 lakh depending on the severity of the disease. The employees are incurring huge amounts towards other related expenditure apart from the hospital bills. Unfortunately, after incurring such expenditure, many of our employees and their dependents did not survive.

Most of the senior officers / employees are in 30% tax slab and when the said reimbursement is added to their taxable income, they have to pay 30% of the said reimbursement amount as tax – ranging from

LET US BUILD A STRONG AND SELF RELIANT INDIA

Rs.1.20 lakh to Rs.5.20 lakh, even though there is no profit element or gain is there out of such payment / reimbursement of medical expenses made by the bank management.

The guidelines of CBDT about specific diseases are of 1996 and several new diseases have cropped up since then. Needless to emphasise, COVID-19 is one of the latest additions to critical diseases ever faced by the mankind.

Hence, considering the fact that the reimbursement

/ payment of medial expense made by the bank to its employees / officers is towards the treatment charges made by the hospitals and that there is no profit element to the employees, we urge upon your good office to revisit the list of specified diseases and notify a revised list of specific diseases including COVID-19, which will certainly be of immense help to the affected employees and / or their families.

We are certain that your good office will take a pragmatic and sympathetic view in the matter and issue necessary directives in this regard. ■

A DEFINED INTERNATIONAL WOMEN'S DAY - MARCH 8, 2021

#ChooseToChallenge#IWD2021

Text of AIBOC Circular No.2021/22 dated 08/03/2021 .

Greetings of the country's largest banking trade union in supervisory cadre on the meaningful occasion of **International Women's Day - 2021!**

It is at the turn of the last century that oppression on the women and inequality in society were spurring the women to become more vocal and active. The year 1908 witnessed an epoch-making event, when more than 15,000 women marched through New York City demanding shorter working hours, better pay and voting rights. The idea of an 'International Women's Day' was first floated by a woman leader, Ms. Clara Zetkin in the Second International Conference of Working Women held in Copenhagen in the year 1910, which got unanimous approval from more than 100 women delegates from 17 countries, representing unions, socialist parties, and working women's clubs. The relationship of the working-class movement with the IWD is thus interwoven.

International Women's Day was celebrated for the first time by the United Nations in 1975. Adoption of an annual Theme was prescribed by the UN in 1996 - which was 'Celebrating the past, Planning for the Future'. Since then, a Theme is being proclaimed for the IWD of every year. The Theme of IWD this year is: '**Women in leadership: Achieving an equal future in a COVID-19 world.**', while the theme for campaign is: '**#ChooseToChallenge #IWD2021**'.

Many of the most successful responses to the

COVID-19 pandemic were led by women – be it health care workers, caregivers, innovators or community organizers. A Report released by United Nations Development Programme (UNDP) has revealed one of the most shocking news that around 47 million women have been pushed to poverty because of the pandemic. Post COVID-19, the entire humanity is required to re-build a new order of life. We need to act differently. In that paramount task ahead of us, Women can be instrumental in bringing desirable changes.

In the banking industry, over 35% of the workforce is womenfolk. The Confederation is destined to fight for equal rights to women and ensuring their due share in the organisation, the institution and the society. The challenges faced by our women in the workplace need to be addressed by all of us together. We, therefore, call upon each of our Affiliates and all the State and District Units to raise awareness against bias, take action for gender equality and seek out and celebrate women's achievements on each day of the year.

Presently, we are in the mode of agitation including two days' strike on 15th and 16th March 2021 - demanding strengthening of public sector banks and opposing the sinister design of the government of privatisation of banks and introduction of retrograde reforms in banking sector. AIBOC rejects all these policies of the present government serving the interest of the crony corporates including multinationals to maximise their profits and amassing their assets and wealth continually at the cost of cut in wages, benefits and jobs, absence of social security and replacing 'defined benefits' on superannuation

DUTY FIRST, RIGHT NEXT

to 'defined contribution without any responding guarantee on defined payments back, gradual reduction of importance of social banking, diversification of public funds in the coffer of a few billionaires and loss of livelihood by common man - which are responsible for causing much greater causality in the form of inequality of women in every sphere of our society at this difficult time. We salute to each of the women in the banking industry as well as to those in the families of all our members besides millions of women customers of banks and look forward to having their wholehearted and active support in our fight against privatising the profits and

nationalising the losses.

On this **International Women's Day - 2021**, let all of us take oath for:

Thinking globally and acting locally!

Ensuring equality in its true sense and making everyday as International Women's Day!

We will fight we will fight, till we succeed we will fight.

#ChooseToChallenge #IWD2021

[2020 (166) FLR 615]
(BOMBAY HIGH COURT)
S.C.GUPTA, J.

Review Petition No.60 of 2019 in W.P.No. 9044 of 2017
November 8, 2019

Between
LAXMAN BALU DEUALKAR
And
CHIEF EXECUTIVE OFFICER, KOLHAPUR

Payment of Gratuity, Act 1972-Section 4 (6)(b)(ii)-Payment of gratuity-Petitioner, ex-employee of respondent-Bank-Termination due to misappropriation of funds-Petitioner moved application under section 4 of Act before Controlling Authority for the payment of gratuity-Application of petitioner was allowed-Appellate Authority set aside the order of Controlling Authority-Writ petition filed by petitioner was dismissed-Order was sought to be reviewed-Held, forfeiture of gratuity was permissible if the termination was for a misconduct which constituted an offence involving moral turpitude and where the employee was convicted on the basis of such offence by a Court of competent jurisdiction-There being no case of actual offence or even prosecution for any such offence in a criminal Court of competent jurisdiction-No warrant for forfeiture of gratuity under section 4 (6) (b) (ii) of act-Order passed in writ petition recalled and set aside-Review petition allowed. [Paras 2 and 3]

JUDGMENT

S.C.GUPTA, J.-This review petition seeks review of an order passed by this court whilst disposing of the writ petition herein. The writ petition challenged an order passed by Appellate Authority under **Payment of Gratuity Act, 1972** ("Act"). The Petitioner, who was an ex-employee of the Respondent-bank, was charge sheeted for the misconduct of misappropriation of funds. After a duly conducted departmental enquiry, where the Petitioner was found guilty of the charge, his services were terminated on 6 July, 1996 by giving one month's pay in lieu of notice. The Petitioner complained of an unfair labour practice in respect of his termination. His complaint was dismissed

by the Labour Court at Kolhapur. Thereafter, the Petitioner filed an application in form-I for payment of gratuity. Since gratuity was not paid despite that application, he preferred an application under **Section 4** of the Act before the Controlling Authority. During the pendency of this application, a show cause notice was issued to him by the Respondent-bank for forfeiture of his gratuity. After considering the Petitioner's reply, by its notice dated 28 August 2008, the Respondent forfeited the gratuity payable to the Petitioner under **Section 4(6)(b)(ii)** of the Act. The controlling authority, vide its order dated 15 July 2005, allowed the Petitioner's application and directed the Respondent-bank to pay to the Petitioner a sum of Rs.1,05,404/- towards

NEVER BEND BEFORE THE INSOLENT MIGHT

gratuity along with interest at the rate of 10 per cent per annum from the date of his application and till realization. This order was challenged by the Respondent-bank before the Appellate Authority under the Act. The appellate authority, by its judgment dated 9 December 2015, allowed the appeal and set aside the order of the controlling authority. The order of the appellate authority was challenged in a writ petition before this court. This court found no merit in the petition and dismissed the same. That order is sought to be reviewed.

2 The argument of the Petitioner that it was a pre-condition in order to invoke **Section 4(6)(b)(i)** of the Act for forfeiture of gratuity that the termination of the employee should have been on the ground of an actual conviction for an offence involving moral turpitude, was not accepted by this court, whilst dismissing the petition. Subsequent to the passing of the order under review, a judgment has been delivered by the Supreme Court in the case of Union Bank of India v. C.G. Ajay Babu, which in terms has held that to be an offence within the meaning of **Section 4(6)(b)(ii)** of the Act, the alleged act on the part of the delinquent employee should be punishable under law. The court has held that this was absolutely in the realm of criminal law; it was not for the bank or any private authority to decide whether an offence had been committed; it was for the court alone to do so. The court has clearly laid down that under **sub-section 6(b)(ii)** of the Act, forfeiture of gratuity was permissible only if the termination of the concerned employee was for a misconduct which constituted an offence involving moral turpitude, and the employee was convicted accordingly by a court of competent jurisdiction. The court has held in unequivocal terms that the requirement of the statute was "not the proof of misconduct of acts involving moral turpitude", but "the acts should constitute an offence involving moral turpitude and such offence should be duly established in a court of law". In the face of this categorical statement of law in C.G. Ajay Babu's case, the conclusion of this court, as reflected in its order under review, that it was not necessary to establish an offence in a court of competent jurisdiction and accordingly, actual conviction of the delinquent

employee was not a pre-condition for forfeiture of his gratuity under sub-section 6(b)(ii) of Section 4 of the Act, can be said to be vitiated by an error of law apparent on the face of the record. The case of Jaswant Singh Gill v. M/s Bharat Coking Coal Ltd., which was relied upon by the Supreme Court in C.G. Ajay Babu's case, was considered by this court in the order under review. This court was, however, of the view, as it now turns out, mistakenly, that the observations of the Supreme Court in that case that clause (b) of sub-section (6) of **Section 4** of the Act provides for forfeiture of the whole amount of gratuity or part in the event his services had been terminated.....if he had been convicted for an offence involving moral turpitude" had to be seen in a proper context; the Supreme Court in Jaswant Singh Gill's case was not considering interpretation of **sub-section 6(b)(ii)** of the Act or testing whether or not conviction by a criminal court of competent jurisdiction was a pre-condition for forfeiture of gratuity under that provision. Accordingly, the order passed in the writ petition on 14 June 2018 needs to be reviewed and recalled and the writ petition deserves to be allowed.

Learned Counsel for the Respondent is not right in submitting that the facts of the case before the Supreme Court in C.G. Ajay Babu case were different from the facts of the present case. The decision of the Supreme Court in C.G. Ajay Babu case was on the basis of a proposition of law regardless of particular facts of that case, such proposition being that forfeiture of gratuity under 4(6)(b)(ii) of the Act was permissible only if the termination was for a misconduct which constituted an offence involving moral turpitude, and where the employee was convicted on the basis of such offence by a court of competent jurisdiction. There being no case of actual offence or even prosecution for any such offence in a criminal court of competent jurisdiction in the present case, there is no warrant for forfeiture of gratuity under sub-section (6)(b)(ii) of **Section 4** of the Act.

3. The Review Petition is, accordingly, allowed. The order of 14 June 2018 passed in the writ petition is recalled and set aside and the writ petition is allowed by quashing and setting aside the order

of the Appellate Authority and restoring the original order of the Controlling Authority under the Act. The Petitioner will be entitled to gratuity in accordance with the order of the Controlling Authority. Learned Counsel for the Petitioner submits that he is agreeable to take the amount deposited by the Respondent before the Controlling Authority towards his gratuity and the interest accrued on that amount till it was withdrawn in pursuance of the order dated 14 June 2018. Learned Counsel submits that he does not pray for any interest post-withdrawal of the amount, since such withdrawal was in pursuance of an order passed by this court. The amount deposited by the Respondent together with accrued interest (as of the date of its withdrawal by the Respondent) shall accordingly be paid by the Respondent to the Petitioner within four weeks from today. If there is any delay on the part of the Respondent in payment of this amount beyond four weeks from today, the unpaid amount shall carry interest at the rate of 10 per cent per annum from the date of expiry of four weeks and till payment or realization. ■

Petition Allowed.

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I, Soumya Datta, hereby declare that the particulars given above are true to the best of my knowledge and belief.

Bangaluru
10/03/2021

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