

OFFICERS' CAUSE

MARCH - 2019



Editorial

LANDMARK JUDGMENT SUPREME COURT HELD SPECIAL ALLOWANCE TO BE RECKONED FOR CONTRIBUTION TOWARDS PROVIDENT FUND

The Supreme Court, the apex body of judiciary in the country in a recent judgment has declared that the Special allowance is part of the Basic wages and shall be eligible for the computation of Provident Fund in respect of the employees. The Court also observed that the employers are splitting the various components of wages in such a way that they are able to comfortably deny the benefit of the superannuation to the members of the Employees Provident Fund on the grounds that the employees will have a higher take home pay. This was nothing but deceiving the employees who will be at the mercy of others on their superannuation from their services. The issue was being examined by the EPFO for a long time. The trustees were also struggling to find a solution to this problem and see that the employers are forced to factor in the cost of the superannuation on the basis of their splitting of the wages into various components. The statute provides for the contribution of PF on allowances as well. However, the Managements were convincing the representatives of the unions that by splitting the wages into various allowances, the burden of the PF on the employees is reduced and they would get more take home pay. However, the EPFO was examining with the help of a committee constituted for the purpose within the

organization. However, the Supreme Court has come out with this land mark judgment so that the employees are able to get the full benefit of superannuation to the members.

Our members are aware that the IBA took a stand that they are finding it difficult to meet the provision required under the superannuation in particular the Pension payable to the retirees. Hence, they insisted that the Basic Pay will be allocated only 2% of the load agreed and the other part will be given in the form of special allowance. This resulted virtually in no increase in the basic pay since the revised basic pay was only the arithmetical merger of the Dearness Payable at a particular point. The Basic Pay increase was neutralized by the lower percentage of Dearness Allowance in the subsequent period. Hence, the employees did not get the real benefit of the revision when they retired from the bank.

It is a conscious decision on the part of IBA to save the cost on the superannuation provision to the employees on the grounds that the banks are not in a position to provide adequate provision towards superannuation benefits. The employees are entitled to get the Pension on the Basic Pay and the eligible allowances for the purpose of

NATION FIRST, ORGANISATION NEXT, INDIVIDUAL LAST

the superannuation benefits. However, the Special Pay introduced during the last bipartite settlement was kept outside the purview of the Superannuation benefits.

The IBA is now duty bound to re-fix the Pension as well as the benefit of Provident Fund as per the decision of the Supreme Court. The Supreme Court judgment supersedes all the earlier settlements when the court has ruled that the practice of splitting basic pay into several allowances to deny the benefit of provident fund was illegal and the denial of the legitimate dues to the employees on their retirement. The employees having served an institution for over 3 to 4 decades should not be left to fend for themselves at the fag end of their lives. The IBA is a representative body of the entire banking industry with the major chunk of business coming from the Public Sector Banks which are owned by the Government of India. The injustice which has been done to the employees in the banking industry now needs to be corrected by the initiative of the IBA and hence the issue will have to be reopened and the calculations of the Pension as well as the benefit of the Provident Fund should be reworked suo-moto to prove that the Government is a model employer and the judgment which was delivered by the Supreme Court is equally applicable to the employees working in the banking industry as well.

As far as the State Bank of India is concerned there is a need to re-open the issue in the light of the Supreme Court Judgment since the employees were getting a special allowance "Balance Account" in the 9th bipartite which was not taken into account for the purpose of computation of the Pension and thereafter in the 10th Bipartite the Special Allowance which is quite substantial should also be included for the purpose of computation of pension in respect of all those who retired under the earlier bipartite settlements.

It is a well-known fact that the Pension is a reward for the past service. The Supreme Court held in the case of Nakara that the payment of Pension is not a charity. It is a welfare measure and paid to the employees retired after hard work and dedication of their entire life in

particular their prime age for the development of the institution. They should be taken care by the Government by adequate pension and they should not be left to fend for themselves. This case has changed the outlook of the Pension payment system itself in the Government and as also in all other institutions. The State Bank of India is facing a lot of litigation due to the unscientific method of fixation of the Pension by creating artificial ceiling on the payment of Pension although the Rule 23 of the Pension Regulation has clearly laid down that the retirees in SBI are entitled to get 50% of their last drawn pay as Pension. The litigation is still continuing. The present case and the judgment by the Supreme Court will only strengthen our pleading in the Delhi High Court and now it is for the bank to realize the importance of taking care of the retirees at the fag end of their lives and resolve the long pending issue of Pension in the Bank. As far as the serving employees due for retirement in future it should be taken up at IBA local for rectification.

Special Pay paid in State Bank arising out of Pension Cost

6TH BIPARTITE:

Special Compensatory allowance was paid (SCA) to All the employees in lieu of cost incurred on account of the introduction of Pension at the industry level.

7TH BIPARTITE:

Special Compensatory allowance was paid in view of the additional provision made towards pension cost out of the cost earmarked for the salary revision.

9TH BIPARTITE:

A special allowance was paid in proportion to the cost incurred at the industry level on account of introduction of Second Option of pension - known as "Balance Account" Special Allowance paid at the Industry level on account of pension cost.

SUCCESS AWAITS AT THE DOOR WHERE DILIGENCE IS

10TH BIPARTITE:

The agreement provided for only 2% of the wage load to be made available towards the improvement in basic pay after arithmetical merger - the net available surplus after allocation to all other heads of pay compensation was paid as a Special Allowance to each and every employee in the bank.

It is interesting to note that in the case of the SBI employees in the 6th, 7th and 9th Bipartite all the special allowance was paid which should

have been allocated towards the improvement in the pension. The 10th Bipartite is affecting the entire banking industry.

The supreme court has clearly ruled that any allowance paid in the name of special allowance to all the employees not referring to any special function or responsibility with the pure intention of avoiding the benefit of superannuation viz., Provident Fund is against the law and hence it should be treated as a part of the Provident Fund and superannuation should be reworked accordingly. ■

Health Check up Scheme

EXECUTIVE HEALTH CHECK UP SCHEME (EHCS)

The Executive Health check-up scheme (EHCS) was available only for Officers' from MMGS-III onwards. We were demanding to extend the same facility to all the Officers since long time both at CNC Meetings and we have written number of letters in this regard. The issue was taken up in the last CNC Meeting held at Mumbai on 17th Sept.2018 and also at follow up meeting on 30th Jan,2019. The Management agreed to look into the matter.

Accordingly, the Bank has now issued the Circular NO.CDO/P&HRD;IR/88/2018/19 dated 15th Feb. 2019. The salient features of the scheme is as follows.

a. The MMGS-II Officials above the age of 35

years are covered under the scheme.

- b. The facility under executive health check-up scheme is available once in a financial year.
- c. The package cost the common tests has been fixed at ₹ 4,500 in case of male officers and ₹ 4,700 in case of female officers.
- d. The list of common tests under the scheme has been revised.

We shall continue to pursue the issue for the extension of the scheme for all the officers irrespective of the grades. ■

Organisational Activities

GROWING DISPARITY OF INCOME POORER REMAINS POOR

The Growing Disparity of Income could not be arrested by the Government despite the promise of rendering social justice to the people of this country from the successive Government since the independence. The feudalism was brought to an end with an iron hand by the Government immediately on independence compelling over 600 rulers to handover the power to the common man. The country adopted a pro-people constitution assuring them all the basic necessities and improvement in the quality of life. However, this has remained only on paper. The growth is no doubt visible for the economists all over the country – our GDP growth

has been rated as one of the best in the world.

2. The country's total budget is in the region of ₹ 30,00,000 crores – whereas the total wealth of over 1% of the population is surpassing this amount. The country's wealth during the year grew by \$151 billion in the year 2018. Today, we have 119 billionaires in the country increasing the number in a steady manner. Their wealth grew by 2,200 crore per day. The wealth of the top 1% population increased by 39%. The top 1% of the population holds 51.53% of the total wealth of the country. Wealth of the bottom 50% of the population

ARISE, AWAKE, STOP NOT TILL THE GOAL IS REACHED

increased by 3%. It is interesting that the top 9 billionaires equal to the wealth of bottom 50%. These statistics are highly disturbing. The millions and millions of population living below the poverty line continue to languish without basic necessities of life. The plethora of welfare schemes announced by the successive government has not been able to lift these categories of the population above the poverty line. They still struggle for a decent life in the country.

3. This wide gap between the rich and poor was highlighted in an annual report – Public Good or Private wealth” made public by Oxfam an International Charity Organization, and shared in the public media. The institution has also observed in its report that it is outrageous that a few wealthy individuals are amassing a growing share of India’s wealth while the poor are struggling for their next meal or pay for their child’s medicines etc. If this obscene inequality between the top and 1 percent and the rest of India continuous, it will lead to complete collapse of social and democratic structure of this country’ the chief executive of the institution cautioned. The raising inequality threatens the social fabric of the nation. Inequitable growth provides fuel for social unrest and rising crime. Oxfam releases its annual report every year on the eve of the annual meeting of the World Economic /forum at Devos in Switzerland. It claims that the calculations are asked on most up to date comprehensive data sources that are available.

4. A big contingent of the industrialist has accompanied the Indian Delegation to Devos which is now in session. They are worried about their business prospectus, the investment climate in India and other related matters. They are endeavoring to show case India as a fertile ground for the foreign investment. The labour is no longer an impediment. They are given red carpet welcome. The license policy and permits are liberalized. They are not to worry about the safety of their investment in the country. The Government is spending huge money to show case the growth of Indian economy forgetting it is not the real growth. The growing unemployment, the ever increasing youth coming out of the colleges looking for employment opportunities, the movement of farmers to the cities and towns in search of job

due to the failure of agriculture etc., are not discussed threadbare in the Devos Economic Summit. It only discusses how to create wealth and how garner the wealth by few industrialists in the country.

5. The freedom fighters had a vision. A vision that the leaders had while fighting against the oppression of the British Rule was to ensure a decent living free from hunger, ignorance and above all a decent place to live in. Today these dreams still remain as dreams to millions and millions of population in the country. The country though claims having ensured food security of the people through the agrarian revolution; still we are required to supply the basic necessities to our common people at the concessionary rate.

6. The Indian growth story has been always rosy since the embracing of the Liberalization by the Governments. The successive Governments have destroyed very systematically the Public Sector participation in the nation building. Today, the Public Sector is the lost priority, no one in support of saving the Public Sector units. The dismantling of the mixed economy by the successive Governments since 1991 is going to cost the country in a big way. It is time for the Government to wake up and review its stand on the economic policy by revisiting the success story Public Sector in the past.

7. The Trade Unions including the bank unions under the banner of United Forum of Bank Unions were right in observing two days strike on 21st & 26th December, 2018 in the banking industry joining hands with all other sectors of the economy to convey their strong resentment over the economic and industrial policy of the Government. Now, the International agencies are echoing the same view in regard to the economic prosperity of the country. It is high time that the Government should review its economic policy in order ensure the prosperity of the common along with the prosperity of the rich people in the country. Until then the trade unions will have continue their struggle to see that the millions and millions of population living below the poverty line get justice and are able to enjoy the real freedom of the country.■

WORK IS WORSHIP , DO YOUR DUTY

TERRORIST ATTACK ON CRPF JAWANS AT PHULWAMA (J&K)

The worst ever terrorist attack on security force in phulwama (J&K), in which a suicide bomber rammed on explosive-laden Scorpio in to bus carrying CRPF personal turning the bus into a mangled heap. The blast took place at 3.15 pm on 14.2.2019.

2. The All India State Bank Officers Federation condemns the terrorist attack. The Officers and Staff across the country Spontaneously observed two minutes silence at 3.15 pm. On 15.2.2019 as

mark of respect to the departed souls.

3. We are deeply disturbed by this cowardly attack in which many of our CRPF Jawans have been martyred and large number of CRPF Jawans are critically injured. We convey our heartfelt condolences to the bereaved families of the CRPF martyrs' and pray for the speedy recovery of the injured jawans. We call upon the government to take concrete steps to stop such acts and punish those involved in the cowardly act. ■

FORMATION OF CO-ORDINATION COMMITTEE TO SCRAP 'NATIONAL PENSION SYSTEM (NPS)' MEETING HELD AT NEW DELHI ON 5TH FEBRUARY, 2019

Text of AIBOC Circular No. 2019/10 dated 6th February, 2019.

We refer our Circular letter No. 2019/05 dated 22.01.2019, wherein we had announced our endeavour to form a co-ordination committee involving all Trade Unions and other organisations to launch a movement for abolition of the National Pension System. Accordingly, we had convened a meeting at Delhi on 5th February, 2019 at the office of SBI Officers' Association, New Delhi from 10-30 am onwards. AIBOC was represented by the undersigned along with Com Sunil Kumar, Chairman; Com Debasis Ghosh, President, Com Ravinder Gupta, Sr Vice- President; Com Rupam Roy, Secretary; Com Tapas Ghosh, Secretary; Com Prabir Sorkhel, Secretary; Com Abraham Shaji John, AGS; and Com Jyothi K P, Representative, Women's wing. Com DT Franco, former General Secretary AIBOC was also invited to attend the meeting to share his views.

02. We are happy to announce that our invitation to all Central Trade Unions and other organisations was well received and many General Secretaries and senior office bearers of different organisations/associations attended the meet viz. a) Bank Employees Federation of India (BEFI) b) Indian National Bank Employees Federation (INBEF) c) National Confederation of Officers Associations of Central Public Sector Undertakings (NCOA), d) Confederation of Central Government Gazetted Officers' Organizations (CCGGOO) e) All India Association of Pay and Accounts Officers (CIVIL) f) Statistical Service Officers Association (SSOA) g)

Central Government Employees and Workers (CCGEW) and h) All India Insurance Employees Associations (AIIEA) among others.

03. A Brief Note on 'National Pension System' prepared by AIBOC was circulated amongst the representatives of various organisations / Trade Unions present in the meeting. The representatives of various organisations/Associations discussed several pertinent issues which, inter alia, included introduction of PFRDA act, various possible fallouts of continuation of the NPS, different variations of social security measures prevailing in different public sector undertakings and the need for building up a sustained movement for replacement of NPS with the conventional pension scheme (Old Pension Scheme).

A proposal was also mooted to urge upon the Government for introducing social security measures such as a guaranteed pension for all – irrespective of organised or unorganised sectors.

Deliberations of various leaders of the Trade Union fraternity indicated that most of the employees under NPS were not conversant with the features of the Scheme and there was an urgent need to create awareness amongst them.

04. The following decisions were taken in the preliminary meeting.

- i) To collate and publish a document on NPS at the earliest to create awareness amongst employees, who are under NPS

LET CUSTOMER SERVICE BE OUR MOTTO

- ii) To organise a massive joint Movement / Campaign comprising of the entire workforce of all the PSUs, Government organisations / departments of the country against the menace of the 'National Pension System'
- iii) Formation of a Core Committee with the inclusion of employees/ officers of those establishments, who are presently under NPS
- iv) To launch a Twitter campaign # ScrapNPS.
- v) More organisations to be brought under fold shortly.

It was also decided that the recent guidelines published by United Nations Organisation (UNO) and International Labour Organisation (ILO) would

be forming the basis for the white paper on NPS to be brought out by the movement. Further, a study on the legal cases on NPS would be conducted and a co-ordination with the organisations, who are already fighting to abolish NPS to be established.

The next meeting towards this Campaign / Movement against NPS and restoration of the conventional pension scheme shall be convened on 25th March, 2019 at Delhi at the same time and venue.

Comrades, we have indeed made a good beginning in this mission, which was included as one of the principal demands in the strike call given on 21st December, 2018 as well in the Maha Morcha held on 4th February, 2019. We are committed in our mission as we have a responsibility to secure the future of our younger generation. ■

NATURE Activities

**DISCIPLINARY AND VIGILANCE PROCEEDINGS
3 DAYS WORKSHOP
AT MUMBAI FROM 9TH TO 11TH FEBRUARY, 2019
NATURE COMPLETES 142ND PROGRAMME**

The Nature held 3 days' workshop on Disciplinary and Vigilance Proceedings from 9th to 11th February, 2019 at Mumbai for the benefit of our members from Mumbai and Ahmedabad Circle. 35 members participated in the programme.

2. The programme commenced with Inaugural function. Shri. N.N.Verma, Dy.General Manager, Vigilance from Mumbai Circle was the chief guest and inaugurator of the program. The other dignitaries who were on the dais consisted of Com.Ramkumar Sabapathy, the General Secretary of the Federation, Com. Anil Nare, President & Sunil Shinde, General Secretary, from Mumbai Circle. The members of the faculty who were present on the occasion included Com.Shantha Raju, former General Secretary of AISBOF, AIBOC and convener of UFBU, Com.G.Muthuswamy, the former General Secretary of SBIOA(K), Com.Shyamsundar Rao, former President of SBIOA(K) and other senior leaders from Mumbai Circle Association. The program commenced with lighting of the lamp by all the dignitaries who were present on the dais. The occasion was also utilized to release the book on Disciplinary and Vigilance Proceedings – a revised

edition of the Federation at the hands of the Dy.General Manager, Vigilance on the occasion.

3. Shri. N.N.Verma, Dy.General Manager, Vigilance speaking on the occasion covered the various aspects connected with the vigilance and the need to enlighten our members about the preventive vigilance so that the innocent members are not caught in the Disciplinary net, he also stated that the mistakes of bona fide action can be considered leniently but not the mala fide action on the part of the officials concerned. He appreciated the efforts of the Federation and the Circle Association in providing necessary training to the Defense Representatives for taking up the defense work.

4. Com.Ramkumar Sabapathy, the General Secretary spoke about the activities of NATURE and also its services to the officer's fraternity for the last several decades under the banner of the Federation. He appealed to all the members to take full advantage of the program and get all their doubts etc., clarified from the members of faculty who will be present for 3 days.

BE TRUTHFUL, BE FEARLESS

5. Com. Sunil Shinde, General Secretary of Mumbai Circle suggested that the members should make full use of the programme and take the benefit of the senior comrades who are conducting the classes for the benefit of the participants. He also appealed to the members that they should come forward and assist the Association in handling the actual cases after getting the required training in the workshop.

6. Com. Anil Nare, President (Mumbai Circle) proposed vote of thanks.

7. The programme was concluded with a valedictory programme. The senior members of the faculty who were present on the occasion along with the Office bearers of the circle association consisted of Com. G.D. Nadaf, Com. B.S. Ravindra, Com. D. Shyam Sunder Rao.

8. The Senior Office bearers of Circle Association including President & General Secretary spoke on the occasion and highly appreciated the 'NATURE' for the efforts in training the youngsters and also advised the participants to be in preparedness for attending to Disciplinary cases. The participants were given the participation certificate by all the dignitaries who were present on the occasion.

9. Comrades, thus the 142nd programme was conducted very successfully. The members who attended the program appreciated the efforts of the NATURE in imparting knowledge on the subject and assured the Association that they will be willing to extend necessary support and co-operation to the Association in handling the charge sheets in future. ■

22ND GENERAL BODY MEETING OF SBIOA, PATNA CIRCLE A MASSIVE PARTICIPATION – STUPENDOUS SHOW OF UNITY AND SOLIDARITY

It was a grand event. Over 2000 comrades from all parts of Patna Circle had assembled to participate in the Triennial General Body Meeting of the Association, in the city of Patna on February 23rd. 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 22nd Triennial General Body Meeting. The venue, S. K. Memorial Hall, Patna is a renowned place where the activities of our Patna Circle Association are organized.

2. The Coordinator Com. Kumari Nivedita welcomed Com. Kamalakar Singh, the President and Com. Ajit Kumar Mishra, the General Secretary of the Circle Association, on the dais. Both of them welcomed the dignitaries with flower bouquet and a memento, "Ashoka Pillar of Emperor Ashoka," on the dais.

3. The dignitaries who were present on the dais included Shri Rana Randhir Singh, Hon'ble Minister of Cooperatives, Bihar, Shri. Sandeep Tewari, Chief General Manager Patna Circle, Pradip Kumar Ghosh, GM NW-I, Amulya Kumar Sahu GM NW-II & Bijay Singh Negi, GM-NW III, Mr. Paresh Chandra

Barik, DGM, CDO, Patna Circle and other DGMs.

4. The dignitaries who were present on behalf of the organizations were Com. Debasish Ghosh, President, AIBOC & General Secretary, AIUBOF, Com. Soumya Datta, General Secretary, AIBOC and President, AISBOF & General Secretary, SBIOA, Bengal Circle, 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. Ajay Saxena, President, SBIOA, Lucknow Circle, Com. Rupam Roy, General Secretary, SBIOA, N.E. Circle, Com. Dilip Kumar Roy Choudhary, President, N.E. Circle, Com. Pinakin Brahmabhatt, General Secretary, SBIOA, Ahmedabad Circle, Com. Nilesh Radia, President, SBIOA Ahmedabad Circle, Com. C. Suryakumar, General Secretary, SBIOA Amravathi Circle, Com. G. Kishore Kumar, President, SBIOA Amravathi Circle, Com. S.K. Srinivas, General Secretary, SBIOA, Bangalore Circle, Com. V.N. Nagesh, President, SBIOA Bangalore Circle, Com. Sambit Mishra, General Secretary, SBIOA, Bhubaneswar Circle, Com. Arun Kumar Bishoyi, President, SBIOA, Bhubaneswar Circle, Com. Sanjeev Sabhlok, General Secretary,

OUR LIFE IS WHAT OUR THOUGHTS MAKE IT

Bhopal Circle, Com. Madan Kishore Jain, President, SBIOA, Bhopal Circle, Com. Sanjay Kumar Sharma, President, Chandigarh Circle, Com. G. Selvaraj, General Secretary, SBIOA, Chennai Circle, Com. R. Balaji, President, SBIOA, Chennai Circle, Com. B. Sukkaiah, President, SBIOA, Hyderabad Circle, Com. V.K.Bhalla, General Secretary, SBIOA, Jaipur Circle, Com. V. Murlidharan, SBIOA, General Secretary, Kerala Circle, Com. C.P. Krishnanandan, President, SBIOA, Kerala Circle, Com. Sunil Shinde, General Secretary, SBIOA, Mumbai Circle, Com. Anil D. Nare, President, SBIOA, Mumbai Circle, Com. Sabuj Mistry, President, SBIOA, Bengal Circle, Com. Mithun Dutta, Assistant Secretary, AISBOF, Com. Sanjay Singh, General Secretary of SBISA, Patna Circle, Com. Devendra Kumar, General Secretary, SEWA and Com.Y. Sudarshan, Ex-General Secretary, AISBOF.

5. The programme was inaugurated by lighting the lamp. Thereafter, Homage was paid to martyr soldiers who sacrificed their lives in the terrorist attack in Pulwama (J&K).

6. Com. Devendra Jha presented a motivational poem which boosted up the morale of the leaders of Federation as well as Circle Associations.

7. Com. Ajit Kumar Mishra, the General Secretary of the Circle Association rose to extend a warm welcome to the dignitaries and the members who were present on the occasion. He was greeted with thunderous applause and slogans from the members of the Circle Association. Com. Ajit Kumar Mishra, a popular leader of Patna Circle Association had served the organization for the last several years in various capacities before taking up the onerous responsibility of leading the Circle from the front. He is loved by all the membership across the Patna Circle.

8. Thereafter Com. Suvendu Kishore Pandey, Com. Anjani Kumar Sinha, Former CCM, SBIOA Senior, Com. Chunchun Ratha, former AGS, Ranchi Module, Com. Suresh Kumar, former General Secretary, SEWA, Com. G.D.Prakash, SBIOA, Seniors, Com. Sivaji Singh, former General Secretary, SBIOA, Patna Circle were felicitated for their contributions to the Circle Association.

9. Shri Rana Randhir Singh, Hon'ble Minister of Co-operative, Bihar, was highly impressed with the wonderful conduct of the meeting and he

expressed his thanks to the Circle Association as well as Com U.K.Singh for giving him an opportunity to deliberate in front of crowd of such an educated and skilled Bank- Officers from all over the country. He expressed that SBI is always the first choice of every Indian for any Banking solution in the country.

10. Shri. Sandip Tiwari, the Chief General Manager, Patna, Circle too was highly impressed with the wonderful conduct of the meeting and specially the huge gathering of officers at one place. He also expressed his thanks to the Circle leadership for giving him an opportunity to participate in the Annual General Meeting of the Association. He expressed his happiness that he is now heading such a proud Circle which has done quite well in last 19 months of his tenure. He expressed his homage to martyr soldiers including Major Krishnan and Major Khodiyal. He placed before the house, the gesture of present Chairman of SBI, Shri Rajnish Kumar, by way of waiving of all kinds of loans availed by the martyrs and taking steps for early payment of Insurance of Rs. 30.00 lacs for maintaining Defence Salary account with SBI.

11. Shri Pradip Kumar Ghosh, General Manager, Network-I, Patna Circle expressed his satisfaction, for maintaining standard work culture in the Circle. He urged upon all to maintain cleanliness and hygiene in the Branch premises where we spend almost 8-10 hours of the day.

12. Shri Amulya Kumar Sahu, General Manager, Network-II, Patna Circle expressed that changes and transformation are part of our life and Banking Sector is no exception to that.

13. Shri Vijay Singh Negi, General Manager, Network-III, Patna Circle expressed that Management and Association are two wheels who can take the Bank way forward. Compliance is one of the biggest challenges in Banking Sector and this is due to lack of knowledge and hurry to complete the task.

14. Comrade Debasish Ghosh, the President of All India Bank Officers' Confederation thanked the Circle leadership for giving him the opportunity to join and address this big gathering. He expressed that there are some problems in banking industry due to lack of capital and NPA but main issue in Indian Banking System is Politicization in Banking Industry. He requested the Chief Guest of the meeting to take forward the issue to the Government. He expressed

LET US BUILD A STRONG AND SELF RELIANT INDIA

that every Bank has done its own Corporate Social Responsibility but real CSR activities should be the financial literacy in farmers community and under privileged people of the society. Many corporate loans which have been approved by the Board comprising representatives of RBI & Government have become NPA. But the blame comes on officers of the Bank which has damaged the image of the Bank officials. There is a need to take this issue to media, people and explain the facts.

15. Com. Soumya Datta, General Secretary of the All India Bank Officers' Confederation & the President of our mighty Federation, a popular leader of entire Banking fraternity in India, known for his powerful oratory skills and a militant leader who has served the organizations in various capacities was greeted with thunderous applause and slogans from the members. He congratulated and complimented the membership for such a wonderful gathering as a mark of unity and solidarity and for making the rally in Delhi on February 4th a grand success. He explained at length the grounds on which the Confederation had to take a decision to call a strike in the banking industry. He also emphasized the stand of the Confederation against 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 points both to the Government as well as the RBI and IBA in regard to this unwarranted move on their part. He also stated that the organization is exploring all the alternatives in resisting this move of the Government. He shared that the Confederation has also filed the writ petition against the merger in Delhi High Court, to stop merger of these three banks in the interest of the country, the customers, and the employees as well. He stated that the merger issue was fought through various activities like signature campaign, submission of memorandum but the process did not stop. So we have approached the court to have legal relief on this issue. As regards the Wage revision, he stated that the Govt. has utilized our services for implementation of Govt. Programmes, like demonetization, insurance, Adhar linkage, opening of Jandhan Accounts and many more schemes and the bankers have cooperated and made them successful. He also referred to the major issues confronting the banking industry and the need for continuous struggles to overcome 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 on paper but it should be implemented meaningfully by each and every controller in the Bank so that the benefit of the same is passed on to all the staff. To address the issues of banking industry he referred to the attempt made by the Government to destroy trade union movements and unilateral decision of harassing the officers. We have raised our voice and conducted March to Parliament in a large number on 4th Feb 2019 and gave a strong message to the Government. 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.

16. Com. Ramkumar Sabapathy, the General Secretary of the Federation expressed extreme happiness on the occasion and appreciated the militant comrades for attending in such a large numbers which will enthuse the entire rank and file across the country. He appreciated the Chairman, Shri Rajnish Kumar for the quick decision to waive the outstanding loans and payment of insurance to the family members of martyr jawans who lost their life in terrorist attack at Pulwama. He expressed that we should create a corpus for those jawans who get injured in the border. He requested all the affiliates who have their own educational institutions, to arrange for education of the children of 600 soldiers who were killed during the last four years in the terrorist attacks and cross boarder firing. He also appealed to Management to take up the initiative of providing education to the children Martyrs as a project under SBI Foundation. He appreciated the way the programme was conducted and complimented the poetry on leadership written by Com. Devendra Jha, the good work done by the volunteers and the membership, felicitations of social workers.

17. 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 come. He congratulated Com. Soumya Datta for creating a history by giving a strike call by AIBOC on 21st Dec 2018 and a mass rally to Parliament in New Delhi

DUTY FIRST, RIGHT NEXT

on 4th Feb 2019. He complimented the members for the massive success of the strike. Talking on the issue of the participation of Scale IV & V in the strike, he clarified that as members of the Association, they should respond to the call given by the Association and should take part in all the agitational programmes called by the Association. He further informed that the issue of letters served to these set of Officers is a settled one and minutes were recorded on the issue in 2007 with the Management, wherein the Management has agreed on the constitutional position as stated by the Association.

18. He referred to the increasing trend of Suicides in the Banking Industry in the recent times and stated that while every case of suicide is not related to work pressure, there is a need for the Management to study the reasons and initiate corrective measures to arrest this trend. He appreciated the Circular on Work Life Balance issued by the Corporate Centre and stated that though log out timing is being monitored by CC, the position has not changed much at the Branches due to Shortage of manpower and disproportionate time allotted to Core Business and the undue priority & pressures for Cross selling. He appealed the members to avoid foreign trips & the gala party in Five Star Hotels conducted by the SBI Life and clarified that the Federation is not against

Cross Selling but opposes the individual commission & incentives that are being doled out. He demanded that the commission should be credited to the Bank's commissions account and the foreign trips should be stopped forthwith in the interest of the Bank. He criticized the undignified felicitations in respect of Cross selling. He appealed the Officers to focus on recovery of amounts held under AUCA as this will be in the interest of the Bank. He expressed the concern that Single officers Branches are increasing day by day but no steps are taken by the Management to address the issue. However, he appreciated the approach of the Corporate Centre for other HR initiatives and resolving the issues taken up by the Federation in the Central Negotiating Council meeting.

19. Com. Kamlakar Singh extended the vote of thanks.

20. Comrades, the 22nd Triennial General Body Meeting of the Patna Circle Association will be recorded in the golden letters in the history of the Circle Association for the militant and exemplary show of unity. The gathering of members in huge numbers has given a caution to the Government to desist from the moves which are against the interest of the people. ■

Judicial Verdict

**2019-I-LLJ-176 (P&H)
LNIND 2018 PNH 16797
IN THE HIGH COURT OF PUNJAB AND HARYANA**

Present:

**Hon'ble Mr.Chief Justice Krishna Murari and
Hon'ble Mr. Justice Arun Palli**

LPA No.1491 of 2018(O&M)

01.10.2018

**Secretary, Department of Transport, Union Territory,
Chandigarh and another**

... Appellants

Versus

**Presiding Officer, Labour Court, Union Territory,
Chandigarh and another**

... Respondents

Disciplinary Proceedings-Stoppage of increments-Disciplinary authority of Appellant/Corporation ordered stoppage of four annual increments with cumulative effect against Respondent/workman-On reference, Labour Court set aside punishment imposed upon workman-Petition filed by Appellant assailing award dismissed, hence this appeal-Whether report submitted by Inquiry Officer perverse and setting aside order of punishment, justified-Held, in report furnished by Inquiry Officer, he barely referred to alleged incident, charges leveled against workman, and narration as to proceedings in inquiry-Inquiry Officer failed to analysis evidence led by parties so as to demonstrate that conclusion reached or recorded by him was natural and necessary consequence thereof-Inquiry report in quasi-judicial inquiry must show reasons for conclusion arrived at and could not be ipse dixit of Inquiry Officer and had to be speaking order in sense that conclusion

NEVER BEND BEFORE THE INSOLENT MIGHT

was supported by reasons-Appellant could not refer to anything on record to show, if conclusions arrived at by Labour Court as also Single Judge were either contrary to record or suffered from any material illegality-No reason to interfere with impugned order –Appeal dismissed.

JUDGMENT

This is an intra-court appeal under Clause X of the Letters Patent against the order and judgment dated 30.07.2018, vide which the writ petition preferred by the appellant-Management against the award dated 29.11.2017, passed by the Labour Court whereby the punishment inflicted upon the respondent-workman was set aside, had since been dismissed.

2. The facts that are required to be noticed are limited.

3. The respondent-workman was employed with the appellant i.e. Chandigarh Transport Undertaking, as a Conductor. He was charge-sheeted vide memo No.637 dated 26.08.1996, for while being on duty with bus No.CH01-G-5080, 15 passengers, who were travelling from Ambala Cantt. to Mohri, were found without tickets by the checking Staff. Likewise, 22 more passengers were found travelling without tickets. Thus, the workman was alleged to have defrauded the Corporation of sum of Rs.118/-. He filed reply to the charge-sheet and disputed the allegations levelled against him upon which a domestic inquiry was initiated. The Inquiry Officer submitted his report (Annexure P2), vide which the charges levelled against the workman were found to have been proved. Thus, the disciplinary authority, vide order dated 20.12.1999, ordered stoppage of his 4 annual increments with cumulative effect. And, as regards the period of suspension w.e.f. 17.06.1996 to 30.09.1996, he was only held entitled to the subsistence allowance. The statutory appeal preferred by the workman against the order of punishment was also dismissed on 29.08.2011. Whereafter, the workman raised an industrial dispute. On a consideration of the matter as also the evidence on record, the Labour Court reached a conclusion that even though the appellant had held inquiry against the workman and he was given due opportunity to participate therein, but a bare analysis of the inquiry report would reveal that Inquiry Officer had apparently failed to justify the conclusion he

had reached. The inquiry report would show that there was hardly any analysis of the evidence led by the parties to reach any conclusion either way. Thus, in reference to the decision of the Supreme Court in Anil Kumar v. Presiding Officer and Others., AIR 1985 SC 1121 : (1985) 3 SCC 378, LNIND 1985 SC 191, it concluded that the report submitted by the Inquiry Officer was wholly perverse. And as the order passed by the punishing Authority was predicated upon the said report too was vitiated. Accordingly, the Labour Court, vide its award dated 29.11.2017, set aside the punishment imposed upon the workman. That is how, the appellant assailed the award dated 29.11.2017 vide writ petition referred to above. And even the learned Single Judge, on a consideration of the matter and evidence on record, concluded.

“Having considered the submissions made by learned counsel for the petitioner-management and the fact that learned Industrial Tribunal has rightly observed that the Enquiry Officer has not applied its judicious mind. While recording the enquiry report, he has not discussed the material and evidence on the basis of which he was submitting such a report and the learned punishing authority placed reliance upon such a report, which is practically without any reason. Learned Industrial Tribunal rightly placed reliance upon the judgment of Hon’ble Supreme Court in case Anil Kumar and others versus Presiding Officer and others, 1986-LLJ-101, wherein Hon’ble Supreme Court had taken the view that if the Enquiry Officer did not apply his mind to the evidence and simply record the findings that the charges are proved, such a report is not to be considered and made basis for passing punishment order.”

4. Having heard learned counsel for the appellant and perused the record, we too are of the view that in the report furnished by the Inquiry Officer (Annexure P2), he barely referred to the alleged incident, the charges levelled against the workman, and a narration as to the proceedings in the inquiry. But, he indeed failed to analysis the evidence led by the parties so as to demonstrate that the conclusion reached or recorded by him was the natural and necessary consequence thereof:

“During the cross questions made by the P.O. To the delinquent official that the vehicle was checked near Phoji Dhaba and 60 passengers had boarded in the bus from the Ambala and

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25 tickets were issued to the passengers. He also stated in his statement that he does not want to produce any defence witness and his enquiry may be closed.

The undersigned come to the conclusion that the charge leveled against Sh. Harbans Singh, conductor No.712 are proved."

5. The Hon'ble Supreme Court in Anil Kumar v. Presiding Officer and Others (supra) had held that an inquiry report in a quasi-judicial inquiry must show the reasons for the conclusion arrived at. It cannot be ipse dixit of the Inquiry Officer and has to be a speaking order in the sense that the conclusion is supported by reasons. On being pointedly asked, learned counsel for the appellant could not refer to anything on record to show if the conclusions arrived at by the Labour Court as also the learned Single Judge were either contrary to the record or suffered from any material illegality.

6. Thus, in the wake of the position, as sketched out above, we too are dissuaded to interfere with the impugned order as also the judgment rendered by the learned Single Judge. The appeal being devoid of merit is accordingly dismissed.

Appeal dismissed.

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Bangalore
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