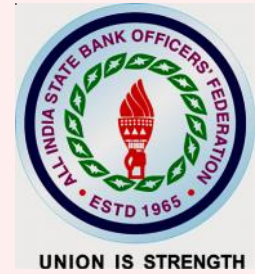


OFFICERS' CAUSE
February - 2025





OFFICERS' CAUSE

FAREWELL AND GRATITUDE TO COMRADE VINAY BHALLA CHAIRMAN, AISBOF & SENIOR VICE PRESIDENT, AIBOC

As the sands of time mark the culmination of an illustrious career, we gather to express our profound gratitude to Comrade Vinay Bhalla, Chairman, AISBOF and Senior Vice President, AIBOC, as he prepares to board on his eventual journey heralding a new dawn with his superannuation from active service of the Bank on January 31, 2025.



Comrade Bhalla's journey, beginning at the State Bank of Bikaner and Jaipur on May 1st, 1985, has been a witness to his staunch dedication, both professionally and within the trade union idiom. His illustrious career path, marked by promotions to Deputy Manager in the year 1997, Manager in 2002, SMGS-IV in the year 2007, and SMGS-V in the year 2011, reflects his exceptional skill and acumen where knowledge and command on his assigned job had been his chariot.

A staunch advocate for unity and solidarity, Comrade Bhalla's leadership within our association has been exemplary execution of dedication and perseverance. From his roles as Zonal Secretary, Regional Secretary, Vice President, and Deputy General Secretary in 2015 to his ascendance as General Secretary of the SBIOA Jaipur Circle, and most recently, Chairman of AISBOF and Senior Vice President of AIBOC marks an illustrious transition. During all these years, his contributions have been invaluable and enormous.

His soft-spoken demeanour coupled with a firm determination and an exceptional ability to navigate complex situations, earned him the trust and respect of SBI officers all across. He has been a tireless

advocate for our members, particularly during challenging times such as the event of 2017 merger of associate banks with SBI, where his leadership ensured a smooth transition for officers in the Jaipur Circle. His commitment to members' welfare is further exemplified by the widely acclaimed "Know Your Service Conditions" a reference book which has been a valuable resource for officers and management alike.

A visionary leader, Comrade Vinay Bhalla has taken various initiative of training and cadre development programs and his reservoir of knowledge made him one of the indispensable leaders of our time. In his bid to prepare the next generation of leaderships all along he tried empowering his fellow colleagues to effectively uphold officers' rights. His principled approach, sharp intellect, and ethical leadership have made him a cherished figure within the SBI trade union fraternity and shall be all through known to be a brave heart who withstood many a storm with an ever-impressive simplicity.

We shall be failing in our duty if we do not mention and acknowledge the unflinching support of his family, his wife, his daughter, two sons, and his daughter-in-law have extended to him all through this illustrious journey, whose active support and sacrifices have contributed to this remarkable achievements both in terms of his professional growth as well as his crusade as a trade unionist.

As Comrade Bhalla prepares to "hang up his hat," we express our deepest appreciation for his immense contributions to our Federation in different

positions he has coveted during his career and for the betterment of our members' lives.

His legacy will continue to inspire future generations of leaderships and the void that has been created with his eventual departure shall be very difficult to be filled by his successors while his heritage shall

remind us of a compatriot whose deeds shall ever glitter in the annals of history of trade union movement.

On behalf of AISBOF and the entire officers' community, we extend our heartfelt gratitude and wish him a happy, healthy, and fulfilling retired life. ■

REQUEST FOR ABSORPTION OF TAX LIABILITY ON PERQUISITES AND EXPLORATION OF REMEDIES

Text of AISBOF Letter No.6463/02/25, Dated: 18/01/2025, Addressed to the Deputy Managing Director(HR) & Corporate Development Officer, State Bank of India, Corporate Centre, Mumbai- 400 021

We are writing to express our deep concern regarding the recent developments related to the taxation of perquisites, specifically interest-free or concessional loans provided to bank employees.

Earlier in 2007, the All India Bank Officers Confederation and its affiliates, including the Federation, filed a petition in the Madras High Court challenging the taxability of these loans. After the judgment did not come in our favor, some affiliates escalated the matter to the Supreme Court.

As you are aware, the Supreme Court, in its judgment dated May 7, 2024, upheld the validity of taxing such benefits under Section 17(2)(viii) of the Income Tax Act, 1961, and Rule 3(7)(i) of the Income Tax Rules, 1962. Consequently, we have been informed that the State Bank of India intends to commence deductions for these liabilities retrospectively from April 2024.

Every profession comes with its own set of benefits tailored to its nature. Across sectors, these perks remain untaxed and are legitimate parts of employment packages. Our Bank has been always the leader in terms of employer in Banking Industry. SBI has received many awards & accolades for its HR practices. Our perks & packages attracts the young brain of India & resultantly we hire the best brains for our Bank. Liability of Income Tax on perquisites borne by the Bank is also a lucrative scheme for entire

employee group which motivates our employee to earn more & more for our Bank.

It is pertinent to mention that usually the employers offer the in-house product or facilities free of cost or at subsidized rate to their employees. Such as the employees of Railways, gets few free tickets/passes for them or their family members, employees of telephone departments get free unit of call or zero meter rent, employees of Electricity companies get subsidized/free electricity, in educational institutes, they offer free of cost education to the wards of their employees, in medical line, the medical treatment is offered at low cost.

Since we are in financial sector, privilege of getting financial product at a lower cost should be extended to us. It would not be out of place to mention here that cost of product always carries cost of delivery also and in loans we take cost of risk also to set the RoI. In case of staff loans, the cost of delivery is almost zero as it does not require any publicity or marketing and are fully secured either by way of lien on our superannuation benefits or by way of insurance. These loans bear no cost of recovery as the repayment is being done directly from the salary of the employees.

Among the limited benefits bank employees enjoy, concessional staff loans play a crucial role in ensuring financial stability under high-stress working conditions. Taxing this singular benefit while leaving other sectors' perks untaxed is arbitrary and unjust. The retrospective nature of deductions from April 2024 further compounds the financial and emotional stress on employees.

This sudden imposition of tax deductions, especially on a retrospective basis, places a significant financial burden on our members, many of whom were unprepared for this liability and are now faced with substantial unexpected salary deductions.

We earnestly urge the Bank's management to absorb the tax liability arising from this prerequisite for the current financial year to mitigate the immediate burden on employees and urge collaborative approach to explore fair solutions to this issue. ■

STATE BANK OF INDIA OFFICERS ASSOCIATION, BENGAL CIRCLE REPORT ON 59TH ANNUAL GENERAL MEETING

The 59th Annual General Meeting (AGM) of the State Bank of India Officers' Association Bengal Circle scripted a historic chapter in the pages of the circle on January 11, 2025, at Nazrul Mancha, Kolkata where around 4,900 officers from all across the circle agglomerated to witness one of the grand organisational extravaganzas.



2. The dais and the hall beckoned hailing two great souls of the soil Shri Birsa Munda and Shri Salil Chowdhury on their 150th and 100th birth anniversaries, respectively where the theme christened as, "Where the Mind is Without Fear," drawing inspiration from Viswa Kabi Rabindranath Tagore's ideals.

3. The event kickstarted with hoisting of association and floral tributes paid to Kabi Kazi Nazrul Islam, Shri Birsa Munda, and Shri Salil Chowdhury, led by

dignitaries including Shri Satyendra Kumar Singh (CGM, Kolkata Circle), Comrade V K Bhalla (Chairman, AISBOF), Comrade Arun Kumar Bishoyi (President, AISBOF), and Comrade Ranga Nath Sanyal (President, Circle Association).



4. A warm welcome, marked by enthusiastic applause from the participants, made the whole atmosphere electrifying followed by which the welcome videos showcasing the theme and various achievements of the circle set to tune, turning the inaugural session of the event even more enlightening and informative. The melodious rendition of 'Srijan', the cultural wing of the circle then just added more colour to a kaleidoscopic start of the 59th Annual General Meeting of the Circle.

5. Comrades Samrat Kundu and Reshma Shrestha



SUCCESS AWAITS AT THE DOOR WHERE DILIGENCE IS

anchored the Open Session of the meeting, where Comrade Ranga Nath Sanyal presented "uttariyos" and bouquets to dignitaries marking gesture of a warm welcome. The lamp lighting ceremony was followed by felicitations to few outstanding contributors in different fields of their activities : - Comrade Dipak Kumar Basu - Pensioners' Rights; Comrade Asit Sinha-support for Specially-Abled Children; Comrade Pronab Sarkar- Cooperative society diary compilation; Comrade Anjanava Ray and the Circle Medical Team for extending 24/7 medical support; Comrade Amal Kumar Chakrabarty and Comrade Gautam Kumar Dutta for their services in the Defence Cell; Editorial team for publication of Empowerment Series. A special edition of the



association's magazine, SUP-VOICE, was also released during the occasion.

6. Comrade Shubhajyoti Chattopadhyay, the General Secretary, SBIOA Bengal Circle then welcomed all the participants and acknowledged the Circle Management Committee's compassionate leadership. He highlighted transformative initiatives like Byatikramee Pathakram, Empowerment Series, Face-to-Face program, Daktaar Babu Online, talent showcase table calendars, and photography exhibitions as few of the activities that the circle has undertaken during the period under report. He talked high on conduct of the HR Synergy Meetings and where meaningful discussion on manpower shortages, special compensation for critical assignments, and the Circle Transfer Policy took place. He concluded with the AGM's tagline and expressed hope for a positive 2025.

7. Shri Satyendra Kumar Singh the CGM, SBI Kolkata Circle commended the Circle Association's initiatives, including blood donation camps, training programs,



and various publications. He acknowledged members' dedication to the Circle's strong performance and urged them to focus on credit and deposit growth, customer relationships, and asset quality among many other priorities of the Bank. He paid special emphasis on innovation, technology adoption, and prompt grievance resolution. Calling the workforce, a "powerhouse" he urged everyone to embrace the three C's - Courage, Commitment, and Care.

8. The undersigned congratulated SBIOA, Bengal Circle on the momentous occasion with special mention of the Circle's welfare initiatives, citing them



as examples and a matter of emulation for other circles. He highlighted the 17% wage hike, DA merger, load factor addition, stagnation increments, enhanced superannuation benefits, and CAIB incentives among many other key achievements of the 9th joint note and the roadways travelled in pursuit to clinch them. He reiterated opposition to the NPS and thanked former Chairman Shri Dinesh Khara for the Kolkata Synergy Meet. He stressed on

work-life balance, employee well-being, constructive feedback, and responsible social media use. He raised concerns about workload, Sunday/holiday work, and urged support for AIBOC's proposed strike with prominent demands like- 5-day work-week, recruitment, protection for Bankers and many other issues of greater significance.

9. Comrade Vinay Kr Bhalla (Chairman, AISBOF) lauded the Circle leadership for the high turnout and



reaffirmed the Federation's commitment to members' safety and well-being. He commended the achievement came through the 9th Joint Note and emphasized work-life balance of the officers.

10. Comrade Arun Kumar Bishoyi (President, AISBOF) thanked members for their unity and commended



pension enhancements and special pay implementation. He highlighted manpower shortages and their impact on employee happiness. He further urged the members to escalate concerns being encountered by them on a regular basis for redressal. He stressed adherence to procedures along with the importance of maintaining a good health.

11. Comrade Sudip Dutta, General Secretary, SBISA Bengal Circle, in his deliberation, expressed satisfaction with the joint efforts of both organizations. He

commended SBIOA Bengal Circle's consistency in terms of regularly organising the AGM since 1965. He noted the Bank's focus on core business but raised concerns about rising NPAs. He addressed NPS abolition and a five-day workweek, while applauding the Federations' role in preventing privatization move of the Government.

12. Comrade Dipak Kumar Basu, the General Secretary, Federation of SBIPA and SBIPA Bengal Circle praised the presentation of the cultural program and expressed gratitude for the leadership's recognition for his assigned responsibility. He urged prioritizing retiree concerns



and highlighted the issues connected with increase of pension. He appealed for support from fraternal organisation during the upcoming coordination meeting with Bank management.

13. Comrade Krishnendu Mukherjee, President, AIBOC West Bengal State Unit in his deliberation highlighted the State Unit's initiatives and termed the recent DFS guidelines unjust, urging protest by the members.

14. Comrade Ranga Nath Sanyal concluded the Open Session with a vote of thanks, reaffirming SBIOA Bengal Circle's commitment to unity, integrity, and excellence. The event emphasized direct engagement with members, strengthening trade union rights and benefiting the officers' fraternity, the working class, and the Bank as a whole.

The 59th Annual General Meeting of the Circle, thus marked its culmination scripting a huge and all-around success story that shall remain fresh for long. ■

APPEAL TO EXEMPT BANK EMPLOYEES FROM PERQUISITE TAX LIABILITY UNDER THE INCOME TAX ACT

Text of Letter No. AIBOC/2025/01 dated 04.02.2025

Smt. Nirmala Sitharaman Ji
Hon'ble Finance Minister
Government of India, New Delhi

Respected Madam,

APPEAL TO EXEMPT BANK EMPLOYEES FROM PERQUISITE TAX LIABILITY UNDER THE INCOME TAX ACT

We, representing the officers of Public Sector Banks, Private Sector Banks and Regional Rural Banks write to you with great concern regarding the taxation of various perquisites extended to bank employees, such as loans at concessional interest rates, rent-free accommodation incidental to transfers, reimbursement of fuel expenses for official vehicle use, and other fringe benefits essential for discharging our official duties. The provisions under Section 17(2) and Rule 3(7)(i) of the Income Tax Act are causing severe financial distress among bank employees and are perceived as discriminatory compared to other sectors.

Madam, we would like to emphasize that bank employees—the backbone of economic growth—are diligent taxpayers and responsible citizens of this country. Almost all Public Sector Bank officers fall under the 30% income tax bracket, contributing significantly to national revenue. In addition to income tax, we are subjected to GST, professional tax, house tax, water tax, property tax, education cess, toll tax, vehicle tax, etc. It is also pertinent to mention that our expenditure directly fuels economic growth, as our salaries are largely spent within the domestic economy. However, despite our commitment to nation-building, our earnings and benefits are steadily eroding due to unfair taxation policies on account of imposition of the Tax on perquisites.

Madam, it is important to highlight that, until 1979, bank officers' salaries were higher than those of Class I Government Officers due to the inherent risks and responsibilities in banking. Over time, successive Pay Commissions for government officers and restrictive wage settlements in banks have resulted in our salaries falling significantly behind. The wage load toward superannuation has been restricted to 2-3%, reducing our basic pay substantially. Unlike Central Government

employees, our benefits have been curtailed despite rising inflation and increasing work pressure. As a result, perquisites have served as partial compensation for our lower salaries. However, with the recent taxation on these perquisites, we feel unfairly penalized.

We also wish to draw your kind attention to similar facilities provided to employees/officers in other sectors that are not subject to tax. For instance, railway employees receive free tickets/passes for themselves and their family members, employees of the telecommunications sector receive free call units or zero meter rent, electricity company employees receive subsidized/free electricity, educational institutions offer free education to employees' children, and the healthcare sector provides medical treatment at reduced costs.

Since we are part of the financial sector, it is only fair that we receive financial products at a lower cost. It is important to note that the cost of any financial product includes delivery costs and risk coverage. In the case of staff loans, the cost of delivery is negligible as they require no publicity or marketing and are fully secured—either by a lien on our superannuation benefits or by insurance. These loans bear no cost of recovery, as repayments are directly deducted from employees' salaries. On one hand, loans are being extended to other sectors at highly concessional interest rates despite the risk of non-repayment, while on the other hand, bank employees are being taxed on concessional loans that are fully secured.

Banks have given numerous high-value loans at interest rates of 5 percent or lower after conducting due diligence and deeming them profitable despite the associated credit risks. Meanwhile, bank employees—who face no risk of default—bear the burden of additional taxation. We have received feedback from grassroots-level employees who feel demoralized by this discriminatory taxation system. Madam, it is a well-accepted practice across industries to provide job-specific incentives to retain talent and recognize contributions. Any perquisite provided to bank officers/employees is incidental to their job, as they frequently relocate due to the transferable nature of their work. Since the Income Tax Act is currently under review, and several reforms are being implemented under your leadership, we believe that these provisions will

also be reconsidered.

In light of the above, we earnestly request an amendment to the definition of "salary" under the Income Tax Act and a revision of Section 17(2) and Rule 3(7)(i) to provide relief to bankers. Bankers have served the nation with utmost dedication—

whether during demonetization, COVID-19 relief efforts, or the implementation of government schemes. This unfair taxation not only lowers morale but also discourages new talent from joining the banking sector. We remain hopeful that, under your leadership, justice will prevail and this undue tax burden will be reconsidered. ■

**UFBU'S CLARION CALL FOR AGITATION AND STRIKE DEMANDING
RECRUITMENTS, 5 DAY BANKING AND ON OTHER DEMANDS
March on to 2 days continuous strike on 24th and 25th march, 2025**

Text of AIBOC Circular No. 2025/04.Reproduction of UFBU Circular No. UFBU/2025/1 Dated 07/02/2025

All our Unions and members are aware that on the one hand, our important demands remain pending and on the other hand, new attacks are emerging. Hence after due discussions and deliberations, it has been decided to launch our agitational programme culminating in 2 Days Continuous Strike for 48 Hours on 24th and 25th March, 2025 on the following issues and demands.

DEMANDING:

- ✦ Adequate recruitment in all cadres, regularise all temporary employees
- ✦ Implementation of 5 Day work week in Banking Industry
- ✦ Immediate withdrawal of the recent DFS directives on performance review and PLI, which threaten job security, create division and discrimination amongst employees and officers, violate the 8th Joint Note, and undermine PSB's autonomy
- ✦ Safety of Bank Officers/ Staff against the

- ✦ assault/ abuses by unruly banking public. Fill up the post of Workmen/ Officer Directors in PSBs.
- ✦ Resolution of residual issues pending with IBA
- ✦ Amend Gratuity Act to increase the ceiling to Rs 25 lacs on the lines of Scheme for government employees along with exemption from income tax
- ✦ Do not recover income tax on staff welfare benefits given to employees and officers on concessional terms. Managements to bear the same.
- ✦ Maintain a minimum of 51% of Equity Capital in IDBI Bank by Government

OPPOSING:

- ✦ Micromanagement of PSBs by DFS on policy matters affecting service conditions of employees and officers and undermining bilateralism .
- ✦ Outsourcing permanent jobs in Banks
- ✦ Unfair Labour Practices in Banking Industry.

Agitational programme

7-2-2025	UFBU Circular – announcing Agitational programmes
14-2-2025	Evening time demonstration at all major centres and district headquarters
From 16-2-2025	Poster campaign at all branches/offices/Rly.stn/Bus stand/ public places
21-2-2025	Evening time demonstration at all major centres and district headquarters
23-2-2025	Social media campaign
28-2-2025	Badge Wearing
3-3-2025	Dharna before Parliament at Delhi and submission of Memorandum to Finance Minister/DFS
5-3-2025	Serving strike notice on IBA, DFS and CLC
7-3-2025	Evening time demonstration at centres
11-3-2025	Demonstration at all Corporate/ Head Office/ Zonal/Regional offices by respective affiliates
17-3-2025	Press Conference at all State Headquarters
21-3-2025	Rally at evening time at all centres
22-3-2025	Social Media Campaign including X handle
24/25-3-2025	TWO DAYS STRIKE FOR CONTINUOUS 48 HOURS

Comrades, the importance of the issues and demands are well-known to all our unions and members. We urge upon all our unions to move together and implement the programmes successfully. ■

BE TRUTHFUL, BE FEARLESS

UFBU'S CALL FOR AGITATION & STRIKE AIBOC's Agitation Program and Revised Strike Dates

Text of AIBOC Circular No. 2025/05, dated 07.02.2025

Please refer to our circular no. 2025/02 dated 09.01.2025, in which we proposed an agitation program, including a two-day strike in February, to address critical issues affecting the banking sector and its employees. We had communicated this decision to all UFBU constituents to facilitate a united course of action.

In a significant development, all UFBU constituents have now come together and decided to launch a more intensive and unified agitation—including a strike—on 24th and 25th March 2025. This collective approach will amplify our voice and strengthen the movement, as conveyed in our latest circular no. 2025/

04 dated 07.02.2025.

In light of this, we have decided to align our agitation program with UFBU's. Consequently, the earlier tentative strike dates of 24th & 25th February 2025 have been revised to 24th & 25th March 2025.

We urge all affiliates, state units, and members to take note of this update and prepare for a united struggle. Your wholehearted participation is crucial in making the agitation a resounding success.

Additionally, we would like to clarify that there were some discrepancies in the previously communicated dates of the agitation programs. The revised schedule, with corrected dates, is as follows:

AGITATIONAL PROGRAMME

7-2-2025	UFBU Circular – announcing Agitational programmes
14-2-2025	Evening time demonstration at all major centres and district headquarters
From 16-2-2025	Poster campaign at all branches/offices/Rly.stn/Bus stand/ public places
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[2024 (183) FLR 942]
(DELHI HIGH COURT)
SURESH KUMAR KAIT and GIRISH KATHPALIA, JJ.,
L.P.A.No. 941 of 2024
September 19, 2024
Between
PUNJAB NATIONAL BANK
And
KARTAR SINGH

Industrial Disputes Act, 1947-Section 25-F-Dismisal from service-Post of 'Daftri'-Allegation of tampering record and embezzlement-Disciplinary proceeding was conducted-Respondent preferred appeal-During pendency of appeal. Respondent approached learned Tribunal-Order in appeal passed and Bank contended that the reference

OUR LIFE IS WHAT OUR THOUGHTS MAKE IT

was infructuous-Tribunal directed for reinstatement with full back wages-Punishment was as modified-Learned Single Judge dismissed the writ petition-Hence, instant appeal by Bank-Held, appeal was pending for seven years-After references was made, without issuing notice to respondent, the appeal was dismissed-Tampering in the attendance register was not inevitably concluded by insight expert excess amount was withdrawn after the sanction by Branch Manager-Award of Tribunal modified-The respondent apart from reinstatement would get only 50% of the back wages- Petition disposed of [Para 23 to 31]

The respondent-workman had made an appeal, but the Appellate Authority of appellant did not dispose of the same for seven years and the respondent, was thus compelled to get the after referred to the Tribunal. However, after reference was made, he Appellate authority of appellant, without even putting the respondent to notice, dismissed the appeal. The learned Tribunal held that at worst the appellant should have treated the respondent absent on two dates, in respect of which tampering was found in the attendance register. Though there was no report of the Inquiry Expert to lead to an inevitable conclusion that the tempering was made by the respondent.

In respect of excess withdrawal from his bank account, the Tribunal held that the respondent was an employee of the bank and so, the Branch Manager sanctioned the same, so, it was not only his fault but even the Branch Manager has to be held responsible. Thus, the Tribunal held that penalty of 'dismissal from service' was vindictive, unjust and shockingly disproportionate.

The learned Tribunal has awarded respondent's reinstatement with full back wages, which cannot be permitted based upon the principle of 'no work no pay'. We hereby modify the order passed by the Tribunal, which is upheld by the learned single Judge, to the extent and hold that the respondent shall be entitled to 50% back wages for the period he has not performed his duties.

Counsel for the Appellant: Rajesh Kumar Gautam, Anant Gautam, Dinesh Sharma, Likivi K. Jakhalu and Kushagra Nilesh Sahay.

Counsel for the Respondent: Piyush Sharma and Anuj Kumar Sharma.

JUDGEMENT

SURESH KUMAR KAIT and GIRISH KATHAPALIA, JJ.- Since the learned counsel for caveator/respondent has entered his appearance, the caveat stand discharged.

1. Since the learned counsel for caveator/respondent has entered his appearance, the caveat stands discharged.

LPA 941/2024 & CM APPL.54946/2024, CM APPL.54948/2024, CM APPL.54947/2024 & CM APPL.54949/2024

2. Notice issued.

3. Mr. Piyush Sharma, Advocate accepts notice on behalf of respondent.

4. With the consent of learned counsel for the parties, the present appeal is taken up for hearing and disposal today.

5. The present appeal is preferred under Clause X of the Letter Patent Act against the judgment and order dated 21.05.2024 passed by the learned Single Judge in W.P.(C) 2585/2006, whereby the said writ petition filed by the appellant against the Award dated 16.11.2005 passed by the learned Presiding Officer, Industrial Dispute Tribunal in ID No. 175/1999, has been dismissed.

6. The brief facts of the case, as narrated by the appellant in the present appeal, are that respondent was appointed as Daftari with erstwhile New Bank of India in the year 1975. On the basis of Report dated 14.05.1990 by the Chief Vigilance Officer, he was issued charge sheet dated 25.05.1990 alleging tempering of Bank's record; marking his attendance by cutting the noting in the Attendance Register and withdrawing various sums of money from his account without having sufficient balance in his account on the basis of vouchers.

7. The respondent submitted his reply dated 23.07.1990 denying the allegations in the charge

sheet, pleading that the amount withdrawn by him already stood adjusted.

8. A regular Departmental Enquiry was initiated against him vide order dated 30.07.1990. The Respondent herein was also issued second Charge Sheet dated 06.12.1990 alleging that he had opened a current account in the name of fictitious firm and thus acted prejudicial to the interest of the bank.

9. After conclusion of which the Enquiry Officer, in respect of first charge sheet dated 25.05.1990 submitted the Report dated 04.09.1991 holding that charges levelled against him stood proved.

10. In respect of second charge sheet dated 06.12.1990, the Enquiry officer submitted his report dated 05.02.1992 holding that the allegations against the respondent stood proved.

11. The Disciplinary Authority, in respect of first charge-sheet dated 25.05.1990, issued Show Cause Notice dated 28.10.1992 to the respondent, proposing punishment of dismissal from service. After hearing an opportunity of personal hearing on 16.12.1992; the Disciplinary Authority vide order dated 16.01.1993 imposed punishment of „dismissal from service? upon the respondent. On the same day i.e. 16.01.1992, the Disciplinary Authority in respect of second charge sheet dated 06.12.1990 passed order of respondent's "dismissal from service?.

12. The respondent preferred a departmental appeal dated 01.03.1993 against the order of „dismissal from service? in respect of Charge Sheet dated 25.05.1990. However, according to appellant, due to merger of New Bank of India with appellant-Bank, the appeal could not be disposed of in time.

13. The respondent in the year 1998, raised Industrial Dispute, during pendency of the appeal dated 01.03.1993, which was after six years referred by the Government to the Industrial Tribunal for adjudication.

14. The Appellate Authority of the Bank traced out the record and vide order dated 10.10.2000 rejected the appeal of the respondent. However, since respondent's case was under adjudication before the learned Tribunal, the respondent filed Statement of Claims dated 29.01.2000. The appellate- Bank in its written statement filed before the Tribunal submitted that in view of order dated 10.10.2000

passed by the Appellate Authority, that the reference before the Tribunal had become infructuous.

15. According to appellant, the respondent after a long delay filed his affidavit dated 11.05.2005 before the learned Tribunal, however, no cross-Examination was recorded. The appellant-Bank as well as respondent filed their written arguments before the learned Tribunal.

16. The learned Tribunal vide Award dated 16.11.2005 held that punishment imposed upon the respondent is disproportionate to the charges leveled against him and therefore, directed reinstatement of respondent with full back wages and modified the punishment to that of stoppage of four increments with cumulative effect.

17. Against the Award dated 16.11.2005, the appellant - Bank preferred writ petition being W.P.(C) No. 2585/2006 before the learned Single Bench, which was dismissed vide order dated 16.11.2005 holding as under:-

"51. Applying the above discussed principles of law, this Court is of the considered view that after holding that the punishment of dismissal imposed upon the respondent was not justified, the learned Tribunal rightly modified and reduced the punishment so as to make it commensurate with the misconduct by the respondent workman.

52. Furthermore, under the exercise of writ jurisdiction, it is neither proper nor intended by this Court to re-examine the evidence on record or to adjudicate upon the dispute involving quantum of punishment, in a bid to find faults in the findings of the learned Tribunal.

53. Considering the above, this Court does not find any merit in the proposition put forth by the petitioner as the impugned award has been passed after taking into consideration the entire facts and circumstances as well as the settled principles of law. Perusal of the preceding paragraphs makes it evident that the learned Tribunal had exercised its powers in accordance with the jurisdiction conferred upon it and there is no illegality of any kind thereto. In light of the same, the instant writ petition being bereft of any merit is liable to be dismissed."

18. The challenge to the judgment dated 21.05.2024

is on the ground that the learned Single Bench did not consider that after dismissal of departmental appeal filed by the respondent vide order dated 10.10.2000, the reference made to the Industrial Tribunal had become infructuous. Also, the reference was only in respect of first charge-sheet dated 25.05.1990 and not in respect of second charge-sheet dated 06.12.1990, in respect of which a separate order of dismissal was passed on 16.01.1993.

19. Learned counsel appearing on behalf of appellant has submitted that the allegation levelled in the second charge sheet dated 06.12.1990 was in respect of a Current Account No. 3156 in the name of M/s. GS Trading Company opened by the respondent on 06.12.1989, which was a fictitious firm, in respect of which respondent herein had received a cheque drawn on Branch Office Meerut which was issued by a Third Party bearing current account No. 138 for Rs. 10,000/- and the respondent persuaded the Assistant Manager to purchase the said cheque at his risk, which was not sent for collection till 06.12.1990.

20. It is also pleaded that the learned Single Bench did not appreciate that the learned Tribunal at one place has directed punishment of withholding of 02 AGIs with cumulative effect, however, in the final directions the Industrial Tribunal has modified the punishment of dismissal without notice to that of stoppage of 04 AGIs with cumulative effect.

21. To the contrary, learned counsel appearing on behalf of respondent submits that there is no merit in the present appeal and it deserves to be dismissed.

22. We have heard counsel for the parties and perused the impugned order dated 21.05.2024 passed by the learned Single Bench in W.P(C) 2585/2006 as well as Award passed by the learned Tribunal.

23. This Court finds that the learned Tribunal in the impugned Award has taken note of the fact that the respondent -workman had made an appeal, but the Appellate Authority of appellant did not dispose of the same for seven years and the respondent, was thus compelled to get the matter referred to the Tribunal. However, after reference was made, the Appellate Authority of appellant, without even

putting the respondent to notice, dismissed the appeal. The learned Tribunal held that at worst the appellant should have treated the respondent absent on two dates, in respect of which tampering was found in the attendance register. Though there was no report of the Inquiry Expert to lead to an inevitable conclusion that the tampering was made by the respondent.

24. In respect of excess withdrawal from his bank account, the Tribunal held that the respondent was an employee of the bank and so, the Branch Manager sanctioned the same, so, it was not only his fault but even the Branch Manager has to be held responsible. Thus, the Tribunal held that penalty of „dismissal from service? was vindictive, unjust and shockingly disproportionate. Having observed above, the learned Tribunal held as under:-

“In the present facts and circumstances of the case withholding of two increments with cumulative effect, is sufficient punishment in case the entire enquiry proceedings are considered fair and just. The law cited by the management is not applicable in the facts and circumstances of the case.

The reference is replied thus:-

Sh. Kartar Singh. Ex Daftary in the NBI/ Krishna Nagar Branch, Delhi-51 is reinstated w.e.f. 16-1-1993, . i.e., the date of his dismissal without notice with stoppage of four increments with cumulative effect. The management/ respondents will withheld four increments with cumulative effect and reinstate the workman applicant with full back wages and pay him the arrears of wages less the amount resulting, by withholding, four increments with cumulative effect within two months from the publication of award.

Award is given accordingly.”

25. Upon going through the impugned Award and impugned judgment passed by the learned Single Bench, this Court finds that the learned Tribunal has explicitly noted that the respondent had challenged his dismissal only with respect to charge sheet dated 25.05.1990 and he had not challenged charge sheet dated 06.12.1990 before the learned Tribunal. Thus,

the learned Single Bench in the impugned judgment had only dealt with Award passed by the Tribunal in respect of charge sheet dated 25.05.1990 and so, has this Court.

26. The learned Single Bench in the impugned judgment took note of the fact that adjudication in respect of present case is pending for last 18 years. The learned Single Bench in light of provisions of Section 11 of the Act, held that the Industrial Tribunals/Labour Courts are empowered to set aside the punishment of discharge or dismissal of a workman in addition to granting the workman reinstatement, or the punishment may also be converted to a lesser one. Further held that once the learned Tribunal has opined that the misconduct of the respondent was not grave, it has rightly held that the punishment of dismissal imposed upon respondent was not justified.

27. However, the learned single despite noting the contention of learned counsel for the appellant that the learned Tribunal in the impugned Award has mentioned two punishments, namely, "withholding of two increments"

At one place and "*withholding of four increments*" at other, which are self- contradictory in nature, has not dealt with it.

28. In the facts of the present case, we are of the

opinion that the learned Tribunal in reply to the Reference has awarded punishment of withholding four increments with cumulative effect, while directing reinstatement of respondent, which is just and proper. Thus, the observation of the Tribunal that withholding of two increments with cumulative effect, is mere expression and thus, we set aside the same.

29. However, the learned Tribunal has awarded respondent's reinstatement with full back wages, which cannot be permitted based upon the principle of no work no pay?. We hereby modify the order passed by the Tribunal, which is upheld by the learned Single Judge, to the extent and hold that the respondent shall be entitled to 50% back wages for the period he has not performed his duties.

30. Before parting with this judgment, we make it clear that this Court has not rendered any opinion upon the aspect of second Charge Sheet dated 06.12.1990, which was not subject matter before the learned Tribunal or the learned Single Bench.

31. With aforesaid, the present petition and pending applications are accordingly disposed of. ■

SURESH KUMAR KAIT, J
GIRISH KATHPALIA, J
SEPTEMBER 19, 2024

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