

The background features a soft, pastel color palette of pinks and whites. It is decorated with several large, stylized flowers in various shades of pink and white, some appearing as faint watercolor washes and others as more defined shapes. Horizontal, wavy lines in shades of pink and white sweep across the page, creating a sense of movement and depth. The overall aesthetic is clean, modern, and gentle.

OFFICERS' CAUSE
MARCH - 2026



OFFICERS' CAUSE

INTERNATIONAL WOMEN'S DAY – 8TH MARCH AIBOC & AISBOF SALUTES THE COURAGE, RESILIENCE AND IMMENSE CONTRIBUTION OF LADY COMRADES IN BUILDING THE NATION

Text of AIBOC Circular No. 2026/20, dated 08.03.2026,

On the occasion of **International Women's Day**, the All-India Bank Officers' Confederation (AIBOC) extends its warm and revolutionary greetings to all our lady comrades across the banking industry in particular and to the entire women citizenry in general. This historic day is not merely a ceremonial observance but a reaffirmation of the century-old struggle rooted in the working-class movement and societal disparity. It emerged from the courageous struggles of women workers demanding equality at the workplace, humane working conditions, fair wages and equal opportunities without discrimination. International Women's Day, therefore, symbolizes the collective aspiration for a just, inclusive and egalitarian society where exploitation and inequality have no place.

AIBOC salutes the courage, resilience and immense contribution of our lady Comrades in the banking sector and beyond. Over the years, women officers have demonstrated exemplary professional competence, dedication and leadership qualities that have significantly contributed in strengthening the credibility, stability and efficiency of the banking system. At the same time, they have actively participated in the trade union movement and the broader struggle for social justice and people's rights.

Despite the fact that the women has come a long way from the days of Match Box factory walkout to

invading Space, yet it is very unfortunate to note that they are yet to get themselves free from the chauvinistic dominance and disparity often encountering with female foeticide, inhuman torture and still are subject to Epstein Like slur and inhuman torture where women are seen as commodity, then a Human being with equal footing with their male counterpart. The justification of observing women's day thus lies in addressing such heinous discrimination and free them from the clutch of Child Marriage, Domestic Violence, Human Trafficking, dowry death and all that goes against the much-hyped human civilization and our claim of being the citizen of a civilised society which rather is clouded by a deeply entrenched patriarchal mindset that undermines the dignity and value of women in society. Socio-economic inequalities further aggravate this reality, denying many women accesses to education, healthcare, employment opportunities and social security. The persistence of such social and economic disparities reminds us that the struggle for gender justice cannot be isolated from the larger fight for equality and human dignity.

AIBOC firmly believes that genuine gender equality cannot be achieved through symbolic gestures alone. It requires concrete institutional measures and sustained policy interventions. Strengthening maternity and childcare provisions, ensuring safe and harassment-free workplaces, empowering

effective Internal Complaints Committees (ICC) and recognising the specific needs of women employees in transfer and re-location policies are essential steps in this direction that the AIBOC has taken abreast. Workplaces must evolve to create an enabling environment where women can realise their full potential without fear, discrimination or structural barriers and it shall be our mission to ensure the same in the Banking Sector. Our recently held 3rd Women's Convention held at Patiala, Punjab on 1st March 2026, had been directed to that context.

At the same time, we must not lose sight of the grim realities faced by millions of women workers in the unorganised sector like domestic workers, agricultural labourers, contractual employees and gig workers who remain largely outside the protective framework of labour laws and social security systems. Their struggles remind us that the quest for gender equality is inseparable from the broader struggle for trade union rights, labour dignity, social security and economic justice.

Recent labour policy changes and the introduction of new labour codes have further heightened concerns regarding the vulnerability of women workers. The growing trend of informalisation and

contractualization disproportionately affects women, undermining job security, workplace protections and social safeguards. AIBOC reiterates its firm commitment to stand shoulder to shoulder with the united trade union movement to ensure that economic reforms do not come at the cost of social justice and workers' rights.

On this International Women's Day, we call upon all our affiliates and state units to encourage greater participation of lady comrades in the activities of our associations and the trade union movement. This will be in tandem with the theme of this year, "Give to Gain" implying that we should all give our support to gain advancement for women and girls. Empowering women within our organisational structure will strengthen our collective struggle and ensure that the voices and concerns of women employees receive the attention they deserve.

Let this day reaffirm our collective resolve to build workplaces and a society founded on equality, dignity, safety and solidarity. Through unity, awareness and organised action, we must continue our struggle against discrimination, social injustice and gender inequality.

Revolutionary Greetings to all women on this International Women's Day.

CONCILIATION MEETING HELD ON 09.03.2026

Text of AIBOC Circular No. 2026/21, dated 09.03.2026.

Further to the conciliation meeting held on 4-11-2025 and on 22/23-1-2026, another round of conciliation meeting was held today by the Dy. Chief Labour Commissioner in the office of the CLC in New Delhi on the various issues and demands raised by us in our strike notices.

The conciliation proceedings were conducted by Shri Susanta Kumar Nayak, Dy. CLC and Shri Pankaj Dahiya, RLC-HQ. Representatives of the DFS, IBA and all the PSBs were present. From UFBU, all our Unions were present.

We informed the Dy. CLC that after our successful protest strike against the delay in implementing 5 Days Banking, instead of coming forward to resolve

the issues amicably, the Government and IBA/Bank managements have taken further negative attitude. We informed him that despite the clear advice of the Dy. CLC as mentioned in the Minutes of conciliation proceedings dated 17-6-2025 signed by all the parties to the dispute, all the Public Sector Banks have disbursed PLI for the year 2024-25 partially for the staff from sub staff and clerks and upto Scale III officers, and excluding Scale IV to VII officers whereas our Bipartite Settlement and Joint Note covers Officers upto Scale VII particularly, when the dispute on PLI is pending in the conciliation.

We further informed that as per the advice of the CLC, the new Scheme on PLI as applicable to Scale IV officers and above was discussed by IBA and UFBU and already our suggestions have been forwarded to the Government for their consideration.

We pointed out that this is nothing but an attempt to discriminate and divide the workforce besides being a ploy to pit one section of the workforce against the other. We further pointed out that the new PLI scheme of the Government will seriously affect the relativity in the remuneration of 93% of the workforce.

We also explained that the revised scheme has to be understood looking to the cost implications. We also informed that this division will adversely affect the team work with which the employees and officers are working in the Banks amidst multiple challenges.

Hence, we submitted that for the year 2024-25, the existing uniform PLI scheme is to be implemented and the new scheme can be taken up for discussion to arrive at an amicable formula for the next year.

After hearing the views of the IBA and DFS, the Dy. CLC opined that the Banks should give the implications of the revised scheme based on which, the office of CLC will take up the issue with the DFS.

We also raised the issues of 5 days banking, increase in the Gratuity limit under the Gratuity Act, recruitment of clerical and sub staff/Armed Guards, etc. We particularly emphasized that the undue delay in implementing 5 days banking is adding to the

unrest amongst the employees and officers and will lead to further industrial actions. It was agreed to discuss this issue and other demands in the next round of conciliation meeting.

UFBU Meeting : Prior to this conciliation meeting, a virtual meeting of the UFBU was held on 7-3-2026. The meeting conveyed its greetings to the entire membership of all our unions for the magnificent manifestation of their unity in action and for making the strike on 27th January, 2026 a massive success.

The meeting noted that while there is no forward movement in our genuine demand for 5 days banking, there are attempts to bypass our collective settlement/joint note and to divide the workforce through discriminatory PLI scheme. The meeting noted that on other pending residual issues also, there is no positive development.

Hence the meeting decided that further agitational programmes and strike actions would be necessary. It was decided to await the outcome of the conciliation meeting and thereafter chalk out the programmes including strike actions. Hence all our unions and members are to remain prepared for the same. ■

RETROSPECTIVE IMPLICATION OF CLAUSE 6(I) OF THE UNIFORM TRANSFER POLICY ON PENDING INTER CIRCLE TRANSFER (ICT) APPLICATIONS - REQUEST FOR SYMPATHETIC CONSIDERATION

Text of AISBOF Letter No. 6453/11/2026, Dated: 17/02/2026, Addressed to The Deputy Managing Director (HR) & CDO, State Bank of India, Corporate Centre, Mumbai-400021.

This communication is intended to bring to your kind notice on issues represented by some of our members relating to Inter- Circle Transfer (ICT) requests. Being convinced on legitimacy of the issues and pertinent arguments meriting reconsideration, we flag the below mentioned discrepancies as regards to ICT seeking your kind intervention and resolution at the earliest.

Many of our members reportedly have applied for Inter Circle Transfer after fulfilling all the eligibility criteria set by the Bank at the material time of

filling of their applications. Meanwhile, during the pendency of their applications, they got qualified to be selected for deputation to various other establishments like PRM Cell in Jaipur, SBI Foundation etc. and there was no stipulation predefined, that such deputation would automatically render their ICT requests infructuous.

It is pertinent to note that, the Bank has issued the Uniform Transfer Policy for Officers up to MMGS-III, vide e-Circular No. CDO/P&HRD-CM/5/2025-26 dated 5th May 2025, wherein it has been stipulated under Inter Circle Transfer (ICT) vide Clause 6(i) that:

"If an officer applies for Foreign Posting / Deputation to any of the JV/Subsidiaries of the

SUCCESS AWAITS AT THE DOOR WHERE DILIGENCE IS

Bank or Outside Bank / Corporate Centre / Corporate Centre Establishment, it will be construed that he/she is not willing to go to the requested Circle on ICT and his/her existing ICT applications will be rejected."

It would not be out of context to mention that the ICT applications of numerous officers remained pending for months and in certain cases, for years and even decades, on various grounds. However, their legitimate expectations now stand foreclosed on account of the introduction of the aforementioned clause, which was non-existent at the material time of filling of the application for ICT.

The newly introduced clause, applied with retrospective effect, is thus contrary to the well-established principles of natural justice and the

doctrine of legitimate expectation. Furthermore, it has caused immense resentment and anxiety among the affected officers and is inconsistent with the standards of fairness and institutional credibility for which our esteemed organisation is known for.

In view of the above, we earnestly request that the earlier applications of such officers be considered favourably and their legitimate expectations be fulfilled, particularly in cases where ICT applications have remained pending for years and who applied for ICT before the newly introduced uniform transfer policy was brought to light.

We trust that the Management will address this matter with due alacrity and fairness it deserves. ■

ENGAGEMENT OF SBI OFFICERS FOR ELECTION-RELATED NON-BANKING DUTIES (ERMO/SIR, WEST BENGAL). REQUEST FOR IMMEDIATE INTERVENTION AND INSTITUTIONAL SAFEGUARDS

Text of AISBOF Letter No. 8156/10/2026, Dated: 17/02/2026, Addressed to The Deputy Managing Director (HR) & CDO, State Bank of India, Corporate Centre, Mumbai-400021.

We write with reference to Letter No. 6180/22/2025 dated 30.12.2025 which is explicit on the issue of deployment of our officers for Special Intensive Revision (SIR) duties in phase - I, in the State of West Bengal. When the issue of such deployment during the first phase was adequately highlighted, the issues which surfaced while responding to the call for the phase -II of SIR deployment remains even more grievous and tormenting warranting an immediate intervention on your part to give respite to our officers and save them from suffering avoidable hitches.

While we fully acknowledge the importance of this constitutional assignment and the Bank's commitment to supporting national responsibilities, we are constrained to place on record certain serious concerns and operational deficiencies being faced by the deputed officers. We highlight some of the issues which if not looked into with alacrity might make a lasting dent on the confidence and morale

of the officers who have been put to such hardship at the curse of their fate.

The deputation has been carried out in phases, with approximately 380 officers relieved in the first phase and around 300 officers in the second phase. However, the implementation of financial and administrative support measures has been inconsistent and inadequate, resulting in significant hardship to the officers concerned.

It remains a matter of concern that an amount of ₹ 30,000/- was disbursed to officers deputed in the first phase, whereas no corresponding instructions or payments have been extended to officers deputed in the second phase. Consequently, a substantial number of officers are compelled to bear expenses from their personal funds, despite performing identical duties under similar conditions. This disparity has created unnecessary financial strain and a sense of inequity and uncertainty has surfaced in the minds of the officers deputed.

It might not be out of context to mention here that the Election Commission of India, vide Advisory No. 464/INST/EPS/2023/Remuneration & TA/DA dated

06.06.2023 (Para 3), has categorically directed that remuneration for election duty be paid, and that admissible TA/DA and other allowances be borne by the parent department as per applicable norms.

Despite this clear directive, no uniform or time-bound reimbursement mechanism has been communicated by the Circle. The absence of formal guidelines has resulted in uncertainty, confusion and financial distress among the deputed officers, who remain unclear about the admissibility, procedure, and timeline for reimbursement of legitimate claims.

The deputation commenced during the third quarter of the financial year and continues into the final quarter. However, no revised or protective guidelines have been issued concerning the CDS performance evaluation of officers on prolonged election duty. In the absence of such safeguards, officers face the risk of adverse or suboptimal performance assessment for reasons entirely beyond their control, which is inherently unfair and demoralising.

Many officers have been deputed to distant and unfamiliar locations, often with extremely short notice, sometimes requiring movement overnight upon receipt of instructions from the Election Commission. They have incurred substantial expenditure towards travel, accommodation, food, and other essential requirements.

In several locations, decent accommodation is either scarce or prohibitively expensive, and access to proper food facilities is limited. Despite these challenges, officers have continued to discharge their

responsibilities with commendable dedication and professionalism.

With the recent extension of the SIR process by the Election Commission of India, uncertainty regarding the duration of deputation persists. In the absence of structured, uniform, and humane guidelines addressing financial support and performance protection, there is growing anxiety and dissatisfaction among the officers concerned.

In view of the foregoing, we respectfully request your kind and immediate intervention to issue comprehensive and centrally applicable guidelines, addressing:

- ★ Uniform compensation/payment for officers deputed in all phases;
- ★ A clear, transparent, and time-bound TA/DA reimbursement mechanism;
- ★ Explicit protection of CDS performance evaluation for officers on SIR duty and;
- ★ Institutional safeguards to prevent recurrence of such ambiguity in future deployments.

Timely action from your esteemed office will not only alleviate the hardship currently being faced but also prop up confidence, morale, and trust among officers who are discharging an important constitutional responsibility on behalf of the Bank. ■

IOBOA IS ON A DECISIVE STRUGGLE DEMANDING OFFICERS DIGNITY AND OPPOSING COERCIVE SURVEILLANCE AND RATING MECHANISMS

Text of AIBOC Circular No. 2026/18, dated 20.02.2026.

Our affiliate, the Indian Overseas Bank Officers' Association (IOBOA), is presently engaged in a decisive struggle to defend the dignity of officers and to oppose the coercive surveillance and rating mechanisms being unilaterally imposed by the management of Indian Overseas Bank. What is unfolding in IOB is not a routine industrial issue, it is a serious and alarming shift in workplace culture where officers are being subjected to practices that deny minimum dignity,

erode ethical norms, and impose pressure through forced late sitting, unilateral EOD blocking, and other coercive steps that have no place in a healthy banking institution.

IOBOA has repeatedly brought these grievances to the notice of the management through numerous communications, consistently highlighting the damage these practices are causing to the morale and well-being of the officers' community. Despite the officers' unwavering commitment to the institution, especially in difficult times, the

management has chosen to ignore genuine concerns and has moved away from the spirit of bilateralism, which is essential for institutional health. We are informed that the working conditions now being enforced are adversely affecting the morale, impacting mental health, and weakening the institutional fabric of the bank. Industrial Relations, instead of being treated as a constructive and bona fide operational framework, appears to have degenerated into a tool of pressure.

The injustice becomes even more glaring when seen against the background of the bank's impressive performance, made possible by the dedication and relentless efforts of officers. For the quarter ended December 2025, the bank recorded a 56.18% year-on-year increase in net profit. Asset quality improved significantly, with gross NPA declining to 1.54% and net NPA to 0.24%, while the Net Interest Margin stood at 3.32%, a critical parameter that reflects the health of a bank. These indicators are above industry averages or at least firmly at par. Yet, instead of recognising this contribution and reinforcing trust-based governance, the management has chosen coercion, striking at the very backbone of the bank. IOBOA, therefore, cannot remain a silent spectator, and its struggle is both justified and necessary to protect officers and the institution alike.

Accordingly, IOBOA served due notice on 9th February 2026 and launched a nationwide agitational programme to restore humane working hours and dignity, ensure work-life balance and workplace safety, withdraw the regressive "**probation on promotion**" clause, guarantee fair and transparent HR governance, and ensure adequate staff recruitment along with security and welfare measures. At the same time, IOBOA has firmly opposed coercive surveillance and rating systems, arbitrary denial of leave and imposition of loss of pay, intimidation and unprofessional review culture, unjust salary recoveries and penalties, and unilateral policy changes implemented without consultation. What is even more shocking is that after the notice of agitation, the IOB management has reportedly adopted an unheard-of and draconian measure by locking the Association office and denying access to office-bearers, severely disrupting the normal operational functioning of the association. This is not merely an administrative act; it is a frontal assault on bilateralism and a direct strike at the very root of trade union rights, rights that are

constitutionally guaranteed and historically earned through years of protected struggle. Let it be stated without ambiguity: AIBOC will not accept this—not now, not ever.

Comrades, AIBOC's position is clear and firm. AIBOC stands solidly with IOBOA in this struggle, and our commitment is total. Any attack on IOBOA is an attack on the officers' movement as a whole. If the management believes it can isolate our affiliate or intimidate the leadership and membership into silence, it is gravely mistaken. We will mobilise our organisation at every level and will fight shoulder-to-shoulder with IOBOA until dignity is restored, coercive surveillance mechanisms are rolled back, bilateralism is reinstated, and fair governance is ensured. Officers must draw courage from our unity: when we stand together, no management can break the collective will of the officers' community.

We, therefore, call upon all affiliates and state units to extend full fraternal support to IOBOA and implement solidarity actions as per the schedule already announced. On 23rd February 2026, demonstrations will be held at all Regional Centres. On 26th February 2026, Dharna will be organised at Regional Centres. On 2nd March 2026, the IOBOA shall observe a One Day All India Strike. We have also approached all constituents of UFBU for their all-out support, and necessary coordination should be built at the state and district level. We place on record our appreciation that UFBU constituents have jointly sent a strong communication to the IOB management expressing deep resentment against these actions.

We still believe that sanity must prevail and the IOB management should immediately restore bilateralism by holding discussions with IOBOA and unlocking the union office without any further delay, before irreparable damage is done to the institution's reputation and internal harmony. However, if the management continues on this regressive path, the movement will intensify, and the full-throttled agitational programme will be unleashed until every anti-officer measure is rolled back.

This struggle is not only about one bank. It is about the future of officers' dignity, the work culture of our banking system, and the right of unions to function as guaranteed by the Constitution. Let us stand firm, stand united, and stand fearless. ■

UFBU WRITES TO THE MD & CEO, INDIAN OVERSEAS BANK EXPRESSING STRONG RESENTMENT AGAINST THEIR ACTION TOWARDS IOBOA

Text of AIBOC Circular No. 2026/17, dated 20.02.2026.

It is to be informed to all the affiliates and members that on 19th February, 2026, we have sent communications to the other eight constituents of UFBU seeking their support in the ongoing struggle and agitational programmes including one day strike in IOB called by IOBOA. Today UFBU sent a strong communication to the MD & CEO of Indian Overseas Bank expressing their strong resentment on the issue. We reproduce the text of the letter dated 20.02.2026 for your information and wide circulation. We also request all affiliates and state units to extend all out support to the agitational programmes in their respective areas.

Text of the Letter dated 20.02.2026, Addressed to Shri. Ajay Kumar Srivastava, Managing Director & CEO, Indian Overseas Bank, Central Office, Chennai

Dear Sir,

Agitational call given by Indian overseas Bank officers Association and All India Strike in IOB on 2nd March, 2026

We refer you to the Notice of Strike served on the management of Indian Overseas Bank by Indian Overseas Bank Officers Association proposing to observe agitational programmes and All India Strike in Indian Overseas Bank on 2nd March, 2026 to press their various genuine and legitimate demands and concerns.

You will appreciate that officers of the Bank are a vital segment of the total workforce and they play a significant role both in the routine functioning as well as in promoting the business development and overall progress of the Bank.

You will also appreciate that Indian Overseas Bank Officers Association is the recognised trade union

in the Bank and represents the community of officers in the Bank. Hence it is expected that the issues, grievances, demands and concerns of the Union is heard, understood and addressed through bilateral discussions and harmonious industrial relations.

But we regret to observe that the IOBOA has been pushed to the wall to resort to agitational programmes including the call to observe an All India Strike in the Bank on 2-3-2026. Only recently we observed that the All India Union for workmen employees had to resort to agitational programme. This shows the deteriorated industrial relations prevailing in the Bank which is not helpful in the larger interest of the Bank.

We further observe that instead of addressing the issues raised by Association, the management has initiated measures to intimidate the officers and the Association including by forcibly locking the trade union premises of the Association.

You will appreciate that such provocations will only worsen the industrial relations and would not help in resolving the issues to achieve better understanding and harmony in industrial relations.

From the United Forum of Bank Unions representing bank employees and officers of all the Banks, we wish to urge upon you to intervene in the matter and to find amicable and mutually acceptable resolution to the important demands and concerns of the Association.

We further wish to convey to the management that the United Forum of Bank Unions extends its full support to the agitational programmes of the Union and would also express its solidarity through fraternal programmes if the issues are not considered and resolved amicably.

Sd/-

(AIBEA, AIBOC, NCBE, AIBOA, BEFI, INBOC, INBEF, NOBO, NOBW)

GOVT/DFS/IBA MOVE TO ENFORCE DIVISIVE PLI MODEL UNACCEPTABLE WHILE DISPUTE IS SUB JUDICE

Text of AIBOC Circular No. 2026/16, dated 12.02.2026, reproduced the text of UFBU Circular UFBU/2026/09 dated 12.02.2026.

All our unions and members are aware that a PLI scheme was finalised in the 11th BPS/8th Joint Note in 2020 applicable from Part time employees to General Managers in Scale VII. Since then, PLI is being paid to employees and officers at a uniform rate in each Bank according to the performance of that Bank.

Last year, the Department of Financial Services (DFS), Ministry of Finance, Government of India, abruptly advised Public Sector Banks to shift from the settlement-based PLI framework to a discriminatory mechanism for officers in Scale IV and above. Whereas the PLI scheme under the Bipartite Settlement/Joint Note is uniformly linked to the overall performance of the Bank, the DFS-advised model seeks to make PLI for Scale IV and above dependent on individual performance, thereby placing officers in the higher scales into different “**risk**” brackets and creating an artificial and divisive classification within the cadre.

Accordingly, we have consistently opposed this unilateral and discriminatory PLI dispensation, under which more than 90% of employees, who actually generate the business, are confined to a maximum of 15 days' Basic Pay plus DA, while officers in Scale IV and above would be extended PLI up to 360 days Basic Pay.

On the one hand, this would amount to discrimination between Scale IV officers and above and the bulk of the workmen staff and officers upto Scale III and on the other hand dividing the senior officers by extending PLI on individual performance basis. Therefore, we included this as one of the major issues in our Strike Notice served in March 2025.

Thereafter, in the conciliation proceedings held by the CLC(C), the banks were advised to maintain status quo and to work out an amicable solution through bipartite discussions between IBA and UFBU. It is pertinent that representatives of all PSBs, along with DFS and IBA, were parties to and signatories to the conciliation minutes—hence any departure from this recorded understanding is unacceptable in principle, untenable in law and practice, and corrosive to settled industrial relations. During the discussions with IBA, we have suggested changes with certain improvements in the PLI scheme to make it more equitable. These suggestions have been duly forwarded to the DFS for their consideration.

During the conciliation meetings held on 22nd and 23rd January, 2026 in connection with the proposed strike on 5 Days Banking, the representative of DFS informed the unions that if we proceed with the strike on 27th January, 2026 on the demand of 5 Days Banking, the Government may not take a favourable view on our other pending demands, including the issue relating to change in the PLI Scheme.

Today, we learn that all PSBs have been advised to credit the PLI for the year ended 31-3-2025, even though the issue is still pending before the CLC. Already Bank of India has credited the PLI today. This is a blatant violation of the requirement to maintain status quo.

This is nothing but an attempt to browbeat UFBU. This is an attempt to divide the workforce in the Banks. We shall take up the matter during the next round of conciliation meeting. In the meantime, all our unions and members should remain united and vigilant against such attempts of the Government. ■

[2026 (188) FLR 415]
(DELHI HIGH COURT)
Ms. CHANDRASEKHARAN SUDHA, J.
W.P.(C) no. 9689 of 2018 and connected cases
November 14, 2025
Between
CENTRAL BANK OF INDIA
And
ANIL KUMAR and another

Industrial Dispute Act, 1947-Section 25-F-Termination-Award of reinstatement with all consequential benefits-Hence, instant petition by Bank-Allegation of misappropriation of school fees-Fees was deposited by the employee-Held, defence taken by employee could not be established-Withdrawal of complaint by school was not enough to exonerate the employee-Employee was working in a financial institution where there could not be a compromise on the integrity of its employees-Award impugned quashed-Petition allowed.

The respondent/employee himself contended before the Tribunal that the enquiry proceeding was vitiated as the principles of natural justice had not been vitiated and permitted the management to adduce fresh evidence to prove the charge. However, the respondent/employee never led any evidence to prove his defence. Neither Rajesh Goyal nor his servant was examined to pre the defence. In such circumstances, it can only be held that the defence has not been established.

Withdrawal of the complaint by DAV is not enough to exonerate the respondent/employee of the charge of misconduct, especially when the organization in which he was working was a financial institution. Moreover, the argument that the memo served on the respondent/employee does not specify any misconduct and hence the charge is defective, also cannot be countenanced.

The purpose of framing a charge is to give notice to the party regarding the allegation that he has to answer. Annexure P-12 i.e., the charge-sheet, is quite clear as to the charge that he had to answer. The respondent/employee has no case that he had not understood the charge against him. He is seen to have understood the charge against him and contested the same. No prejudice is seen to have been caused to him due to the memo only containing the terms 'omission and commission'.

Counsel for the Petitioner; Anuj Jain
Counsel for the Respondents: S.S. Jain.

Complex, New Delhi (the Tribunal) in ID No. 16/2009 whereby the action of the petitioner/management in terminating the services of the respondent/employee was held to be illegal and the respondent/employee was directed to be reinstated with all consequential benefits.

JUDGMENT

CHANDRASEKHARAN SUDHA, J.

1. The present writ petition has been filed under Articles 226 and 227 of the Constitution of India for setting aside Annexure P- 1, i.e., Award dated 12.03.2018, passed by the learned Presiding Officer, CGIT, Labour Court II, Dwarka Court

2. Brief facts of the case are as follows:-The respondent/employee was employed as a clerk with the petitioner/management, i.e., the Central Bank of India, Savita Vihar Branch. On 20.04.2006, while posted at the said branch, he is alleged to have misappropriated ₹ 60,580 in school fees received

from the parents of students of DAV Public School, Savita Vihar (DAV), for which he had issued 16 cash receipts dated 20.04.2006.

2.1. The DAV filed a complaint dated 29.07.2006 with the petitioner/management regarding non-deposit/non-accounting of the aforesaid amount. On enquiry, it was found that the aforesaid cash receipts had been issued by the respondent/employee, who on being questioned, deposited the said amount in the bank on 08.08.2006. As the act of the respondent/employee amounted as misconduct, misappropriation and embezzlement of funds from 20.04.2006 to 08.08.2006, he was suspended from the services of the bank w.e.f 02.09.2006. A charge-sheet dated 28.10.2006 was served upon the respondent under Clause 12(b) of the Memorandum of Settlement for misappropriation of the said amount. Thereafter, the DAV, on 08.09.2006, issued a letter withdrawing their earlier complaint dated 29.07.2006, in view of the deposit of the entire fees.

2.2. A domestic enquiry was conducted by the petitioner/management, and the Enquiry Officer, vide report dated 28.03.2007, found the charges proved, leading to his dismissal from service on 07.08.2007. The respondent/employee raised an industrial dispute, i.e., ID No. 16/2009, against the said termination, which was referred to the Tribunal for adjudication. The Tribunal vide its order dated 08.06.2016 held the domestic enquiry to be vitiated for violation of natural justice. Thereafter, the Tribunal afforded an opportunity to the petitioner/management to adduce evidence to prove misconduct as stated in the chargesheet. Oral and documentary evidence was led by both sides. The Tribunal, on a consideration of the oral and documentary evidence and after hearing both sides, on 12.03.2018, passed the impugned award

holding the dismissal to be illegal, unjust, and unfair, and directed reinstatement of the workman with all consequential benefits. Aggrieved, the petitioner/management has filed the present writ.

3. According to the learned counsel for the petitioner/management, when the Tribunal had found the domestic enquiry to be vitiated, it could then have not relied on the testimony of DW1, Rajesh Goyal, who supported the version of the respondent/workman that the mistake was on the part of his servant and not on the latter. Apart from the testimony of DW1, no evidence has been led by the respondent/employee to prove his defence, and so the Tribunal went wrong in setting aside the dismissal order and directing reinstatement. This is especially so when the respondent/employee admits to having received the amount on 20.04.2006, though he had no authority to do so. It was also pointed out that the subsequent deposit of the amount on 08.08.2006 does not exonerate the respondent/employee from the misconduct committed by him.

3.1 It was further pointed out that the withdrawal of the complaint by the DAV would have no impact on the act of embezzlement of funds by the respondent/employee. Reliance has been placed on the dictums in Suresh Pathrela Vs. OBC, State Bank of Patiala Vs. General Secretary, Staff Union & Ors., ; Disciplinary Authority- Cum- Regional Manager & Ors. Vs. Nikunja Bihari Patnaik, UCO Bank, Chandigarh Vs. Hardev Singh, State Bank of India Vs. Bela Bagchi, Damoh Panna Sagar Rural Regional Bank Vs. Munna Lai Jain, 2004(10) Scale 590 and State Bank of Bikaner & Jaipur Vs. Nemi Chand Nalwaya

4. On the other hand, it was submitted by the learned counsel for the respondent/employee that the charge of misappropriation is false, fabricated, and motivated, as he was active in the trade union. It was urged that there was no wrongful gain to him or loss to the bank, as the entire amount of ₹60,580 was deposited into the school's account on 08.08.2006, which the school has confirmed by

withdrawing its earlier complaint. It was also submitted that even assuming that there was delay in remitting the amount by the respondent/employee, the said act should not have been visited by termination of his services, which is quite disproportionate to the act alleged to have been committed by the respondent/employee. It was also submitted that the memos served on him, that is, Annexure P-8 and P-9, do not refer to any misconduct or misappropriation, but only say that he had committed certain acts of "omission and commission" which would also substantiate his case that there was no serious charge against him warranting a major penalty of dismissal. The learned counsel for the respondent/employee has placed reliance on the dictums in *UB Gadhe vs. GM Gujarat Ambuja Cement*; *Himalayan Coop. Group Housing Society vs. Balwan Singh & Ors.*; *Taj Services, Ltd. vs. Industrial Tribunal* and *Calcutta Port Shramik Union vs. The Calcutta River Transport Association and Ors.*

5. Heard both sides

6. A perusal of the materials on record show that, on 20.04.2006, the respondent/employee was not working as a cashier in the bank. Despite the same, he received the amount and issued 16 cash deposit receipts for the same. He also issued counterfoils, i.e., parent's copies of the receipts under his initials and also affixed the seal of the branch office. The fact that an amount of ₹60,580/- was received by the respondent/employee is admitted by him. He also admits that on the relevant day, he was not assigned the duty of a cashier. According to him, as there was a big rush in the bank, on the oral instructions of the manager of the bank, he had received the same. However, there are no materials to support the said allegation.

7. I will assume for a moment that the respondent/employee was, in fact, directed by the manager to receive the cash. His further explanation is that on 20.04.2006, as there was a rush at the receipt counter, he received the fees of the children of his friend Rajesh Goyal from the latter's servant. He returned the parent's copy of the receipt after affixing the receipt stamp to the servant, as he was told that Goyal was in a hurry. As he was well-acquainted

with the Goyals, he gave a duly stamped receipt to the latter and asked his servant to wait so that he could count the money. While counting the money, he found that some notes were 'defective' and so he asked the servant to change them. However, the servant returned and told him that Goyal had left and that his mobile was not responding. So he returned the challan copies and the money to the servant and asked him to bring the 'proper cash'. Due to heavy work, he forgot to take back the parent's copy and to cancel the receipt stamp. He thereafter forgot about the incident as he had been transferred to another branch. Later, in the month of July, when the matter came to his notice, he advised Goyal to contact the school and the bank. It was only then it came to his notice that the servant had not informed Goyal about the non-receipt of the cash. The slip/challan copies were recovered from the servant's room. Thereafter, Goyal realised the mistake on the part of his servant in not depositing the school fees and gave a letter regretting the incident to the DAV. Realising the mistake, the DAV also withdrew their complaint.

8. To prove the aforesaid defence, the respondent/employee relies on the testimony of DW1, recorded during the course of the domestic enquiry. The respondent/employee himself contended before the Tribunal that the enquiry proceeding was vitiated as the principles of natural justice had not been complied with. Accepting this contention, the Tribunal found the enquiry to be vitiated and permitted the management to adduce fresh evidence to prove the charge. However, the respondent/employee never led any evidence to prove his defence. Neither Rajesh Goyal nor his servant was examined to prove the defence. In such circumstances, it can only be held that the defence has not been established.

9. Further, withdrawal of the complaint by the DAV is not enough to exonerate the respondent/employee of the charge of misconduct, especially when the organization in which he was working was a financial institution. Moreover, the argument that the memo served on the respondent/employee does not specify any misconduct and hence the charge is defective, also cannot be countenanced. The purpose of framing a charge is to give notice to

the party regarding the allegation that he has to answer. Annexure P-12, i.e., the chargesheet, is quite clear as to the charge that he had to answer. The respondent/employee has no case that he had not understood the charge against him. He is seen to have understood the charge against him and contested the same. No prejudice is seen to have been caused to him due to the memo only containing the terms 'omission and commission'.

10. The argument that the punishment of dismissal awarded is disproportionate cannot be countenanced for a moment, as the respondent/employee was working in a financial institution where there cannot be a compromise on the integrity of its employees.

11. In view of the foregoing discussion, I find that the Tribunal went wrong in reversing the order of dismissal of the respondent/employee from service. Hence, the impugned Award is accordingly set aside. The action of the management in terminating the services of the respondent/employee is upheld.

12. In the result, this writ petition is allowed. Application(s), if any pending, shall stand closed. ■

Petition Allowed.

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

Bangaluru
10/03/2026

Sd/-
(RUPAM ROY)
GENERAL SECRETARY

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