

OFFICERS' CAUSE

MAY - 2025



HAPPY MAY DAY



OFFICERS' CAUSE

CELEBRATING MAY DAY – 2025

A Salute to the Unwavering Determination of Working People

Who Made Dreams a Reality

“As long as the general population remains passive, apathetic, and distracted by consumerism or hatred of the vulnerable, the powerful can act as they please, leaving those who survive to contemplate the outcome.”

May Day 2025 arrives at a time when the country is still reeling from the aftershock of the horrific Pahalgaon massacre, which claimed the lives of 26 innocent tourists and tour guides, including one foreign national. The All India Bank Officers' Confederation (AIBOC) and its entire membership stand firmly behind the national resolve to combat terrorism.

Terrorism is a tool wielded by fundamentalists with the sole objective of diverting the attention of working people from their struggle for a decent and dignified work life—a struggle for which they have shed blood for centuries across the globe. This heinous act of terrorism has not only disrupted lives but also livelihoods in a region that is economically dependent on tourism. The unity of working people, transcending divisions based on religion, caste, or color, must be our most potent antidote to terror instigated from across the border.

We salute the spirit of India and the spirit of Kashmir, which have witnessed widespread protests

throughout the country and in the valley. While observing May Day, we bow our heads in memory of all innocent victims and reaffirm our commitment to solidify our ranks to withstand all divisive activities, both from within and outside our borders.

May Day 2025 will also see us extend full solidarity to the proposed industrial strike on May 20, 2025, protesting the government's attempt to introduce a derogatory Labour Code, which is a direct attack on the hard-earned rights of the Indian working class and a covert effort to open the floodgates to the privatization of public assets.

The new labour codes threaten to reverse many of the hard-won rights of the working class and diminish occupational security. Trade unions fear that the Industrial Relations Code will make it easier to retrench, close, and lay off workers. There is no compensation for laid-off workers in establishments with fewer than 50 employees. The code also complicates the registration of trade unions. Furthermore, only establishments employing more than 300 workers are required to prepare standing orders related to service conditions, paydays, and other relevant issues. This effectively leaves the majority of workers without a safety net, forcing them to operate at the mercy of their employers.

These labour codes are not merely regulatory tools; they are part of a system designed to instill fear among workers. The rights and protections guaranteed to workers in the country's labour laws have either been diluted or removed by judicial decisions, and further changes can be made through Executive Orders that bypass the legislature. The Banking Amendment Bill contains clauses that also allow executives to make changes via orders.

Existing labour laws are the result of over a century of struggle and sacrifice by the working class. It appears that policymakers lack an understanding of this history. The urgency with which these laws

are set to be implemented must be examined alongside the government's attempts to privatize key sectors, including railways, roadways, airways, ports, docks, telecommunications, mining and banking.

If our neighbour's house is on fire, we cannot remain unaffected by the impending disaster.

This May Day serves as a rallying point for workers to articulate their demands and confront contemporary challenges. AIBOC extends revolutionary May Day greetings to all its members, their families, and seniors, urging everyone to celebrate the day in its true spirit. ■

REQUEST FOR REPATRIATION OF OFFICERS UNDER INTER-CIRCLE TRANSFER: SPECIAL DISPENSATION -2021

Text of our Letter No.6453/05/25, Dated: 09.04.2025, Addressed to The Deputy Managing Director (HR) & Corporate Development Officer, State Bank of India, Corporate Centre, Mumbai-400 021

We would like to refer the provisions laid down in the Bank's instructions vide e-Circular No. CDO/P&HRD-CDS/9/2021-22 dated 05.05.2021, regarding promotion to MMGS-III (General Cadre) against unfilled vacancies in deficit Circles under separate dispensation.

The extent guidelines had an enabler clause that the officers may be repatriated to their respective Circles after serving three years in allotted Circle. This clause had given them an assurance & hope for their repatriation to their parent Circle after three years. However, we understand the issue connected with the repatriation vis-à-vis man power constraints, but we have experienced that the Bank has always walked extra mile to keep its commitment.

As per the policy, officers promoted under this scheme and posted to deficit circles were required to serve a minimum period of three years, calculated from the date of their joining the new circle. Post

completion of this tenure, they become eligible for repatriation to their parent circles.

A number of such officers, who had proceeded on inter-circle transfer under the said scheme with a planning in their mind to serve there for stipulated period, have since completed their tenure last year. However, these officers have not yet been relieved, despite being due for repatriation.

This delay is causing considerable anxiety and mental stress, as the officers had already planned their shift back, including arrangements related to family relocation and the educational continuity of their children. Additionally, timely reporting to their parent circles is essential to facilitate suitable postings and avoid any potential inconvenience in terms of job roles or locations.

Our Bank is known for the best practices in HR and our Bank has always shown magnanimity in HR matters. In light of the above, we humbly request you to extend due relief to these officers at the earliest. This will not only uphold the spirit of the policy but also provide timely support to the officers who have dutifully completed their service obligations under the scheme. ■

DISCUSSIONS WITH IBA ON RESIDUAL ISSUES

Text of AIBOC Circular No. 2025/19, dated 25.04.2025, reproduced the text of UFBU Circular no. 2025/06 dated 25.04.2025.

Discussions with IBA on 23-4-2025

Further to the conciliation meeting held by the CLC on 21-3-2025 when it was decided to postpone the strike, the IBA called for one round of discussions with UFBU on 23-4-2025 at IBA office in Mumbai.

IBA was represented by the Chairman of the Negotiating Committee Shri Rajneesh Karnatak (MD/CEO of Bank of India), Shri Atul Kumar Goel, Chief Executive, IBA and other Executives and officials. We were represented by AIBEA, AIBOC, NCBE, BEFI, INBEF, INBOC, NOBW and NOBO.

The brief summary of the discussions is as under:

1. 5 Days Banking : We informed IBA that while the DFS informed us during the conciliation that the issue is engaging their serious attention, various news reports are appearing in the media quoting DFS that this issue is not being considered favourably. We informed IBA that in the event if these reports are true, UFBU may have to revive the strike call. IBA informed that they are following up the issue with the DFS.

2. Revised PLI scheme for Scale IV officers and above: The IBA has informed us that the matter has already been taken up with the Department of Financial Services (DFS), and a response is currently awaited. We emphasized that the Chief Labour Commissioner (CLC) has already conveyed to the IBA that, in view of the ongoing conciliation proceedings, the IBA may advise banks to defer the implementation of the revised Performance Linked Incentive (PLI) scheme and the new appraisal format. We further highlighted the recent changes in the appraisal system

for officers in SMGS-IV, already introduced in the State Bank of India. These changes have significantly altered the existing performance distribution, reducing the proportion of officers in the top two performance brackets from 80% to 40%, while increasing the share in the bottom two brackets from 4% to 40%. Such a drastic shift has severely demoralized the senior management cadre, who are instrumental in mentoring teams and driving the Bank's growth. This will undoubtedly have a detrimental impact on the morale and motivation of senior officials across the banking sector. It is also pertinent to note that the DFS appears to be pushing for the adoption of a performance appraisal system that is widely considered outdated.

Globally, leading organizations have moved away from the bell curve model, recognizing its limitations and the negative impact of forced rankings. Even major private sector banks like ICICI Bank discontinued the bell curve system in 2022, opting instead for team-based incentive models. In light of these developments, we urged the IBA to actively pursue the matter with the DFS and impress upon them the need to put the current process on hold. We also reiterated the importance of revisiting and revising the appraisal framework through mutual discussion and consensus.

3. Recruitment: IBA informed that already Banks have started increasing their Indents with IBPS and for the current financial year 2025-26, the Indents for recruitment of clerks/CSA by Nationalised Banks have gone up from 6128 to 11,830 and further in SBI, there will be recruitment of 14,191 clerical staff. IBA informed that in some of the Banks as against zero Indent, there will be additional recruitments this year (Indian Bank, zero to 1580, BOB, zero to 1200, Bank of Maharashtra, zero to 499, UCO Bank, zero to 384). Similarly, in some Banks, the original Indents have been revised upwards (Canara Bank from 1250

to 2000, Bank of India from 331 to 1618). IBA informed that Banks are positive on this issue and there would be further recruitments in the days to come in the banks but the number of staff to be recruited can be decided by each Bank's Board only. We informed that the issue needs further discussion at IBA level so that in the banks there would be adequate recruitments.

On the issue of recruitment of substaff and part time employees, we pointed out that no Bank is filling up the vacancies through recruitments and large number of temporary and casual staff are being employed by the Banks and that there are also attempts to outsource these jobs on contract basis. IBA informed that before resorting to recruitment of substaff and part time staff, the issue of outsourcing is to be resolved. In view of the minutes signed before CLC, Banks are maintaining status quo but they would like to resolve the issue amicably through mutual discussions and hence asked for the views of the Unions latest before 30th June, 2025.

4. Updation of Pension/Revision in Ex-gratia for pensioners: IBA informed that the issue of updation of pension is subjudice and hence cannot be discussed. We took up the issue of revision in ex-gratia for pensioners. IBA informed that they would like to continue the same amount. On our plea and insistence, they agreed to discuss the issue in their MC meeting.

5. Uniform DA formula for pensioners at 8088 points: IBA informed that the issue can be discussed if it is cost-neutral and would not involve in additional outgo. They asked the Unions to submit their suggestions so that the same can be examined for taking a decision.

6. NPS to OPS : We pointed out that in the Government, they have introduced a new scheme and hence in our case also, we can discuss the issue of restoring old pension scheme for the employees now covered by the NPS. Issue will be discussed further.

7. Leave Bank : Further to discussions held in the last round of meeting, we suggested that donation of leave by the employees can be one scheme and sanction of salary in case of loss of pay due to extreme medical reasons can be a standalone scheme and hence tax burden may not be invited. IBA said the issue can be examined from tax liability angle after which a decision will be taken.

8. Disciplinary Action – modifications: IBA agreed that the suggestions agreed upon in the Small Committee for Workmen will be studied and thereafter the same will be incorporated in the relevant provisions. For officers, the discussion held so far will be further carried forward.

9. Review of efficiency of workmen at the age of 57/58: IBA suggested that a clear provision can be added to measure efficiency so that there is no misuse or arbitrary action and to avoid any subjective decision at any level. We have asked the IBA to outline their suggestions in this regard.

10. Safety of employees and officers against increasing assaults and attacks: We suggested that permanent Security staff should be provided to Branches to prevent physical assault on bank staff. We also suggested that DFS should issue an Advisory to Banks to enable Branch Managers to immediately file FIR against any assaulter and also close down the accounts of such offenders. IBA said that our well-intended suggestions would be examined.

11. Income tax on perquisites : We demanded that the tax liability on perquisite value be borne by the Banks. IBA informed that this decision can be taken only at individual bank level and not by the IBA.

12. Maternity Benefits: IBA suggested that since there are certain positive provisions in the Maternity Benefit Act, we may adopt the same in lieu of the existing provisions under BPS/OSR. We informed that we will compare the provisions and submit our views in the next meeting. ■

CONCILIATION MEETING WITH CLC

Text of AIBOC Circular No. 2025/20, dated 29.04.2025, reproduced the text of UFBU Circular no. 2025/07 dated 29.04.2025.

Our members are aware that consequent to our call for Strike, the Chief Labour Commissioner of the Ministry of Labour, Government of India, held two rounds of conciliation meetings on 18-3-2025 and 21-3-2025 wherein it was decided, in view of the discussions with the IBA and the officials of the Dept. of Financial Services, Ministry of Finance and the assurances of the CLC, to postpone our two days' strike action. Subsequently, IBA had called us for a round of bipartite discussions on 23-4-2025, the outcome of which has been informed to members in our previous circular.

In this background, one more round of conciliation meeting was held today by the CLC in his office in New Delhi. Shri. K. Shekar, CLC, along with Shri Tej Bahadur, Dy. CLC, Shri. O.P. Singh, RLC-HQ, Shri Amritesh Kumar, ALC-IR conducted the conciliation proceedings. IBA was represented by Shri Brajeshwar Sharma, Sr. Advisor (HR & IR). Officials from the DFS, Finance Ministry were also present during the discussions. Representative of all the 12 public sector banks were also present. Representatives of our 9 unions were present.

Gist of the issues discussed during the conciliation meeting:

1. Revised PLI Scheme for Scale IV officers and above: We pointed out that DFS can decide revised PLI scheme for the Board Level Executives i.e. MDs and EDs but scale IV and above officers are already covered by the PLI scheme which has been mutually finalized between Unions and IBA and which is a part of the Bilateral Joint Note and hence should not be altered unilaterally. We also pointed out that

the changes made in the PMS/CDS, especially in SBI, will deprive many senior officers of their PLI because the scheme is designed to exclude more officers than to provide any incentive.

IBA informed that further to the previous conciliation meeting, the issue was been taken up with DFS for their re-examination and the response of the DFS is awaited. In the meantime, no bank has proceeded with the implementation of the revised scheme. The CLC advised the DFS to expedite the issue as early as possible.

2. 5 Days Banking : We pointed out that this important issue was discussed in detail during the conciliation meeting on 21-3-2025 wherein the senior official from the DFS assured that the matter is receiving due attention of the Government but subsequently there have been media reports that Government is not inclined to consider this favourably. It was clarified that the issue is still under discussions in the Ministry. We urged that the decision should be taken without much delay, as the issue was already agreed upon at IBA level in the bipartite settlement on 8-3-2024 and since then the issue is pending with the Government. After discussions, it was decided that CLC will take up the matter with the Secretary, DFS. Issue will be pursued further.

3. Adequate recruitment of Clerks and Substaff:

IBA informed that after UFBU had taken up the issue and after signing of the 12th Bipartite settlement wherein enhanced roles and powers of clerical staff has been provided, the Banks have increased their indents of clerical staff for the year 2025-26 from 6,128 to 11,830 in addition to recruitment of 14,191 clerks in SBI. We pointed out that this is not adequate as compared to the actual requirement in the various Banks.

IBA further stated that while the managements are positive on this issue, the decision can be taken only by the Boards of the respective Banks. After discussions, it was decided that IBA would facilitate further discussions wherein broad inputs can be discussed.

The CLC advised all the PSBs to submit the proposed recruitment data in the next round of conciliation meeting.

We stated that as discussed in the earlier meeting, the sequence of recruitment i.e. first recruitment of officers and then followed by recruitment of clerks be adopted to reduce the rate of attrition. It was informed that this procedure will be followed from the next process.

We also suggested that IBPS should be advised to keep adequate number of empaneled successful candidates so that in the place of drop outs/non-joining/non-reporting of candidates allotted to Banks, immediate replacements may be given. This suggestion was well-noted by the IBA/DFS.

Regarding recruitment of substaff, we pointed out that vacancies of substaff, Armed Guards, House keepers, part time employees are not filled up due to the directive of the DFS to outsource all these vacancies. We further pointed out that this has caused employment of thousands of temporary and casual staff instead of permanent staff. Hence we demanded that all these substaff vacancies should be filled up through recruitment.

IBA informed that in view of the minutes signed before the CLC in November, 2023, status quo is being maintained by Banks on outsourcing but Unions have not come forward with any suggestions in the discussions. CLC advised that both IBA/Banks

and Unions should sit together and discuss the issue to find amicable solutions. Hence it was decided to discuss the issue of recruitment of substaff further.

4.Measures for safety and security of staff from assaults and attacks by unruly customers/ banking public:

We pointed out that in the present context when such assaults and attacks are on the increase, the Government and Banks should ensure proper measures for the safety and security of the officers and employees working in the Branches. We suggested that the Branch heads should be authorised to file FIRs immediately, and that the accounts of such misbehaving customers should be closed and de-boarded. We also suggested that all Branches should be provided with regular Armed Guards which will deter such assaults and attacks. All these suggestions were well received and CLC advised DFS to attend to this issue and to issue proper advisory to the Banks.

5.Enhancement in ceiling on Gratuity to Rs. 25 lacs under the Gratuity Act: It was informed that the issue is under process and is being followed up.

6.Appointment of Workman/ Officer Directors: DFS informed that wherever the process of verification of panel, etc. have been completed, such cases have been sent to Appointments Committee of the Cabinet for their approval. Other cases are under correspondence. We pointed out that there is inordinate delay which indicates that the Government is deliberately deferring the issue. DFS was requested to expedite the issue of these appointments.

The conciliation proceedings have been adjourned to 17-6-2025. Looking to the developments further decision including revival of the postponed strike will be taken in due course.■

AIBOC EXTENDS ITS SOLIDARITY AND UNWAVERING SUPPORT TO THE GENERAL STRIKE ON 20.05.2025 CALLED BY CENTRAL TRADE UNIONS AND INDEPENDENT SECTORAL FEDERATIONS OF WORKERS

Text of AIBOC Circular No. 2025/23, dated 06.07.2025.

All-India Bank Officers' Confederation (AIBOC), the largest trade union organisation in Banking Sector enjoying affiliation of over 325000 active members extends its whole hearted support and solidarity for the General Strike scheduled on the 20th day of May, 2025. This strike call given by the joint platform of Central Trade Unions and various independent sectoral federations of workers and employees as we wish shall encrypt a new chapter in the history of trade union movement and shall be pivotal in establishing trade union rights. Several national-level federations and associations in the banking and financial sectors shall also join the proposed general strike to give it a thunderous success.

The working class in India has been experiencing a colossal decline in purchasing power owing to the unequal distribution of wealth and decline of actual income while the price escalation has been rampant and uncontrolled. The unrestrained concentration of wealth to some selected few is widening the gap between haves and have nots and resulting in erosion of small and medium enterprises, causing deindustrialization of significant segments of the economy which in turn has contributed immensely towards rising of unemployment. History is a testament to the fact that when, economic distress worsens, the state is destined to resort to more coercive measures bringing in havoc in the life and liberty of the working class.

The government has introduced four Labour Codes that subsume the existing 29, aiming to impose more restrictions that exploit workers and favour corporate houses. These Labour Codes are not merely regulatory tools; but form a system designed to instil fear among the working class.

As an arm-twisting tactic as evident in recent time, the Section 111 of the BNS, i.e. the amended Indian Penal Code has been seen misused by one of the Govt. authority, branding the organized trade union activity as an organized crime, and categorized it as a non-bailable offence. On the other hand, the Corporates have been given an open discount to close or shut down their business/ firms and layoff their workers diluting the legal obligations and statutory compulsions associated with exercise of such measures. The entire state machinery is being restructured to launch a direct attack on the rights and privileges of workers. These codes are intended to pave the way for further privatization, including in the banking and financial sectors and AIBOC vouch to halt any such heinous attempt on the part of the protagonists.

Existing labour laws are the result of over a century of struggle and sacrifice by the working class. We cannot allow the repeal of these laws without resistance. This move aligns with the neo-liberal economic policies being followed by the government and can only be countered by building a unified working-class struggle. The working class must not remain passive victims; rather, we should actively shape the future of the Indian economy. AIBOC stands at the forefront of this struggle and will not shy away from the battle between capital and labour. We will continue to advocate for an alternative economic vision where people and the public sector play a decisive role.

We call upon all our affiliates and state units to participate in protest demonstrations, seminars, or meetings organized by the sponsors of the strike, especially the associations of financial institutions to express our solidarity and support for its cause. Additionally, our members will not act as strike-breakers nor take on any non-supervisory duties on the day of the strike. ■

**[2024 (183) FLR 960
(DELHI HIGH COURT)
Ms. JYOTI SINGH J.
W.P.(C) NO. 8902 OF 2015
September 18, 2024
Between
RAJ KUMAR SAINI and other
And
GOVERNMENT OF NCT OF DELHI and others**

Constitution of India, 1950-Article 226-Equal pay for equal work-Employment contractual in nature-Selection after due process of selection and was for a fixed period as a mode of recruitment from open market-Hence, instant petition-Held, petitioners working of 10 to 15 years-working with the regular employees on the same posts and discharging similar and onerous duties-Direction issue to pay minimum pay scale extended to the regular employees - Petition allowed. [Paras 7 to 9]

In light of the binding dictum of Supreme Court, it is not open to the Respondents to deny to the Petitioners minimum of the pay scale of the regular employees holding the same posts.

In the present case, Petitioners have restricted their claim to the minimum of the pay scale extended to regular employees working on similar posts.

The Supreme Court has that all temporary employees including daily wages, ad hoc appointees, casual employees, contractual employees and there is no doubt that the judgment binds this Court.

Counsel for the Petitioners; Amar Nath Saini, Ms. Preeti Saini, Ms. Neelam Pathak, Karan Gupta, Rohit Singh and Ms. Diksha Saini.

Counsel for the Respondents: Ms Hetu Arora Sethi, ASC, Nirmal Prasad, Arjun Basora, Ripudaman Bhardwaj, with Kushagra Kumar and Abhinav Bharwaj.

JUDGMENT

JYOTI SINGH, J. This writ petition has been preferred on behalf of the Petitioners under Article 226 of the Constitution of India seeking 'equal pay for equal work' at par with regular employees employed with Respondent No.1/GNCTD as also for parity in various allowances such as DA, House Allowance etc.

2. Facts to the extent relevant are that Petitioners are employees of Respondents No. 3 to 9 which are societies registered under the Societies Registration Act, 1860 and working under the directions of Directorate of Health Services, Government of NCT of Delhi/ Respondent No. 1 and were employed on contract

basis. Petitioners are stated to have been appointed after due process of selection involving skill test and interview after an open advertisement and meeting the eligibility criteria of appointment to the posts. The recruitment rules of appointment of Respondents No. 3 to 9 provide contractual appointment for a fixed tenure as a mode of recruitment from the open market apart from appointment on deputation basis.

3. It is the case of the Petitioners that they have been appointed through a rigorous process of selection including a written and skill test followed by an interview and pursuant to a public

advertisement, a process akin to regular appointment. Petitioners are performing the same work as their counterparts who are working in the Mission with them but are on the rolls of Directorate of Health Services/MCD and are regular employees and are getting higher salaries with allowances.

4. Espousing the case of the Petitioners, learned counsel for the Petitioners submits that Petitioners have been working for the last 10 to 15 years with Respondents No. 3 to 9 and there is no difference between them and the regular employees on the roll of Directorate of Health Services who are working along with them, either in terms of qualifications, nature of work or the process of appointment yet they are being paid salaries which are far less in comparison to those of regular employees. Having so argued, learned counsel for the Petitioners, on instructions, fairly and candidly submits that Petitioners would not press the relief of 'equal pay for equal work' but be granted salaries/wages at the minimum of the pay scale extended to regular employees holding the same posts in terms of the judgment of the Supreme Court in *State of Punjab and Others v. Jagjit Singh and Others*, (2017) 1 SCC 148. Additionally, reliance is also placed on the judgment of the Punjab and Haryana High Court in case of *Pankaj and Others v. State of Haryana and Others*, where a similar prayer, in case of pharmacists appointed on contractual basis in Urban Health Centre, was allowed on the basis of the observations of the Supreme Court in *Jagjit Singh* (supra). Reliance is also placed on the order of the Co-ordinate Bench of this Court in *Govt. of NCT of Delhi Through Directorate of Family Welfare v. Smt. Nisha and Others*, W.P. (C) No. 15950/2023, decided on 12.12.2023, which was assailed before the Division Bench by the Government of NCT of Delhi and the Division Bench in *Govt. of NCT of Delhi through Directorate of Family Welfare v. Nisha and Others*, 2024 SCC OnLine Del 5149 upheld the judgment of the learned Single Judge.

5. Ms. Hetu Arora Sethi, learned ASC appearing on behalf of Respondents No. 1 and 3 to 9 opposes the writ petition on the ground that

Petitioners were appointed on contract basis by Integrated District Health Societies, 11 in number and accepted their terms and conditions including those of wages with open eyes and cannot claim wages at the minimum scale of a regular employee and more so, when Respondents No. 4 to 9 do not employ any regular staff. Learned ASC places reliance on the judgment of this Court in *Stuti Ranjan & Ors. v. Govt. of NCT of Delhi & Ors.* Through: Mission Director, 2016 SCC OnLine Del 14, where in turn, reliance was placed on decision of the Supreme Court in *Jawaharlal Nehru Technological University v. T. Sumalatha (Smt.) and Others*, (2003) 10 SCC 405 and the Court held that grant of pay scale must be left to the Executive and Courts must be slow in giving directions in this regard. Learned ASC submits that in the said case, Court had declined to apply the doctrine of equal pay for equal work to the Petitioners on the ground that they were not appointed against regular vacancies and the genesis of the appointment was a Scheme with different service conditions and the same principle should apply to the present case.

6. Heard learned counsels for the parties and examined their rival contentions.

7. It is no longer *res integra* that temporary/contract employees have a vested right to seek and to be granted wages at the minimum of the pay scale extended to the regular employees holding the same pay scale and learned counsel for the Petitioner rightly relies on the judgment of the Supreme Court in *Jagjit Singh* (supra) and relevant passages are as follows:

"5. The issue which arises for our consideration is : whether temporarily engaged employees (daily-wage employees, ad hoc appointees, employees appointed on casual basis, contractual employees and the like), are entitled to minimum of the regular pay scale, along with dearness allowance (as revised from time to time) on account of their performing the same duties which are discharged by those engaged on regular basis, against sanctioned posts? The Full Bench [*Avtar Singh v. State of Punjab*, of the High Court, while adjudicating upon the

above controversy had concluded, that such like temporary employees were not entitled to the minimum of the regular pay scale, merely for reason, that the activities carried on by daily wagers and the regular employees were similar. However, it carved out two exceptions, and extended the minimum of the regular pay to such employees. The exceptions recorded by the Full Bench of the High Court in the impugned judgment are extracted hereunder: (Avtar Singh case [Avtar Singh v. State of Punjab, SCC On Line P & H para 37])

- “(1) A daily wager, ad hoc or contractual appointee against the regular sanctioned posts, if appointed after undergoing a selection process based upon fairness and equality of opportunity to all other eligible candidates, shall be entitled to minimum of the regular pay scale from the date of engagement.
- (2) But if daily wagers, ad hoc or contractual appointees are not appointed against regular sanctioned posts and their services are availed continuously, with notional breaks, by the State Government or its instrumentalities for a sufficient long period i.e. for 10 years, such daily wagers, ad hoc or contractual appointees shall be entitled to minimum of the regular pay scale without any allowances on the assumption that work of perennial nature is available and having worked for such long period of time, an equitable right is created in such category of persons. Their claim for regularisation, if any, may have to be considered separately in terms of legally permissible scheme.
- (3) In the event, a claim is made for minimum pay scale after more than three years and two months of completion of 10 years of continuous working, a daily wager, ad hoc or contractual employee shall be entitled to arrears for a period of three years and two months.

6. The issue which has arisen for consideration in the present set of appeals, necessitates a bird's-eye view on the legal position declared by this Court, on the underlying ingredients, which govern the principle of “equal pay for equal work”. It is also necessary for resolving the controversy to determine the manner in which this Court has extended the benefit of “minimum of the regular pay scale” along with dearness allowance, as revised from time to time, to temporary employees (engaged on daily-wage basis, as ad hoc appointees, as employees engaged on casual basis, as contract appointees, and the like). For the aforesaid purpose, we shall, examine the above issue, in two stages. We shall first examine situations where the principle of “equal pay for equal work” has been extended to employees engaged on regular basis. And thereafter, how the same has been applied with reference to different categories of temporary employees.

xxx xxx xxx

60. Having traversed the legal parameters with reference to the application of the principle of “equal pay for equal work”, in relation to temporary employees (daily-wage employees, ad hoc appointees, employees appointed on casual basis, contractual employees and the like), the sole factor that requires our determination is, whether the employees concerned (before this Court), were rendering similar duties and responsibilities as were being discharged by regular employees holding the same/corresponding posts. This exercise would require the application of the parameters of the principle of “equal pay for equal work” summarised by us in para 42 above. However, insofar as the instant aspect of the matter is concerned, it is not difficult for us to record the factual position. We say so, because it was fairly acknowledged by the learned counsel representing the State of Punjab, that all the temporary employees in the present bunch of appeals were appointed against posts which were also available in the regular cadre/establishment. It was also accepted that during the course of their employment, the temporary employees concerned were being randomly

deputed to discharge duties and responsibilities which at some point in time were assigned to regular employees. Likewise, regular employees holding substantive posts were also posted to discharge the same work which was assigned to temporary employees from time to time. There is, therefore, no room for any doubt, that the duties and responsibilities discharged by the temporary employees in the present set of appeals were the same as were being discharged by regular employees. It is not the case of the appellants that the respondent employees did not possess the qualifications prescribed for appointment on regular basis. Furthermore, it is not the case of the State that any of the temporary employees would not be entitled to pay parity on any of the principles summarised by us in para 42 hereinabove. There can be no doubt, that the principle of "equal pay for equal work" would be applicable to all the temporary employees concerned, so as to vest in them the right to claim wages on a par with the minimum of the pay scale of regularly engaged government employees holding the same post.

61. In view of the position expressed by us in the foregoing paragraph, we have no hesitation in holding that all the temporary employees concerned, in the present bunch of cases would be entitled to draw wages at the minimum of the pay scale (at the lowest grade, in the regular pay scale), extended to regular employees holding the same post."

8. In light of the binding dictum of the Supreme Court, it is not open to the Respondents to deny to the Petitioners minimum of the pay scale of the regular employees holding the same posts. I may only reflect the additional and special features of the employment of the Petitioners herein which are:

(a) they were selected through an open advertisement; (b) underwent a rigorous process of selection including a written exam, skill test and interview; (c) have been working for 10 to 15 years; (d) Rules of the societies in

question provide appointment through contract for a fixed term as a mode of recruitment to the posts in question; and (e) Petitioners are working with the regular employees on the same posts under the Directorate of Health, Government of NCT of Delhi and are discharging similar and onerous duties. Therefore, Petitioners are entitled to the minimum of the pay scale given to the regular employees who are their counterparts and I am fortified in my view by the judgment of the Punjab and Haryana High Court in Pankaj (supra). The judgment in the case of Stuti Ranjan (supra), relied upon heavily by learned ASC for Respondents No. 1 and 3 to 9 is inapplicable for two reasons. Firstly, the Petitioners therein were appointed under a special scheme with a limited lifespan and as a matter of fact, the Court found that they were performing different duties and moreover, the claim was for 'equal pay for equal work' whereas in the present case, Petitioners have restricted their claim to the minimum of the pay scale extended to regular employees working on similar posts. Secondly and more importantly, this judgment was passed by the Co-ordinate Bench of this Court before the judgment of the Supreme Court in Jagjit Singh (supra), wherein after examining the wealth of judicial precedents, the Supreme Court has held that all temporary employees including daily wagers, ad hoc appointees, casual employees, contractual employees will be entitled to a minimum of the pay scale extended to the regular employees and there is no doubt that this judgment binds this Court.

9. For all the aforesaid reasons, this writ petition is allowed directing Respondents No. 1 and 3 to 9 to re-fix the salaries of the Petitioners at minimum of the pay scale extended to the regular employees working on the same posts in the Directorate of Health, GNCTD and grant arrears on re-fixation. The entire exercise will be completed within three months from the date of receipt of this order. ■

Petition Allowed.

DEARNESS ALLOWANCE – MAY 2025 TO JULY 2025

The Index Numbers for the quarter ended upto March 2025 are as under:

DA Payable for the months - May 25 to July 25

Index for Months:	Index as per 2016 series
Jan 25	143.20
Feb 25	142.80
Mar 25	143.00
Average	143.00
New DA Rate (over 123.03)	19.97%
DA Rate for Previous Quarter	21.20%
Increase	-1.23%

Accordingly, Dearness Allowance is payable to Officers is 19.97% slabs with effect from 01.05.2025. The rates worked out are as per the industry level scales up to Scale VII including SBI. ■

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The General Secretary

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