



CRESCENDO

OF CRUSADE IN FURTHERANCE OF OFFICERS' RIGHTS

OFFICIAL PUBLICATION OF
**ALL INDIA
ALLAHABAD BANK
OFFICERS' ASSOCIATION**



FOR PRIVATE CIRCULATION ONLY

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CHIEF EDITOR : **DEBMALYA MITRA**

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EDITOR : **P. ANAND**

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MEMBERS : **ALL STATE SECRETARIES**

EDITORIAL...

ALL INDIA BANK STRIKE ON 28TH FEBRUARY 2017

The meeting of the United Forum of Bank Unions was held on **31.01.2017**, under the chairmanship of Com. K. K. Nair, Chairman of UFBU, at **Delhi**. The meeting deliberated on various issues confronting the banking industry, particularly on the developments taking place in the banking sector on account of the various policy decisions of the Government such as Financial Reforms, Attempts to wipe out pro-labour provisions in the name of Amendments to Labour laws, The indifferent approach of the managements of some of the banks to the instructions of Government on the process of next wage revision of Bank Employees and Officers, The voluminous bad loans in the Banks and Unwarranted concessions that are being given to defaulters, etc.

The meeting took serious note of non-payment of eligible compensation to the employees as per bipartite provisions for the extra hours of work performed by them subsequent to implementation of Demonetization scheme as announced by the Government. Officers were also made to work for long hours and on Sundays / holidays without compensation or with notional payment. The meeting also took note of the resultant adverse effect of cost of demonetization on the next wage revision, the inordinate delay in the appointment of workmen/officer employee directors in the Boards of many banks, the casual approach of IBA / Government combine to the pension related issues, non-implementation of Compassionate Appointment Scheme on the lines of Central Government as approved by the Government subsequent to decade-long struggle by UFBU, etc.

The meeting also deliberated in detail on the imperative need for reimbursement of cost of demonetization to the Banks by the Government, adequate recruitment in all cadres and immediate introduction 5-day banking, removal of ceiling on Gratuity under Payment of Gratuity Act, 1972 and total exemption of Income Tax on Gratuity and Leave Encashment on retirement.

The representatives of constituent unions of UFBU unanimously felt that the recalcitrant/adamant approach of the IBA / Government / Bank managements on the above main issues and demands needs to be resisted by resorting to agitation without any further delay including call for **One Day All India Bank Strike** on 28.02.2017. Further, it was decided that the General Secretaries of all constituent Unions of UFBU will meet on 05.02.2017 to finalize the agitation programme.

Accordingly, the General Secretaries of all constituent unions of UFBU met on **05.02.2017** at **Mumbai**. In the meeting, the representatives of constituent unions **NOBO & NOBW** have expressed their **inability** to participate in the Strike although they fully support all the issues. However, on the insistence of representatives of other constituent unions of UFBU, the representatives of constituent unions **NOBO & NOBW** have assured to consider their decision once again and advise their decision to UFBU in due course. It was unanimously decided to launch agitation on the following issues and demands :

OPPOSING

- ☛ Banking / Labour Reforms
- ☛ Government moves infringing Trade Union rights
- ☛ Outsourcing of Permanent jobs

DEMANDING

- ☛ Legitimate compensation to Employees and Officers for extra hours of work performed on Demonetization work
- ☛ Removal of Gratuity Ceiling under Payment of Gratuity Act, 1972 & Total Exemption of Income Tax on Gratuity and Leave Encashment on retirement
- ☛ Immediate Appointment of Workmen / Officer Employee Directors in all Banks
- ☛ Early initiation of process of next wage revision of Bank Employees
- ☛ Pension related issues - Improvements in Pension Scheme similar to RBI/Central Government including for past retirees - Extension of erstwhile Pension Scheme in banks in lieu of NPS - Follow-up of Record Note dated 25.05.2015
- ☛ Implementation of Compassionate Appointment Scheme on the lines of Central Government as approved by the Government
- ☛ Adequate Recruitment in all cadres
- ☛ Reimbursement of cost of Demonetization to Banks by Government
- ☛ Immediate introduction of 5-Day Banking
- ☛ Stringent measures to recover bad loans and Accountability of Top Executives
- ☛ Criminal action against willful defaulters of Bank loans

Details of the programme to be followed by the Constituent unions / affiliates / members :

- | | | |
|-----|--|--|
| (a) | 13.02.2017 | Press Release at all State Capitals and major centres
(Common Press Note of UFBU, to be released by all the constituent unions) |
| (b) | 17.02.2017 | Centralized Demonstrations at all Centres |
| (c) | BETWEEN
17.02.2017 TO
22.02.2017 | Dharna at all State capitals
(Date to be decided at State Unit level) |
| (d) | 22.02.2017 | Badge-wearing & Demonstrations / Rallies at all Centres |
| (e) | 27.02.2017 | Lunch Hour Demonstrations at all Centres |
| (f) | 28.02.2017 | ONE DAY ALL INDIA BANK STRIKE |

GENERAL MEETING AT BOKARO STEEL CITY

The above was held at Hotel Reliance, Bokaro Steel City on 11.01.2017, which was attended by Com. P Anand Rao, the **President**, AIABOA, Com Debmalya Mitra, the **General Secretary**, Com. A.K.Singh, the **State President**, Jharkhand, Com. R.S.K.Sinha, the **State Secretary**, Com. Indrajit Bodra, the **Zonal President**, Ranchi, Com. Dipesh, the **Zonal President**, Deoghar, Com. Birendrakumar, the **Zonal Secretary**, Ranchi, Com. T.P.S.Topno, the **Zonal Secretary**, Deoghar & Com. Vinod Sinha, the **CEC** member. **Members** from Ranchi and Deoghar Zones attended the Meeting in large numbers. Many Members have raised issues pertaining to the functioning of the State Unit, Officers' problems, Policy matters, Ensuing Salary revision, etc.. The Central leaders addressed all the issues raised by the Members in detailed manner and stressed on the need to have unity under the proud banner of the AIBOC / AIABOA. The Membership position in the State of Jharkhand was appreciated by the Central Leaders who urged on the House to achieve the **100 %** membership soon. The decision of the Central Committee with regard to holding of premature Conference in Jharkhand State was explained during the Meeting and the Central Leaders urged on the Members to continue to maintain the organizational decorum and discipline without fail. The Members were also cautioned about the possible attempts of the vested elements to weaken the unity of the Officers with obvious motives.

The State leadership has been advised to take necessary steps, by pooling the issues pertaining to the Members, so that the Zonal Management Relations Committee Meetings are held at ZO, Ranchi and at ZO, Deoghar immediately. The arrangements made for the General Meeting at such short notice have been appreciated by one and all. The House requested the Central Leaders to make a visit to Ranchi and address similar General Meeting there also, in near future. The House resolved in one voice, to strengthen the AIABOA further in the State of Jharkhand.

PRESS - RELEASE DATED 10.01.2017
AIBOC CHALLENGES THE VIEWS OF BBB CHIEF
DEMANDS INDUSTRY LEVEL WAGE SETTLEMENT FOR ALL SCALES

“The Five-yearly exercise of wage revision through bipartite discussions, due on 1st November, 2017 has not been started despite clear directions of the Ministry of Finance and its three reminders. Though the Ministry had given directions to the Bank Managements and IBA to initiate the process one year ago on 12/01/2016, no perceptible action is visible at the ground level. AIBOC is ready with the Charter of Demands which will be submitted to IBA as soon as IBA invites us to do so. Wage revision has been a process of negotiations between the Unions representing the employees / officers and IBA representing the individual bank managements. In this regards, AIBOC demands :

1 The wage revision negotiation – as hitherto - shall cover all member banks in the country – those in Public Sector as also the old generation Private Sector. There are attempts on the part of a few in the Government, IBA as well as the recently constituted BBB to pursue bank level settlement. AIBOC is strongly opposed to this anti-labour and de-unionization move. For the past more than 5 decades, the salary structure of bank employees and officers was negotiated at the industry level without any major hiccup and with reasonable equity. This process must be respected by all the concerned parties. Any attempt to introduce the bank level settlements will be opposed and thwarted collectively by all the Unions.

2 Similarly, the Officers’ Organizations were negotiating with the IBA wage revisions covering officers in all Scales – i.e. from Scale I (Assistant Managers or Officers) to Scale VII (General Managers). This has been necessary to keep parity and relativity in pay, inter-scale differentiation with due respect to experience. A few banks are ploughing the mundane idea of dividing the officers on the basis of Scales which will not be acceptable to AIBOC. We demand that the existing practice of negotiating the salary structure and other allowances should cover all the scales including the top most Scale.

3 Recently, there has been another move to incentivize the bank employees/officers through Performance linked pay/incentives. This will be a prelude to introduce differential pay as also the concept of CTC at a later stage. Setting performance parameters at various levels of banking functions does not fit well into the banking environment as there are multiple functions for a few and specialist functions for another lot. Moreover, such parameters may not work well with the functionaries in controlling offices who undertake jobs of evolving and implementing policies and guidelines at the back office. The unilateral introduction of such practices are aimed at bypassing the bipartite machinery and casting employees against their own colleagues. This exercise will lead to inequality, favouritism and discrimination. Instead of enthusing and encouraging the workforce, it will lead to de-motivation in the industry and suspicion amongst the workforce. AIBOC demands, instead, to finalize a better and satisfactory wage packet which has to be superior to 7th C.P.C. through the bipartite machinery already in force, in the best interests of the banks and the economy.

AIBOC, the largest union of the supervisory cadre in the banking industry, calls upon the Government to immediately direct the IBA to ensure to start wage revision negotiations in right earnest on the above lines. Such an action will be pro-active and rewarding to the bank officers who have relentlessly toiled day and night since 2014 for implementing various Govt. policies like ‘PMJDY’, Jeevan Bima Yojana, DBT, MUDRA and Subsidy disbursements etc. and the latest being demonetization process. Officers expect that the praises and appreciations of the Prime Minister, Finance Minister and the Ministry of Finance translate into action through a hassle free, well deserved and decent early wage settlement.”

FAREWELL FUNCTION OF COM. VIJAY SINGH

The above was arranged on 31.01.2017 in the Bank’s premises at Parliament Street, Delhi which was attended by Com. P Anand Rao, the **President, AIABOA**, Com. Biswa Ranjan Ray, the **Vice President**, Com. Debmalya Mitra, the **General Secretary**, Com. O P Gour, the **Deputy General Secretary**, Sri Ajay Kr. Srivastava, the **FGM**, Sri Rahul Srivastava, **DGM**, Delhi-NCR Zone, Sri A.K.Moahapatra, **DGM**, New Delhi Zone and many **Members** posted in and around Delhi. Com. Vijay Singh, the Assistant General Secretary and the State Secretary, Delhi State unit who retired from Bank’s services on superannuation on 31.01.2017, was felicitated with warmth and affection by the members. The contributions of Com. Vijay Singh, since the year 1989, have been recollected and appreciated by the Speakers. Com. **Vijay Singh** in his address, thanked all the Members and also all his well wishers for their support.

CRESCENDO wishes Com. Vijay Singh a happy and peaceful retired life.

LONG PENDING DEMAND OF FIVE DAYS' BANKING

Members are aware that the demand of Five days' Banking which was taken up by the AIBOC very seriously during the 10th Bipartite Settlement was partially met by getting **Two Saturdays** off. This achievement could be clinched with the efforts of AIBOC on the last day of negotiations i.e. on the day of signing of MOU on **23.02.2015**, with the intervention of Smt. **Arundhati Bhattacharya** and Smt. **V.R.Iyer**, Chairpersons of **State Bank of India** and **Bank of India**, respectively. An assurance was given by both these compassionate Executives that if the system of Two Saturdays off works smoothly and without any trouble, the demand of Five Days' Banking will be supported by them also.

During the period after the Xth Bipartite Settlement also, the AIBOC continued to pursue this demand of five days' banking through the IBA and all possible channels. The latest Demonetization drive implementation has put the Bank employees and Officers under lot of stress and need for five days' banking was all the more felt. The Bankers in the industry, have proved that nothing is impossible for them including implementation of voluminous and strenuous job like Demonetization. Considering this as the right opportunity, the AIBOC decided to revive this demand passionately. In this endeavor, the AIBOC had written a letter to Smt. **Arundhati Bhattacharya**, the Chairperson of SBI and Senior Vice Chairman of the IBA, urging her to support and pursue this very important issue of the Officers.

AIBOC'S LETTER NO.2017/07 DT.17.01.2017 TO CHAIRPERSON, SBI

FIVE DAYS' WORKING IN BANKING INDUSTRY

“We once again acknowledge with gratitude your contribution and your being instrumental in getting the MOU signed for 10th Bipartite Settlement on 23rd February, 2015. We distinctly remember your contribution jointly with Mrs. V.R. Iyer to bring the negotiations back on track when it was on the verge of break up, by securing two Saturdays' off in the banking industry. We could simply agree to the proposal of IBA for second and fourth Saturdays off after your passionate efforts and intervention towards our demand of five days' a week and also your persuasive remarks that five days' a week can be further taken up by the Organizations after the success of Two Saturdays' off is proved.

You will now very kindly agree that lot of additional responsibilities of opening Jan Dhan Yojana accounts, Mudra loans and Demonetization exercise etc. have ably and efficiently been performed by the Bank Officers and employees. The contribution of the Bank employees has been applauded by none other than the Hon'ble Prime Minister and Finance Minister of India apart from the industrial leaders. All through these process, you have been championing the cause of banking industry and Bank employees, for which we shall always remain indebted to you. We very strongly feel that this is the time when we all, jointly and proudly, can claim that the efficiency of the banking industry has improved much more in direct co-relation of two Saturdays' off. We, therefore, request you in your capacity as leader of the banking industry and also as Senior Vice Chairman of IBA to take necessary steps towards fulfillment of our demand of five days' banking as per international standards.

We are sure that with the opening of more ATMs, expansion of alternate delivery channels and rapid Digitalization, five days' banking will not adversely affect customer service. Implementation of five days' banking will ease the stress on Bank employees and particularly the Officers' fraternity and will help in enhanced strength and efficiency. We assure you that this gesture of goodwill will go a long way in building a conducive atmosphere in the banking industry and would accelerate the better performance of the Banks.”

Sd/ HARVINDER SINGH
GENERAL SECRETARY

FAREWELL FUNCTION OF COM. DEVENDRA KUMAR DHAKA

The above was arranged at Hotel Naveen, Meerut on **01.01.2017**, which was attended by Com. M P Singh, the **Vice President, AIABOA**, Com. Debmalya Mitra, the **General Secretary**, Sri D P Singh, the **DGM**, Meerut, the leaders of the Meerut Zonal Committee and many **Members** posted in various Branches / offices under Meerut Zone. Com. **D K Dhaka**, the Assistant General Secretary, AIABOA and the State Secretary, **UP-West**, who retired on **31.12.2016** after an illustrious service of more than **3 Decades** to the Bank and also to the Officers' Cause, has been felicitated with warmth and affection by the Members. His qualities as a successful Banker and as a committed Trade unionist have been lauded by all the speakers. Com. **Dhaka** in his address, thanked all the Members and also all his well wishers for their support.

CRESCENDO wishes Com. Dhaka a happy and peaceful retired life.

**DEROGATORY ADVERTISEMENT ON BANK EMPLOYEES
BY RAI PUBLICATIONS IN 'DAINIK BHASKAR' NEWSPAPER
AN APPEAL TO BOYCOTT THE NEWSPAPER**

An advertisement denigrating the banking community was published in the **09.01.2017** Edition of 'Dainik Bhaskar', one of the leading and widely read Hindi newspapers in Northern India. This advertisement was issued by M/s Rai Publications, so called publication specialist in books for competitive examinations. This was done without any provocation, purpose and/or any reason with the ulterior motive.

Immediately, on the same day, protest was organized by Officers affiliated to **AIBOC** under the **Rajasthan** State leadership in front of Publishing House demanding an unconditional apology from them. The protest demonstrations were also held against the Newspaper at various centres in Rajasthan. Despite the representations made to Rai Publications as well as the Newspaper 'Dainik Bhaskar', no regret/apologies were expressed in this regard.

The issue was discussed thoroughly in the Executive Committee meeting of All India Nationalized Banks Officers' Federation (**AINBOF**) on **13/01/2017**, held at **Kolkata** and after the deliberations, the following resolution was passed :

1. No bank employee should subscribe to the Dainik Bhaskar and its associate Newspapers and if already subscribed, the subscription should be cancelled with immediate effect as a mark of protest. Further, no advertisement should be placed in the Newspaper by any members in order to send out a strong message to the Newspaper House.
2. Bank Managements should also be urged not to subscribe Dainik Bhaskar and its associate Newspapers for official use and if already subscribed, to take steps for cancellation of the subscription. Managements need also to be pursued not to issue any official advertisement in the said Newspaper.

The AIBOC strongly feels that its Constituent, AINBOF has taken a right step by passing this Resolution and the steps required in this regard need to be implemented by all the Affiliates of AIBOC and entire Officers' fraternity. There is once again need to show that Officers' community can not be taken with any disgrace. This befitting reply will put them at the right place. The AIBOC makes an earnest appeal to all the Affiliates, State Units and Members to implement the above decision with immediate effect.

JOINT MEETING WITH THE INSURANCE COMPANY & THE TPA

Following the initiative of the AIABOA, there was a Meeting between the top management team of the United India Insurance Co., & M/S Heritage, the TPA, in the presence of the Bank Management team, led by Sri H.C.Sati, the **General Manager (HR)** and the AIABOA team, led by Com. Biswa Ranjan Ray, the **Vice President** and Com. Debmalya Mitra, the **General Secretary**, at Head Office, **Kolkata**, on **07.01.2017**. This meeting was warranted following wide spread resentment in the field about non settlement of various Hospitalization bills including the Domiciliary treatment which issue was seriously taken up by the Association. The shortcomings in the functioning of the TPA as a result of faulty guidelines from the Insurance Company were thoroughly discussed in the meeting and certain important decisions on vital issues including Domiciliary treatment were taken so that the benefit of the timely Insurance coverage is ensured in case of needy Employees / Officers. The detailed Minutes of the meeting are being finalized.

WORKSHOP AT NAGPUR

The State unit of **MS-II** under the leadership of Com. Sanjay Kuthe, the **State President** and Com. Sumedh Wasnik, the **State Secretary**, organized a one day **Workshop on Credit Decision & Stress Management** at Patent Information System Office Auditorium, **Nagpur** on **14.01.2017**. The occasion was graced by the **General Secretary**, AIABOA, Com. Debmalya Mitra, Sri R.S.Bhatt, the **DGM**, Nagpur and the leaders of the State unit, besides many **Members** posted in various Branches / Offices under the Nagpur Zone. The deliberation on Credit decision in the seminar was undertaken by Sri H Sripad, the **AGM, Credit, HO**. The session was quite useful to the members as it covered various important and practical aspects relating to the Credit. The session on Stress Release Management was covered by Smt. **Harmit Kaur**, a noted expert on Stress Management which was very much appreciated by the Members.

AIBOC COMMITTED TO THE ISSUES OF RETIREES CONCILIATION PROCEEDINGS SUBSTANTIATES ITS STAND

In response to a dispute raised by one of the Retirees' Organizations on **100% Neutralization of DA for pre 2002 Pensioners**, the Assistant Labour Commissioner (Central), **Mumbai** had called the conciliation meeting on **24.01.2017**. Since, the **AIBOC** was made one of the respondents, Com Sanjay Manjrekar, the Vice President of the Confederation and Com. Manoj Wadnerkar, the President, **AIBOC**, Maharashtra State-1 Unit attended the conciliation meeting as the General Secretary had to attend another urgent engagement in Mumbai itself. The **AIBOC** submitted its written statement which was already sent to the conciliation officer on **07.01.2017**. The **AIBOC** also submitted that the issue of 100% neutralization of DA to pre 2002 retirees was one of the issues in the Charter of Demands for the 10th Bipartite Settlement and the same along with other unresolved issues of the retirees is recorded in the '**Record Note**' signed by the IBA and the UFBU constituents on **25.05.2015**. It was also brought to the notice of the Presiding Officer that since subsequent to the signing of the Record Note there was no response from the IBA, the **AIBOC** had raised this issue in the Strike Notices in December 2015 and again in September 2016 and the Regional Labour Commissioner (Central), who had held the conciliation meetings in the matter has ultimately recorded the failure of talks. The IBA and the Workmen's Union which were also made respondents did not attend the said proceedings. However, the IBA has filed their comments wherein they have stated that the IBA is an independent and voluntary organization and discusses / negotiates with the Workmen Unions / the Officers' Associations on behalf of its member banks on the basis of mandate given by these banks and that IBA is not employer of Workmen / Officers of these banks and thus they are not a direct party to any industrial dispute including that of the case of Retirees' Organization who have raised the dispute. Subsequently, in a separate meeting, the Assistant Labour Commissioner (Central) also heard the representatives of **CBPRO** (Co-ordination of Bank Pensioners' and Retirees Organizations) which have also raised the issue of 100% neutralization of DA. (**AIBPARC is one of the constituents of CBPRO**). Since the issue raised by both the unions was common, the Presiding Officer decided to conciliate in common and adjourned the case to **28.02.2017**.

It needs no emphasis that the **AIBOC** has always shown concern for the retirees and the pensioners and has been raising and settling their issues, unlike some retired executives who did nothing for the retirees when they were in service, though they had the powers but are acting as championing the cause of retirees today when they are the victims. It was the **AIBOC** which kept the issue of 2nd option of pension alive and ultimately clinched the same in the 9th BPS to the benefit of lakhs of retirees. Again, it was **AIBOC** which clinched 2nd option of pension for VRS optees who were clandestinely denied the same by the IBA by wrong interpretation of the settlement. Further, at a time when there was no credible and active all India level organization to mobilize and represent the Banks' retirees and pensioners, **AIBOC** took the lead to form **AIBPARC** and to mobilize and to organize the retirees and pensioners under one banner.

The **AIBOC** reiterates that the issues of the retirees viz. 100% Neutralization of DA to pre 2002 retirees, automatic up-dation / up-gradation of pension / revision in family pension and pension to the resignees and other left outs are on the top of its agenda and achieving the same is the goal of the **AIBOC**.

GENERAL BODY MEETING AT MIDNAPORE

The above was organized by the State unit of the **West Bengal** under the leadership of Com. Manotosh Saha, the **State President**, Com. Ashoke Pati, the **Zonal President** and Com. Shambhu Nath Roy, the **Zonal Secretary**, at Prajapati Hall, **Midnapore** on **05.01.2017** which was attended by most of the **Members** from the Midnapore Zone. The **General Secretary**, **AIABOA**, Com. Debmalya Mitra addressed the gathering at length, covering all the relevant issues pertaining to the Officers. There was also good interaction with the Members during the Meeting and the General Secretary responded to all the points in an appropriate and apposite manner. Retiree comrades have also been felicitated during the meeting which lasted till late hours in the night.

ZONAL MANAGEMENT RELATIONS COMMITTEE MEETING AT MIDNAPORE

The above was held at ZO, Midnapore on **06.01.2017**, in which Com. Debmalya Mitra, the **General Secretary**, **AIABOA** participated, along with Com. Ashoke Pati, the **Zonal President** and Com. Shambhu Nath Roy, the **Zonal Secretary**. The Management was represented by Sri A.K. Shahi, the **AGM** and the Zonal Head, Sri K.K. Hazra, the **Chief Manager** and others. The Meeting discussed the issues pertaining to the Bank and the Officers, in a congenial atmosphere.

AIBOC'S COMMUNICATION TO CONCILIATION OFFICER DATED 07.01.2017

Illegal arbitrary and malafide discrimination in grant of Dearness Allowance to the employees retired between April, 1998 and October, 2002

“We are in receipt of letter dated 25.11.2016 addressed to you by All India Banks Retirees Federation raising a dispute in regard to Dearness Allowance. The said letter has made us also a party in regard to the dispute of 100% DA neutralization. In this connection we wish to make the following observations:

1. We are a registered trade union representing the vast majority of Bank Officers and duly recognized by the Bank Managements.
2. We have been negotiating Bipartite Settlements continuously on behalf of the Bank Officers with the Indian Banks' Association including the last settlement known as Xth Bipartite Settlement.
3. Our Organization had also negotiated the Pension Settlement for Officers in the year 1993 which was implemented as Bank Employees Pension Regulations identically in all Public Sector and Private Sector banks who are also members of the IBA.
4. Terminal benefits and Pensionary benefits are part of the service matters and as such Superannuation Benefits are duly negotiated by us. We also like to state that Pension is termed as Deferred Wages for the past services rendered by the Employee.
5. Hence, we strongly object to anybody trying to strike down our settlements, which we have signed, terming the same as arbitrary, discriminatory, illegal and bad in law.
6. However, as regard to 100% DA neutralization to Pre-2002 Retirees our Organization along with other UBFU constituents had raised the issues in the Xth Bipartite settlement and we are still pursuing with IBA to extend the same not only to those who retired between 01.04.1998 and 31.10.2002 but to all those who retired before 01.11.2002.
7. Even in the Pension Settlement when it was originally concluded it was very clearly stated that the DA formula will be as existing in RBI. Accordingly when RBI extended the 100% DA neutralization to Post-2002 retirees the same was similarly extend to post October 2002 retirees in Banks also. But surprisingly later on when RBI extended the same to Pre-2002 Retirees, the IBA started dragging its feet. Hence our Organization also has been demanding extension of 100 % DA to all pre-2002 retirees.
8. Our stand in this regard to extension of 100% DA to Pre-2002 retirees is also in line with the principles of the famous NAKARA's judgment by the Hon'ble Supreme Court.
9. In the light of the above, we once again wish to state that in as much as the superannuation benefits are part of service matters, we as a recognized body of the Officers, have been signing the settlements both in regard to wages and superannuation benefits.
10. We also wish to reiterate that our demand for extension of 100% DA neutralization to Pre-2002 retirees is immediately conceded and implemented.”

Sd/HARVINDER SINGH
GENERAL SECRETARY, AIBOC

CO-OPTIONS IN DELHI STATE UNIT

The State Committee Meeting of Delhi unit was held in Zonal Office, Delhi – NCR on **30.01.2017** and the vacant posts have been filled up by Co-option unanimously, for the remaining tenure.

President	Sunil Khurana	Palam Vihar, Gurgaon
Vice President	O P Sarkar	Karol Bagh Branch
	Anil Vohra	HNI Branch New Delhi
State Secretary	Kapil Kishore Aggarwal	Rohini Branch
Dy. State Secretary	Subarata Biswas	ARMB, New Delhi
Organizing Secretary	1. Ashok Garg	Newada Branch
	2. Jyoti Giri	Navyug Market, Ghaziabad
Assistant Treasurer	Pankaj Garg	Zonal Office, New Delhi

Executive Committee Members :

1. Amitendu Rawat	Service Branch, New Delhi	4. HOK Lehkara	Pitampura Branch
2. Aarti Deohre	Timarpur Branch	5. Kahkashan	Paharganj Branch
3. J R Meena	Pataudi Branch		

CRESCENDO congratulates the above and wishes them a successful tenure.

I TRIENNIAL CONFERENCE OF NEW DELHI AND DELHI-NCR ZONES

The First Triennial Conferences of New Delhi Zone & Delhi-NCR Zone were jointly held on **31.01.2017** at Allahabad Bank Building, 17, Parliament Street, **New Delhi**, which were inaugurated by Sri Ajay Srivastava, **Field General Manager**, North, New Delhi. The Conference was attended by the Central leaders, Com. P Anand Rao, the **President**, **AIABOA**, Com. Biswa Ranjan Ray, the **Vice President**, Com. Debmalya Mitra, the **General Secretary** & Com. OP Gour, the **Deputy General Secretary** & many **Members**. The Conference was also graced by the presence of Sri A.K. Mohapatra, **Zonal Head**, New Delhi & Dr. Rahul Srivastava, **Zonal Head**, Delhi-NCR.

The following team of Office Bearers and Executive Committee Members is elected for the term 2017-2020.

NEW DELHI ZONAL UNIT

Zonal President	A. K. Vohra	HNI Branch
Vice President	Amitendu Rawat	Service Branch, New Delhi
Zonal Secretary	Gaurav Verma	Zonal Office, New Delhi
Assistant Zonal Secretary	Pankaj Garg	Zonal Office, New Delhi
Organizing Secretary	Varun Suri	Zonal Office, New Delhi

Executive Committee Members :

01. Rohit Kumar	FGMO, New Delhi	06. Bhagat Singh	Ghumanhera Branch
02. Nitin Kumar	Service Branch, New Delhi	07. Harpal Rajda	Janakpuri, D- Block Branch
03. Meenakshi Parsad	Okhla Branch, New Delhi	08. Brij Mohan	Kishanganj Branch
04. Rohit Kumar	Parliament Street, New Delhi	09. Nishu	ZO, New Delhi
05. Anurag Srivastava	Bindapur Branch	10. Satish Kumar	HNI Branch

DELHI-NCR ZONAL UNIT

Zonal President	Neeraj Kumar	Sohna Road Branch
Vice President	Jai Prakash	Z O Delhi-NCR
Zonal Secretary	Sharad Saxena	Z O Delhi-NCR
Assistant Zonal Secretary	Hemant Kumar	Sainik Colony Branch, Faridabad
Organizing Secretary	Ajay Kumar	Noida Phase II Branch

Executive Committee Members :

01. Munash Dalal	ZO Delhi-NCR	06. Shakti Yadav	CRRB, Udyg Vihar
02. Rajender Lal	ZO Delhi-NCR	07. Asha Pant	Sector 31, Noida
03. Binod Gupta	ZO Delhi-NCR	08. Subhash Chand	Ingraham Institute, Ghaziabad
04. Shalini Prakash	ZO Delhi-NCR	09. Parveen Kumar	Pharukh Nagar
05. Santosh Gupta	Sector-4, Gurgaon	10. Ravi Prakash	CRRB, Faridabad

CRESCENDO congratulates both the Zonal Committees and wishes them a successful tenure.

PAYMENT OF OFFICIATING PAY TO OFFICERS AT BRANCHES / OFFICES

Following the efforts of the Association, the HO clarified vide IOM No. HO/ADMN/3/F-43/03 dated **02.01.2017**, addressed to all the Zonal Offices giving rise to the following :

1. All the **JMGS-I** Officers are entitled to Officiating Pay @ **6 %** of their Basic pay, if they are required to officiate in a post in a higher scale for a period of not less than 7 days in a calendar month on pro rata for the period for which the Officer officiates.
2. Similarly, all the Officers officiating in a higher scale as **Branch heads** are entitled to Officiating Pay @ **6 %** of their Basic pay. (Officiating Pay is not payable as a consequence solely of the categorization of post under Regulation 6, for a period of one year from the date on which Review of the Categorization of branches takes effect)
3. There shall not be any consequential spread for officiating in the lower grade / scales.
4. Officiating Pay is **not** payable to any Scale-II Officer and above when he is required to work in the post of Scale-III or above in any Branch headed by MMGS-III / SMGS-IV or above.

The Association has already taken up the issue of the above clarification at paragraph 4 which is running against the basic Norms of the OSR - 23 (vi) governing the payment of Officiating Pay which do not differentiate the First line assignments and Second line assignments in case of Scale-II and above in a Branch.

ZONAL MANAGEMENT RELATIONS COMMITTEE MEETINGS

MEERUT : The Zonal level MRC Meeting was held on **02.01.2017** at ZO, **Meerut** which was attended by Com. Debmalya Mitra, the **General Secretary, AIABOA**, along with the Zonal Representatives. The Management was represented by Sri D.P.Singh, the **DGM** and other officials of the Admin. Department. The issues pertaining to the Bank and the Officers were discussed and resolved amicably during the Meeting

BENGALURU : The ZMRC Meeting was held at ZO, **Bengaluru** on **24.01.2017** which was attended by Com. P Anand Rao, the **President, AIABOA**, along with the **State President**, Com. M K Sanjayan, **State Secretary**, Com. Kantha Raju and others. The Management was represented by Sri C.P.Raju, the **DGM**, Sri Basavaraju, the **AGM**, Sri SNDM Rao, the **Chief Manager** and other officials of the Department. The Meeting which was conducted in congenial atmosphere addressed the issues pertaining to the Officers and the Bank with a positive mind set. The issue of opening of **Currency Chest** in Karnataka and Kerala States was discussed prominently during the meeting.

NEWDELHI : The ZMRC Meeting was held at ZO, **New Delhi** on **31.01.2017** which was attended by Com. Biswa Ranjan Ray, the **Vice President, AIABOA**, along with the **State President**, Com. Kapil Aggarwal, the **State Secretary**, Com. Vijay Singh and others. The Management was represented by Sri A.K.Mohapatra, the **DGM** and other Officials of the Zonal Office. The issues pertaining to the Officers and the Bank were discussed and settled in an amicable manner.

NCR ZONE : The ZMRC was held on **31.01.2017** at NCR Zonal Office, **Delhi** which was attended by Com. P Anand Rao, the **President, AIABOA**, along with the **State President**, Com. Kapil Aggarwal & the **State Secretary**, Com. Vijay Singh. The Management was represented by Sri Rahul Srivastava, the **DGM**, Smt. Lalitha, the **Chief Manager** and other officials from the Department. The issues pertaining to the Officers and the Bank were discussed and settled in an amicable manner.

CIRCLE LEVEL MRC MEETING AT DELHI

The CLMRC of Delhi Circle was held on **31.01.2017** at FGMO, **New Delhi** in which the Association was represented by Com. P Anand Rao, the **President, AIABOA**, Com. Biswa Ranjan Ray, the **Vice President**, Com. Debmalya Mitra, the **General Secretary**, Com. OP Gour, the **DGS** & the State Secretary, **Rajasthan**, Com. Vijay Singh, the **AGS** and the State Secretary, **Delhi**, Com. Sher Singh, the **AGS** and the State Secretary, **HP / Haryana** States, Com. Tarlok Bhagat, the **AGS** and the State Secretary, **Punjab & JK**, Com. Rakesh Goel, the **Organizing Secretary**, AIABOA & the State President, HP / Haryana States, Com. Kapil Aggarwal, the **Organizing Secretary**, AIABOA & the **State President**, Delhi, Com. Arjun Singh, the **State President**, Rajasthan and Com. Mukhtiar Singh from Punjab. The Management was represented by Sri Ajay Srivastava, the **FGM**, Sri Chandramouleeswaran, the **AGM** and other Officials from the Department. The Meeting was conducted in a congenial atmosphere. The Association placed before the Management the issues pertaining to the ensuing Transfer season and the Officers concerned and requested the Management to minimize the personal hardship of the Officers while taking care of the Bank's business requirements. The Management responded to the issues in a positive manner.

CLASSIFICATION POSITION OF THE BRANCHES : (INCUMBENCY LEVEL)

AS ON	HOIC & DATE	SC-I	SC-II	SC-III	SC-IV	SC-V	SC-VI/VII	TOTAL	
01.04.2012	11859 (24.04.2012)	146	864	1122	289	90	4	1	2516
01.04.2013	12372 (01.04.2013)	266	902	1068	313	91	3	0	2643
01.04.2014	13034 (30.04.2014)	280	992	1144	235	103	3	0	2757
01.01.2015	13524 (22.01.2015)	389	816	1432	287	120	7	0	3051
01.01.2016	14150 (15.02.2016)	462	909	1381	314	111	6	0	3183
01.01.2017	14819 (25.01.2017)	340	926	1467	383	122	6	0	3244

NOTE : FcTM, Mumbai has been excluded.

The matter of issuance of Classification of Branches as on **01.01.2017**, based on which the position of vacancies in all Scales has to be worked out, for the next Promotion Processes **2017-2018**, was taken by the Association, during the CMRC Meeting held at HO, Kolkata on **10.01.2017**, suggesting that the entire process be completed by **May, 2017** itself, so that the **education** of the children can be properly taken care of, by the Officers concerned.

IN THE SUPREME COURT OF INDIA CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.7600 OF 2014
ALLAHABAD BANK & ORS. APPELLANT(S)
VERSUS KRISHNA NARAYAN TEWARI... RESPONDENT(S)
JUDGMENT DATED 02.01.2017 - T.S. THAKUR, CJI

1. In this appeal by special leave the appellant calls in question the correctness of a judgment and order dated **28/10/2013** passed by the High Court of Judicature at Allahabad, Lucknow bench, whereby Writ Petition No.2867 of 2006 filed by the respondent has been allowed and an order dated **29/07/2005** passed by the Disciplinary Authority and that dated **05/01/2006** passed by the Appellate Authority directing removal of the respondent from the service of the appellant-bank quashed. The High Court has as a result directed the appellant Bank to provide all service/retiral benefits to the petitioner within ninety days of the order. The challenge mounted by the appellant arises in the following circumstances :

2. The respondent was employed with the appellant-bank and was during the relevant period posted as Officer in-charge at the appellant-bank's **Sultanpur** branch in District Sultanpur in the State of Uttar Pradesh. He was, by an order dated **10.12.2004**, placed under suspension in contemplation of a disciplinary enquiry which was initiated against him with the service of a charge-sheet dated **10.02.2005**. The respondent pleaded not guilty but the Enquiry Officer concluded the enquiry proceedings rather quickly within a span of just about forty-five days and submitted a report dated **27.05.2005** holding that the respondent was guilty on all counts except two which were held proved but only partially. The Disciplinary Authority accepted the findings and passed an order imposing upon the respondent the major penalty of removal from service.

3. Aggrieved, the respondent preferred a departmental appeal which was dismissed by the Appellate Authority by its order dated **05.01.2006**. The respondent then questioned the said Two orders before the High Court in a writ petition which as noticed earlier has been allowed by the High Court in terms of the order impugned in this appeal.

4. The High Court came to the conclusion that neither the Disciplinary Authority nor the Appellate Authority had applied their mind or recorded reasons in support of their conclusions. Relying upon the decisions of this court in *Roop Singh Negi v. Punjab National Bank & Ors.* (2009) 2 SCC 570, *Kuldeep Singh v. Commissioner of Police & Ors.* (1999) 2 SCC 10, *Nand Kishore v. State of Bihar* (1978) 3 SCC 366, *Kailash Nath Gupta v. Enquiry Officer, Allahabad Bank & Ors.* (2003) 9 SCC 480, *State Bank of Bikaner & Jaipur v. Nemi Chand Nalwaya* (2011) 4 SCC 584 and *Mohd. Yunus Khan v. State of U.P. & Ors.* (2010) 10 SCC 539, the High Court held that the order passed by the disciplinary authority and the appellate authority were unsustainable in law. The High Court found that the findings recorded by the Disciplinary Authority and affirmed by the Appellate Authority were perverse and were based on no evidence whatsoever. The High Court observed that the Appellate Authority had not applied its mind independently and simply cut and pasted the findings of the Disciplinary Authority while dismissing the appeal.

5. On behalf of the appellant-bank it was contended before us that the High Court had exceeded its jurisdiction in re-appreciating the evidence and holding the respondent not guilty. It was argued that so long as there was some evidence on which the Disciplinary Authority could rest its findings, sufficiency or insufficiency of such evidence could not be gone into by a Writ Court. Alternatively, it was submitted that even if there was any infirmity in the orders passed by the Disciplinary Authority or the Appellate Authority, on account of absence or insufficiency of the reasons in support of the findings recorded by them, the proper course for the High Court was to remand the matter back to the Appellate Authority or the Disciplinary Authority as the case may be for doing the needful afresh. The High Court could not, on account of absence of reasons or unsatisfactory appraisal of the evidence by them, quash the order of punishment and direct release of the service benefits due to the respondent.

6. On behalf of the respondent it was on the other hand contended that the enquiry conducted against the respondent and the conclusion arrived at by the Enquiry Officer, Disciplinary Authority and the Appellate Authority suffered from fatal defects. Firstly, because the enquiry conducted by the Enquiry Officer was unfair and had resulted in gross miscarriage of justice on account of the failure of the Enquiry Officer to provide a reasonable opportunity to the respondent to lead evidence in his defense. In the second place the findings recorded by the Enquiry Officer and so also the Disciplinary Authority were unsupported by any evidence

whatsoever and were perverse to say the least. In the third place, the orders were unsustainable also for the reason that the same did not disclose due and proper application of mind by the Disciplinary Authority and the Appellate Authority. The order passed by the Appellate Authority was, in particular, bad in law as the same did not examine the material on record independently and had simply relied upon the findings of the Disciplinary Authority without adverting to the points which the respondent had raised in support of his challenge. It was lastly submitted that the respondent has since superannuated and was a physical wreck having suffered a heart attack and a debilitating stroke which had confined him to bed. Any remand of the proceedings to the Appellate Authority to pass a fresh order or the Disciplinary Authority for re-examination and fresh determination of the respondent's guilt would not only be harsh but would tantamount to denial of justice to him. The High Court was in that view justified in taking a pragmatic view of the matter and in directing continuity of service to the respondent and release of all service and retiral benefits to him up to the date of his superannuation.

7. We have given our anxious consideration to the submissions at the bar. It is true that a writ court is very slow in interfering with the findings of facts recorded by a Departmental Authority on the basis of evidence available on record. But it is equally true that in a case where the Disciplinary Authority records a finding that is **unsupported** by any **evidence** whatsoever or a finding which no reasonable person could have arrived at, the writ court would be justified if not duty bound to examine the matter and grant relief in appropriate cases. The writ court will certainly interfere with disciplinary enquiry or the resultant orders passed by the competent authority on that basis if the enquiry itself was vitiated on account of violation of principles of natural justice, as is alleged to be the position in the present case. Non-application of mind by the Enquiry Officer or the Disciplinary Authority, non-recording of reasons in support of the conclusion arrived at by them are also grounds on which the writ courts are justified in interfering with the orders of punishment. The High Court has, in the case at hand, found all these infirmities in the order passed by the Disciplinary Authority and the Appellate Authority. The respondent's case that the enquiry was conducted without giving a fair and reasonable opportunity for leading evidence in defense has not been effectively rebutted by the appellant. More importantly the Disciplinary Authority does not appear to have properly appreciated the evidence nor recorded reasons in support of his conclusion. To add insult to injury the Appellate Authority instead of recording its own reasons and independently appreciating the material on record, simply reproduced the findings of the Disciplinary Authority. All told the Enquiry Officer, the Disciplinary Authority and the Appellate Authority have faltered in the discharge of their duties resulting in miscarriage of justice. The High Court was in that view right in interfering with the orders passed by the Disciplinary Authority and the Appellate Authority.

8. There is no quarrel with the proposition that in cases, where the High Court finds the enquiry to be deficient, either procedurally or otherwise, the proper course always is to remand the matter back to the concerned authority to redo the same afresh. That course could have been followed even in the present case. The matter could be remanded back to the Disciplinary Authority or to the Enquiry Officer for a proper enquiry and a fresh report and order. But that course may not have been the only course open in a given situation. There may be situations where because of a long time lag or such other supervening circumstances the writ court considers it unfair, harsh or otherwise unnecessary to direct a fresh enquiry or fresh order by the competent authority. That is precisely what the High Court has done in the case at hand. The High Court has taken note of the fact that the respondent had been placed under suspension in the year 2004 and dismissed in the year 2005. The dismissal order was challenged in the High Court in the year 2006 but the writ petition remained pending in the High Court for nearly **seven** years till **2013**. During the intervening period the respondent superannuated on **30.11.2011**. Not only that he had suffered a heart attack and a stroke that has rendered him physically disabled and confined to bed. The respondent may by now have turned **65** years of age. Any remand either to the Enquiry Officer for a fresh enquiry or to the Disciplinary Authority for a fresh order or even to the Appellate Authority would thus be very harsh and would practically deny to the respondent any relief whatsoever. Superadded to all this is the fact that the High Court has found, that there was no allegation nor any evidence to show the extent of loss, if any, suffered by the bank on account of the alleged misconduct of the respondent. The discretion vested in the High Court in not remanding the matter back was, therefore, properly exercised.

9. The next question is whether the respondent would be entitled to claim arrears of salary as part of service / retiral benefits in full or part. The High Court has been rather ambivalent in that regard. We say so because while the High Court has directed release of service / retiral benefits, it is not clear whether the same would include salary for the period between the date of removal and the date of superannuation. Taking a liberal view of the matter, we assume that the High Court's direction for release of service benefits would include the release of his salaries also for the period mentioned above. We are, however, of the opinion that while proceedings need not be remanded for a fresh start from the beginning, grant of **full salary** for the period between the **date of dismissal** and the **date of superannuation** would **not** also be **justified**. We, therefore, allow this appeal but only in part and to the extent that while **orders** passed by the **Disciplinary Authority** and the **Appellate Authority** shall stand **quashed**, and the respondent entitled to continuity of service till the date of his superannuation with all service benefits on that basis, he shall be entitled to only **50 %** of the **salary** for the period between the date of his removal from service till the date of superannuation. **Retiral** benefits shall also **be released** in his favour. The order passed by the High Court shall, to the extent indicated above, stand modified. The parties shall bear their own costs.

CJI (T.S. THAKUR)

Justice (A.M. KHANWILKAR)

XI BIPARTITE - MISLEADING CAMPAIGN OF BANK LEVEL SETTLEMENTS

A lot of rumours were being spread in the immediate past about the non-preparedness with the 'Charter of Demands'. With a view to allay these fears, the AIBOC had already communicated through the Circular No. 2016/73 dated 26.12.2016. Perturbed by the speed with which AIBOC is moving on the issue, a few vested interests have now started propagating about Bank level settlements and discussions only up to Scale III. Rumour mills are also busy reportedly on Small Committees formed in a few banks for formulating the salary structures in individual banks. The AIBOC strongly stands for an industry level settlement on wage revision as hitherto. It has always been and will be the **consistent stand** of the AIBOC to negotiate salary revision for all officers from Scale I to Scale VII. It is appropriate here to add that in a couple of PSBs, moves for wage revision process at unit level (bank level) was thwarted by the leadership of the Affiliates through discussions and letters. The Managements have always been trying to divide the officers (as also employees) by dangling 'carrots of Bank level settlements'. The 'stick' holding the 'carrots' stands camouflaged. They will always try to allure the leadership at unit level of "giving better than the rest" sops in pursuit of this. But this will be very dangerous owing to the following reasons :

- a. Productivity Linked Salary / variable pay has all through been tried to be implemented by the Government and the IBA. Their intentions were very clear last time also when a proposal to permit variable pay for Scale IV and above at least was insisted during last settlement also and was outright rejected by the AIBOC.
- b. Basically, the Bank level discussions will stand on the nemesis of unity of the Officers at the industry level which the AIBOC shall not allow to happen under any circumstances. The IBA/ Govt./ Bank Managements intend to break the solidarity and divide the Officers as unity comes in the way of their unbridled and unchecked administrative desires.
- c. Once the settlement takes place at the individual bank levels, the bargaining power of unions and the force to secure more through collective action will be weakened.
- d. At the unit level, the individual Managements will start talking about paying capacity, reduction of profit or absence of profit, performance and the like to reduce or deny revisions.
- e. More importantly, the smaller banks will be deprived of all benefits in the name of commercial viability and capacity to bear the burden which is an artificial / temporary barrier deliberately created.
- f. All Affiliates are also not equipped with the knowledge and skills to decide on the salary structure, its impact on superannuation benefits and other technicalities.
- g. In the dynamic economic and market scenario, today's strong bank may not remain strong for all the years to come. Hence the lure of better offer is not a guarantee for future years.

The **AIBOC** is therefore taking all the necessary Organizational recourses in the matter.

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