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Editorial

THE STRUGGLE CONTINUES....

The banking industry, in particular, and the entire financial sector in general, are passing through a tumultuous period as a fallout of the government policies of wholesale privatisation destabilizing the edifice of a system built over the years by the effort of employees and officers of the banking industry and other financial sectors, whose unflinching and unwavering commitment for the economic progress of the nation can never be questioned.

The current state of events, where proponents of privatisation are seeking to destroy the public sector space in the name of ushering in 'efficiency' in the state-run banks, has its origin in the economic reform program initiated during the early '90s and accentuated over the decades to sub-serve the interests of a small coterie masquerading as new-generation entrepreneurs, who are basically bent on amassing humongous fortune at the cost of the national exchequer. In fine, the so-called reform process has boiled down to creating an unholy nexus between the corporate and the government, utilizing the financial muscles of the banking sector and putting the entire national economy in disarray.

The Confederation has been at the forefront of the epic battle launched from the very date the economic reform was initiated. In the last three decades, the country has witnessed many significant events and policy paradigm shifts stemming from government changes. However, one primary factor remains constant amidst all the socio-economic-political changes - the steadfast opposition of the Confederation to the policies of privatisation and the efforts to weaken the banking system by effecting systematic changes in the policy discourse by successive governments irrespective of ideology and colour.

The major challenge was initiated when the Hon'ble Finance Minister announced the privatisation of 2 public sector banks and IDBI Bank in her budget speech in 2021 with a backup policy initiative of a merger, reducing the space of public sector banking and opening up of those areas to private sector lenders.

Thousands of Public sector and Regional Rural bank branches have been merged during the last 4 years, which has resulted in a reduction of market share in lending of PSBs and RRBs in rural areas yielding space to private players, including Microfinance and Fin-tech companies. In the recently published Q2 result for FY 2022-23, a private sector lender has reported that nearly 70 percent of its loan portfolio is dedicated to micro-financing and the rest 30 percent is for other sectors of the economy. The exorbitant rate of interest charged by the lenders is contributing to the growth of rural indebtedness and reversing the gains established through decades of public sector banking, reaching the doorsteps of the marginalised people with its bouquet of products primarily designed to lift them above the poverty level. This real-life experience determines the intention of so-called reforms. It vindicates the Confederation's stand that both the doctrine and privatisation efforts have to be pushed back squarely in the national interest.

Ben Bernanke, Douglas Diamond, and Philip Dibwig were awarded Nobel Prize for economic sciences for the current year. The major part of their research dissertation centres around the role of government and the central bank in tackling the crisis that emanated either during the great depression or after the collapse of investment banking in 2008. The research primarily rests on the premise that infusion of liquidity and lowering of interest rate may trigger recovery. Still, it is essential to have emphatic intervention by the government and the central bank to restore the depositor's confidence in the banking system itself, ensuring the implementation of other emergency policy measures. This research paper established that government has an important role to play in the market for financial intermediation, and the same cannot be left to the whims of the market. This also confirmed that the public ownership of the banks ensures continuous confidence in the bank's ability to repay the deposit at the time of crisis, warding off any potential bank failure. Unfortunately, over the years, our government has failed to appreciate the importance of the public ownership of banking so vital to ensure its stability and generate social harmony. We trust that this year's Nobel Prize will generate the right response, which may force the powers that be to reverse the anti-national policy of bank privatisation.

The policymakers should also take note of the development in Germany, where the government has decided to nationalise Uniper, a major player in the gas industry. Trade union actions are again becoming visible and prominent in the European continent with a total stoppage of work in France on 18th October, protesting against the fallout of so-called liberalisation in the worker's life. The newly appointed Chancellor of the Exchequer, and finally, Prime Minister Ms Liz Truss had to quit in U K after a nationwide protest against the decision to slash the corporate tax rate without addressing the fundamental issues affecting the lives of ordinary citizens.

This situation was anticipated by the Confederation decades back. This situation is brilliantly captured in the coinage ***#BankBachaoDeshBachao*** movement spreading the message that the nation's sovereignty will not last if the banking system is systematically destroyed and public ownership is compromised. The fact that the Facebook page ***https://www.facebook.com/BankBachaoDeshBachao/*** has crossed another milestone of 3 lakh likes is significant. But we have miles to go. We need to reach all households so that a sectoral movement of protecting the public ownership of banks does turn into a broader national movement of upholding the commanding role of the state in building the nation's economy without compromising on customers' satisfaction or the creation of necessary surplus for fuelling the economic growth.

History is being recreated. The wind of changes has started blowing. The colours of fall will welcome the thunder of spring. We have to gear ourselves for the emerging challenges. Decades back, the founder of the Confederation had correctly analysed that the so-called reform process would only compound the ills of the economic system in the long run and needed to be nipped in the bud. Many a struggle the Confederation has launched since then. But the magnitude of the attack has also intensified. The chariot of privatisation in the banking industry could be halted albeit temporarily because of the determined campaign, the stories of which are written in golden letters by the sweat of participants of the epic 'Bharat Yatra' in November 2021, in the efforts of the team ***#BankBachaoDeshBachao*** in spreading the message from one auditorium to another in all four corners of the country and the involvement of a large section of the membership. However, we have only achieved an insignificant portion of our potential. With the collective effort of all our affiliates and state units, our reach can be multiplied 'n' times.

Let the month of November immediately after the festival of light be a month of reaching and breaking milestone after milestone in our campaigns and movements to ensure a befitting 'parting gift' to the present leadership as it prepares to hand over the baton to a new generation of leaders, who will be leading the movement in the days to come.

The turn of events has confirmed that we are on the right path. We will ensure that the coming days will be ours. 200 years ago, a noted philosopher had told that philosophers to date had interpreted the world, and we need to change it. We need to change the course of history. We are confident that we will do it with our dedication, commitment, and rock-like solidarity.

Stay well. Stay safe. Get ready to resist the onslaught.

March on comrades,
#NationAgainstPrivatisation
#StrikeHard
#PowerofUnity
#BankBachaoDeshBachao

Article
By. Editorial Team

A NOBEL WHICH ESTABLISHES THE CRUCIAL ROLE OF BANKING IN ECONOMY

Ben Bernanke, Douglas Diamond, and Philip Dibwig have been awarded the 2022 Nobel Prize in Economics. So the question is why these three economists shared this award and its implications on the banking world.

Normally people saved money in banks, which is then lent out to prospective borrowers. It's common knowledge that If necessary, depositors will be allowed to withdraw their deposits early. However, the loan extended by the bank, based on such deposits with a fixed maturity period and allowing for the possibility of premature withdrawal, has a fixed repayment tenure which in turn creates a dynamic, called "maturity transformation," turning short-term deposits into long-term loans. This works simply because most depositors leave their deposits at the bank most of the time.

However, this leaves the banks' business model vulnerable. Regardless of the financial condition of the bank, rumors can start, causing many people to come at the same time to collect their deposits. The bank may not have so much free cash, which forces it to terminate its long-term investment projects ahead of schedule and sell assets on sale. It may even lead to its collapse.

Diamond and Dibwig said a government deposit insurance policy or a central bank acting as lender of last resort could help prevent bank runs.

So where does Ben Bernanke fit in? Bernanke studies the Great Depression that began in 1929. Up until the early 1980s, it was believed that this economic event was because the then US government allowed the collapse of the banks, which led to a sharp reduction in the money supply, falling prices, and hence the Great Depression.

Bernanke, in a 1983 research paper, argued that the Great Depression happened because people who had put money in banks got worried and rushed to withdraw them. The Federal Reserve did not offer bank deposit insurance. As bank runs became common, the surviving banks became reluctant to lend, leaving businesses unable to fund investments. This has resulted in "financial hardship for farmers and ordinary households". This is where the work of Bernanke meets the work of Diamond and Dibwig.

A situation similar to 1929 erupted in 2008 and 2009. The raids were not on banks, but on shadow banks, which became a significant part of the US financial system. Many of them were engaged in short-term lending and long-term lending. They needed money almost daily to survive. The problem was that after the bankruptcy of investment bank Lehman Brothers in mid-September 2008, the money market dried up. While all this was going on, Bernanke was chairman of the Fed and put his knowledge into practice. The Fed acted as a lender of last resort, flooding the financial system with money and making sure both shadow and commercial banks did not collapse.

The idea was to prevent the next Great Depression. Soon, other central banks in the rich world began printing money and pumping it into the financial system, buying bonds and making sure there was enough money in the financial system without fear

THERE HAS TO BE EVIL SO THAT GOOD CAN PROVE ITS PURITY ABOVE IT of bank runs and collapses.

The trouble was, Bernanke and other central bankers made it a habit. The original idea was to print money and save the banks from collapse. But since 2010, the Bernanke-led Fed has been printing money to lower long-term interest rates in the hope of boosting consumer demand and encouraging businesses to borrow and spend more.

The hope was also that lower interest rates would fuel bubbles in the stock and real estate markets. This will make people feel richer and encourage them to spend more money. Other central banks followed the Fed, turning the world economy into a bubble economy and central banks into money printing machines. There is still no clear plan for how these central banks plan to withdraw the printed money.
The story is fairly similar if we consider the situation prevailing in India. The Covid-19-induced lockdown dealt a severe blow to aggregate demand fuelling the fear of a recession. The government tackled the situation by pumping liquidity in the economy under the veil of a restructuring package of ₹ 20 lakh crore of which ₹ 17 lakh crore was to be provided by the banking system under an emergency credit window. There was a spurt in money circulation bare out by the fact that the money in circulation is around ₹ 27 lakh crore overshooting the position at the time of demonetization by nearly ₹ 10 lakh crore.

It appears that both the Finance Ministry and the RBI are obedient students of Ben Bernanke, Douglas Diamond, and Philip Dibwig and more particularly of Ben Bernanke, the ex-Fed Chairman by following a policy of lower interest rate regime and infusion of liquidity with the hope that the same would ensure the revival of the economy. We know that the ultimate result is uncontrolled inflation measured both by WPI and CPI and a decline in IIP resembling a situation of stagflation and ensuring a 45-year high unemployment rate.

But, despite the failure of the mathematical model in lifting the world economy ever since the collapse of Lehman Brothers and subsequent accentuation which reached its peak during the break-out of the Covid-19 pandemic, the role of the central bank and the state has been acknowledged in their research papers. The policymakers in our country have learned a fractured lesson of simultaneous reduction in interest rate along with the injection of liquidity while ignoring or conveniently forgetting the fulcrum of the Nobel laureates doctrine that an autonomous central bank and control over the banking system best manifested through public ownership as in India is a sine-qua-non of a robust economic system when it is a testing crisis or enjoying prosperity.

To that extent, the award of this Nobel Prize to Ben Bernanke, Douglas Diamond, and Philip Dibwig confirm the stand of the Confederation, that the move towards privatization and dilution of the role of the central bank is nothing but a recipe for disaster and the slogan ***#BankBachaoDeshBachao*** is indeed a patriotic rebuttal to the attempt of the anti-national policy of bank privatization.

Shared News

A MEETING ON LABOUR CODES BETWEEN UNION LABOUR MINISTER AND CENTRAL T U FAIL TO EVOLVE A CONSENSUS

The majority of Central trade unions urge Bhupender Yadav the Union Labour Minister to withdraw the four labour codes. They also demanded that the Centre should immediately convene the long overdue Indian Labour Conference.

Though Bharatiya Mazdoor Sangh (BMS) supported the Code on Social Security and the Code on Wages, it opposed the Industrial Relations Code and the Occupational Safety, Health and Working Conditions Code in the meeting with Mr. Yadav.

The BMS, along with the Opposition's trade unions, also sent a letter to Prime Minister Narendra Modi against the Occupational Safety, Health, and Working Conditions Code.

Mr. Yadav completed his separate discussions with all

OVERCOME ANGER BY LOVE, EVIL BY GOOD

the Central Trade Unions (CTUs) by the end of September. He had also met various organisations representing employers. A source in the Ministry said the Minister will meet a few more associations of the employers in the coming days.

Leaders of 10 unions reviewed the developments at a meeting here last week and decided to maintain their positions. All India Trade Union Congress general secretary Amarjeet Kaur told The Hindu that all the 10 unions opposed the labour codes in their meetings with the Minister.

"They did not consult anyone at the time of drafting these codes or passing them in Parliament. Even the objections raised by the Parliament Standing Committee on Labour were ignored. Now, whatever discussions are to be held, it should be held with all unions," Ms. Kaur said.

She also emphasized, "The ILC, as an effective tripartite mechanism, is not functioning under this government. We have been demanding that the ILC must be called immediately to discuss the issues of the workers".

Trade unions said Mr. Yadav did not reply to their objections to the codes. "We have given clause-by-clause objections. The Minister said he will get back, but we have not received any replies. We reiterated our demand that the codes should not be implemented. We opposed the way rules are being brought for these codes in a piecemeal manner," said Hind Mazdoor Sabha general secretary Harbhajan Singh Sidhu.

PRIVATISATION OF PSBS WILL DEAL A BLOW TO RESERVATION, GOVERNMENT'S COFFERS

The suspicion of the Confederation that privatisation of public sector banks will deal a blow to the reservation, Government's coffers has been confirmed.

The contentious issue of bank privatisation has once again come to the fore after business newspapers reported that the Union government is keen on introducing an amendment in the upcoming monsoon session of parliament to smoothen the path for the government to make a complete exit from the public sector banks (PSBs) that are being put up for sale.

Under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, the Union government is required to hold at least a 51% stake in PSBs. Earlier, the government line on this subject was that the Union government would ideally retain a 26% stake in the PSBs even during privatisation, which could subsequently be scaled down.

Reportedly, the finance ministry is currently in talks with the Reserve Bank of India (RBI) over resolving issues of ownership and controlling stakes. These developments assume greater importance when seen in the context of the Department of Investment and Public Asset Management conducting road shows in the US to sell IDBI Bank.

PSBs employ around 8.26 lakh people, including those who belong to Scheduled Caste (SC), Scheduled Tribe (ST), Other Backward Classes (OBCs), and the Economically Weaker Section (EWSs). They implement a reservation policy strictly.

Employees who benefit from reservations will be hit worst by privatisation. In addition, the government seems intent on privatisation despite the dismal past experience, not to mention the disastrous listing and subsequent share price collapse of the insurance behemoth LIC.

A note released by the People's Commission on Public Sector and Services said, "A significant portion of [SC, ST, and OBC employees] occupy managerial positions in those banks. Reservations in employment need to be viewed, not merely from the point of view of the creation of employment opportunities alone but, more importantly, from the larger socio-economic benefit of empowering and uplifting them."

THREE THINGS CANNOT BE LONG HIDDEN: THE SUN, THE MOON AND THE TRUTH

The note said that privatisation of even a single PSU bank would not only create uncertainty regarding the conditions of service of the existing SC, ST, and OBC employees (as also similar uncertainty in the future of all other employees) but also "permanently close the constitution-given opportunity for new recruitments to that extent".

The People's Commission on Public Sector and Services also pointed out that the private promoters of the much-touted Global Trust Bank had let down the bank's unfortunate depositors, and the RBI and the government were forced to direct a PSU bank in 2004 to rescue whatever had been left of that errant private bank. "The recent Yes Bank fiasco," the note continues, "is another example where a PSU bank had to save a failing, mismanaged private bank."

Going back in history, when private banks were first nationalised, the government had consciously stated in parliament that the purpose of this move was to "sever the link" between the banks and the industrial groups to whom they give credit. Privatising a PSU bank, the commission contends, would amount to restoring such an egregious link, which involves a clear conflict of interest. The commission argues that the way the government has so far gone about privatising the CPSEs points to the absence of any due diligence. In the meanwhile, PSBs' position stands weakened because of the long list of corporate houses that are heavily indebted to these banks. To this day, the names of a number of large loan defaulters have not been made public while PSBs continue to suffer the consequences of the fraud perpetrated on them by private parties. Despite the assault of fraudulent businessmen and corporates on the balance sheets of the PSBs, the operating profit of 12 public sector banks – excluding IDBI Bank and regional rural banks – stood at a whopping ₹ 2.08 lakh crore in March 2022. Additionally, their net profit, which doubled in a year, stood at ₹ 66,541 crore. The government's privatisation bid becomes all the more inscrutable given the huge dividends and taxes that it receives from the banks.

GERMANY NATIONALISES GAS GIANT AMID ENERGY CRISIS

Reversing the trend of sweeping privatisation, Germany, a major champion of the so-called market economy has decided to nationalise its giant gas company the UNIPER in the wake of the energy crisis amidst the war in Ukraine. The shared article will help our readers to more clearly understand why the core sector should be under state ownership.

The deal will see the German government take on a 98.5% stake in the firm at a cost of €8.5bn (£7.4bn). Germany is Europe's biggest importer of Russian gas and has been particularly squeezed as Russia has reduced supplies in recent months.

Chief executive Klaus-Dieter Maubach said the deal would help Uniper's role as "a system-critical energy supplier".

Before Russia invaded Ukraine it supplied Europe with about 40% of its natural gas, and it responded to Western sanctions by gradually cutting off supplies.

At the start of this month, Russia halted supplies through the Nord Stream 1 pipeline, claiming repairs were needed - but later said flow would not resume until sanctions were lifted.

Uniper, which operates gas, coal, and hydro plants across Europe and is currently controlled by Finnish state-owned energy company Fortum, is the biggest buyer of Russian gas in Germany.

In recent months it has had to replace Russian supplies with alternatives from the open market, where prices have soared.

Fortum said Uniper had accumulated close to €8.5bn (£7.4bn) in gas-related losses "and cannot continue to fulfil its role as a critical provider of security of supply as a privately-owned company".

"The role of gas in Europe has fundamentally changed since Russia attacked Ukraine, and so has the outlook for a gas-heavy portfolio," Fortum chief executive Markus Rauramo said in a statement.

"As a result, the business case for an integrated group is no longer viable."

The price of shares in Uniper, which also owns the

BETTER THAN A HUNDRED YEARS OF IDLENESS IS ONE DAY SPENT IN DETERMINATION coal-fired Ratcliffe-on-Soar power station in Nottinghamshire, has fallen by more than 90% in the past year.

Under the terms of the deal, the German government will buy Fortum's shares in Uniper for €500m (£437m) and inject €8bn (£7bn) of cash into the business.

Some assets in Russia will also come under Germany's control, a government spokesperson said, adding that it was still being decided what would be done with them.

The government had already agreed to take on a 30% stake in Uniper as part of a bailout agreement in July.

Earlier this month, it also entered discussions with another major gas supplier, VNG, over a possible bailout package.

Economy minister Robert Habeck said nationalising Uniper was a "necessary" step that would help "ensure the security of supply for Germany".

Editorial comments:
The underlined news item is crystal clear. You make a profit at the cost of the common citizen when the sun shines and make up your losses under the guise of a bailout package when the crisis looms large over the horizon. Somewhere, you may be hearing the old war cry of the Confederation "Privatisation of profit, nationalisation of losses", which is all about a modern-day neo-liberal economy.

ORGANIZATION

Circular No. 2022/32 **Date:15.10.2022**

Dear Comrade,

LETTER TO IBA FROM FOUR OFFICERS' ORGANISATIONS
VIEWS ON FIVE DAY WORK WEEK

We reproduce hereunder the text of the communique sent to IBA from four officers' organisations on the captioned subject for your information.

With greetings,

Yours Comradely,
Sd/-
(Soumya Datta)
General Secretary

ALL INDIA BANK OFFICERS' CONFEDERATION (AIBOC)
ALL INDIA BANK OFFICERS' ASSOCIATION (AIBOA)
INDIAN NATIONAL BANK OFFICERS' CONGRESS (INBOC)
NATIONAL ORGANIZATION OF BANK OFFICERS (NOBO)

The Chairman **Date : 15.10.2022**
Indian Banks' Association
Mumbai

Dear Sir,

Five-day Work Week
Our views

Please refer to the discussions held on 1st July 2022 and 23rd September 2022 in respect of the above.

02. You will kindly recall that on both the days the 5-day work week was deliberated upon elaborately as we attach topmost priority in the implementation of the same at an early date. We had made it abundantly clear in the interest of the officers' fraternity, who are the driving force of the industry, an early implementation of 5-day work week will reinforce the

officers' fraternity in taking forward the goals and objectives in a more effective manner and also that it was vitally essential to ensure that officers' remain healthy, motivated and focused.

03. We are pleased to note that IBA has responded in a positive manner on this sensitive issue and sought our suggestion to finalise the modalities. From the perspectives and dimensions discussed regarding the instant case, it is an accepted proposition that the reduced working hours on extending a five-day work week shall be compensated by enhancing the working hours on the remaining days.

04. Whereas, it is common knowledge that the officers are required or rather compelled to work extended hours till the day end activities are completed, and precisely in order we propose that the working hours may be enhanced by 30 minutes and wherefore the present working hours shall be extended for 30 minutes in the evening.

From this perspective we propose the following :

a. That the present working hours shall be increased by 30 minutes a day, ergo revising the closure time of working hours by extending it to further 30 minutes in the evening.

b. That Non cash transaction hours shall be extended by stretching 30 minutes in the evening.

c. The cash transaction hours to be reduced by 1 hour to provide a fillip to alternate channel transactions and thereby allow the officers to focus on compliance .

To substantiate the case in point, we append a table indicating proposed revised timings:

	Ongoing	Proposed
Working Hours	9:45 AM to 4:45 PM *6 ½ hours* *(excluding lunch time)*	9.45 AM to 5.15 PM *7 hours* *(excluding lunch time)*
Cash Transaction Hours	10:00 AM to 2:00 PM 2:30 PM to 4:00 PM *5 ½ hours*	10:00 AM to 1:30 PM 2:00 PM to 3:00 PM *4 ½ hours*
Non cash transaction hours	4:00 PM to 4:45 PM *45 min*	3:00 PM to 5.15 PM *2 hours and 15 minutes*
Total customer service hours	10:00 AM to 2:00 PM 2:30 PM to 4:45 PM *6 hours and 15 minutes*	10 AM to 1:30 PM 2.00 PM to 5.15 PM *6 hours and 45 minutes*

05. We are confident that Indian Banks' Association are fully seized of the fervent expectations of the officers' fraternity in introduction of the 5 day work week and therefore, initiate suitable measures for early implementation of the same.

With best regards,

Yours sincerely,

Sd/-	Sd/-	Sd/-	Sd/-
(Soumya Datta)	**(S Nagarajan)**	**(Prem Makker)**	**(Adarsh K N)**
General Secretary	**General Secretary**	**General Secretary**	**General Secretary**
AIBOC	**AIBOA**	**INBOC**	**NOBO**

CIRCULARS

29. dated 30th September, 2022: Comrade Murali Soudararajan T, President, AIBOC demits office

30. dated 01st October, 2022 : Comrade P M Balachandran takes over as President, AIBOC

31. dated 05th October, 2022 : 6th October, 2022 – 38th Foundation Day

32. dated 15th October, 2022 : The text of the communique dated 15.10.2022 sent to IBA from four officers' organisations on the views on Five Day Work Week

THE FOOL WHO KNOWS HE IS A FOOL IS MUCH WISER THAN THE FOOL WHO THINKS HE IS WISE

2022 LLR 1118
MADRAS HIGH COURT
Hon'ble Mr. M.S.Ramesh J.
W.P. No. 19426/2016, Dt/- 5-1-2022
C. Selvi, (TMT)
vs.
Director of Government Examination, Chennai & Another

MATERNITY LEAVE – Appointment of the petitioner on probation – Probation period completed after the completion of juniors due to maternity leave – Regularisation after completion of probation – Promotion of petitioner affected as juniors were promoted earlier to her – Hence, present writ petition – Held, maternity leave was treated as a full duty period – Seniority should not have been effected – Entitled for promotion from the day juniors were promoted – Mere acceptance of promotion without objection would not be an estoppel for claiming rectification of anomaly – Order impugned set aside – Writ petition allowed.

IMPORTANT POINTS

➔ When the maternity leave was treated as full duty period, there was a duty cast on the respondents to declare the completion of her probation on par with her immediate juniors.

➔ Having treated the maternity leave availed by the petitioner as a full duty period, there was absolutely no jurisdiction on the part of the respondents in delaying her declaration of probation, thereby depriving her seniority.

➔ A mere acceptance of the promotion without objection will not be an estoppels for claiming rectification of the anomaly, particularly when the respondents themselves have admitted that the maternity leave has been treated as duty period.

JUDGMENT

M.S. Ramesh J.- 1. With the consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein had joined the respondent department as a Typist on 21.02.2013. Between 20.05.2013 and 15.11.2013, she had availed the maternity leave, after due sanction from the respondents. Thereafter, she was regularized in her services with effect from 21.02.2013. In view of the maternity leave availed by her, her completion of probation was declared on 18.08.2015, while her juniors had completed their probation period on 20.02.2015 itself. In view of this delay in declaring the probation, the juniors to the petitioner came to be promoted to the post of Assistant before her on 23.09.2015 itself, while the petitioner was promoted on 21.07.2016. Aggrieved against this anomaly, the petitioner made a request to treat her maternity leave period as duty period and consequently promote her on par with her juniors, which request was rejected through the impugned order dated 19.05.2016, stating that there are no regulations supporting such a claim. Hence, the present writ petition.

3. The learned counsel for the petitioner places reliance on a decision of the Hon'ble Supreme Court of India in the case of Municipal Corporation of Delhi Vs. Female Workers (Muster Roll) and

another, (2000) 85 FLR 185 (SC): (2000),3 SCC 224, as well as another decision of this Court in the case of N. Praveena Mary Vs. The Secretary to Government, Revenue Department and others, passed in W.P.(MD) No.22994 of 2015, dated 21.12.2015 and submitted that since the maternity leave availed by the petitioner was treated as full duty period, there was no justification on the part of the respondents to delay the declaration of her probation and thereby discriminate her seniority.

Per contra, the learned Government Advocate appearing for the respondents placed reliance on the averments in the counter affidavit and submitted that there are no regulations to declare the petitioner's probation without consideration of her maternity leave and since the petitioner had not denied or objected on the delayed declaration of probation at the time of her promotion, she is now not entitled for the relief sought for.

4. The Maternity Benefit Act is a welfare registration, which intends to extend benefits to the employees who avail maternity leave, without loss of any service benefits, including seniority. While dealing with this aspect, the Hon'ble Supreme Court, in the Female Workers' (Muster Roll) case (supra), had observed that such benefits which are enshrined in the Convention on Discrimination against Women, should be read into the contract of the services between the employer and the women employees. The relevant portion of the decision reads as follows:-

> "37. Delhi is the capital of India. No other City or Corporation would be more conscious than the City of Delhi that India is a signatory to various International covenants and treaties. The Universal Declaration of Human Rights, adopted by the United Nations on 10th of December, 1948, set in motion the universal thinking that human rights are supreme and ought to be preserved at all costs. This was followed by a series of Conventions. On 18th of December, 1979, the United Nations adopted the "Convention on the Elimination of all forms of discrimination against women". Article 11 of this Convention provides as under:-

"**Article 11**

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular;

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave.

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures :

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary."

> 38. These principles which are contained in Article 11, reproduced above, have to be read into the contract of service between Municipal Corporation of Delhi and the women employees (muster roll); and so read these employees immediately become entitled to all the benefits conceived under the Maternity Benefit Act, 1961. We conclude our discussion by providing that the direction issued by the Industrial Tribunal shall be complied with by the Municipal Corporation of Delhi by approaching the State Government as also the Central Government for issuing necessary Notification under the Proviso to Sub-section (1) of Section 2 of the Maternity Benefit Act, 1961, if it has not already been issued. In the meantime, the benefits under the Act shall be provided to the women (muster roll) employees of the Corporation who have been working with them on daily wages."

5. Likewise, in Praveena Mary's case (supra), similar benefits of inclusion of the Government employee's name in the promotional panel was extended, by taking the period of maternity leave as ***"service period"***. The relevant portion of the order, reads as follows:-

> "3. It is the case of the petitioner that the period of maternity leave shall be treated as service. Prima facie, I am of the view that the period of maternity leave sanctioned by the Government shall be treated as service for at least including her in the panel for the post of Deputy Tahsildars. If the said service period is added, then, she rendered 5 years, 8 months and 23 days. The required service is 5 years. By excluding the maternity leave, it is stated that the petitioner rendered 4 years, 11 months and 22 days.

4. Furthermore, it is the case of the petitioner that if 11 days E.L. from 18.08.2010 to 28.08.2010 during the probation period is taken into consideration for counting 5 years of service, as per the instructions issued by the Commissioner of Revenue Administration by his letter dated 02.09.2013, she is eligible to be included in the panel.

5. In these circumstances, the second respondent has to get appropriate order in this regard from the first respondent to include the name of the petitioner in the panel for promotion to the post of Deputy Tahsildars for the year 2015 by taking into account the period of maternity leave as servie or at least to take the E.L. period in between 18.08.2010 and 28.08.2010, as service."

6. In the counter affidavit filed by the respondents, it is admitted that the maternity leave availed by the petitioner between 20.05.2013 and 15.11.2013, was treated as ***'full duty period'***. They have also stated in the same counter affidavit that the petitioner has not lost her seniority and that the promotion was denied to the petitioner on the

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sole ground that there are no regulations to declare the probation by including the maternity leave period.

7. Having treated the maternity leave availed by the petitioner as a full duty period, there was absolutely no justification on the part of the respondents in delaying her declaration of probation, thereby depriving her seniority. It is needless to point out that when the maternity leave was treated as full duty period, there was a duty cast on the respondents to declare the completion of her probation on par with her immediate juniors. In the instant case, the declaration of completion of her probation ought to have been made with effect from 20.02.2015 and consequently, she should have been promoted from 23.09.2015, which is the date on which her immediate juniors were promoted.

8. A mere acceptance of the promotion without objection will not be an estoppel for claiming rectification of the anomaly, particularly when the respondents themselves have admitted that the maternity leave has been treated as duty period. There need not be separate regulations to this effect.

9. For all the aforesaid reasons, the impugned order dated 16.10.2015 passed in Na.Ka. No. 200474/C2(3)/2015, declaring the completion of her probation as 18.08.2015, in quashed and consequently, there shall be a direction to the respondents to issue fresh order, declaring the completion of the petitioner's probation with effect from 20.02.2015. in view of passing of fresh orders, the consequential impugned order dated 19.05.2016 passed in Na.Ka. No. 010540/C2-1/2016, is also quashed. The respondents shall issue fresh promotion orders to the petitioner, promoting her to the post of Assistant with effect from the date on which her immediate juniors were promoted. The respondents shall endeavor to pass both the aforesaid orders, as expeditiously as possible, in any event, within a period of four (4) weeks from the date of receipt of a copy of this order.

The Writ Petition stands allowed, accordingly. No costs.

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