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Editorial

INTERIM BUDGET 2024!

The Finance Minister Ms Nirmala Sitharaman's sixth consecutive budget speech was a report card of the Indian economy ever since Prime Minister Mr. Narendra Modi assumed political power in 2014. The Finance Minister asserted that the period under review was surmounted through structural reforms, pro-people programs, and the creation of opportunities for employment and entrepreneurship.

Incidentally, an interim economic survey innocuously titled "The Indian economy, a review" has presented a survey of post-independence economic development, with a periodization that divides those years into the pre and post-Modi era. The document concludes that the decade 2014-2024 was one of transformative growth. Periods of significant or even high episodes of growth before that transformative decade are identified as wanting because such growth either left structural challenges unaddressed or was the result of an unsustainable credit boom that damaged the banking sector.

Given this background, it was to be expected

that the budget speech would be a vocal expression of the eulogy of the two successive governments. It was claimed in the budget speech that a reinvigorated economy had helped to ensure that the fruits of development started reaching the people at large, imbuing them with a sense of purpose and hope and translated into a bigger mandate.

A comparison of revised and budgeted expressions conceals what is occurring. The actual expenditure on the MGNREGA scheme was ₹ 1,11,000 crore in the Covid year 2020-21. That came down to ₹ 90,806 crore in 2022-23 and the revised estimate project spending on the program in 2023-24 at even lower ₹ 86 thousand crore. The figure does not match the pro-poor rhetoric. So more than a third of the estimated expenditure for the financial year is projected to occur in the last quarter of the year.

The interim budget commits itself to an inclusive and sustainable policy approach that has led to the attainment of a more comprehensive GDP of governance, development, and performance.

A JUG FILLS DROP BY DROP

Notwithstanding the unambiguous policy focus on government CAPEX, there is a slowdown in CAPEX spending by public sector enterprises. The CAPEX budget has been drastically axed in the revised estimate. This will result in the contracting of PSE CAPEX by approximately 10 percent in FY 2024.

Unfortunately, the budget does not inspire any confidence in the agricultural sector. There is no plan in the budget to substantively reverse the decline in the growth of agriculture either through welfare measures or through investment measures. The revival of agricultural growth from its long-term slump requires imaginative policy shifts and decisive fiscal measures. However, the interim budget does not indicate such a plan or even intent.

The budget has also moved attention away from the service sector which implies a neglect of basic education, health, and nutrition with all

focus being shifted to certain high profile visible schemes. While such high-profile schemes create important assets for the poor, it does not take away from the fact that health, education, and social security budgets remain woefully inadequate even as these services suffer from poor infrastructure, huge vacancies, and inadequate resources. In the absence of gainful employment opportunities and looming job crises, the continued neglect of the social sector accelerates the perpetuation of inequalities across generations.

Despite its attempt at fiscal consolidation by restraining government expenditure, the budget dealt a blow to socially important sectors like agriculture, education, health, etc. Let us wait how things unfold once the election results are out and the full budget is presented in July.

- # March on comrades,
- # NationAgainstPrivatisation
- # BankBachaoDeshBachao

ECONOMY AND BANKING

We are reproducing an article published in The Telegraph on 31st January, 2024 written by Shri Ashoka Mody who teaches at Princeton University for our readership.

INDIA'S GROWTH STORY

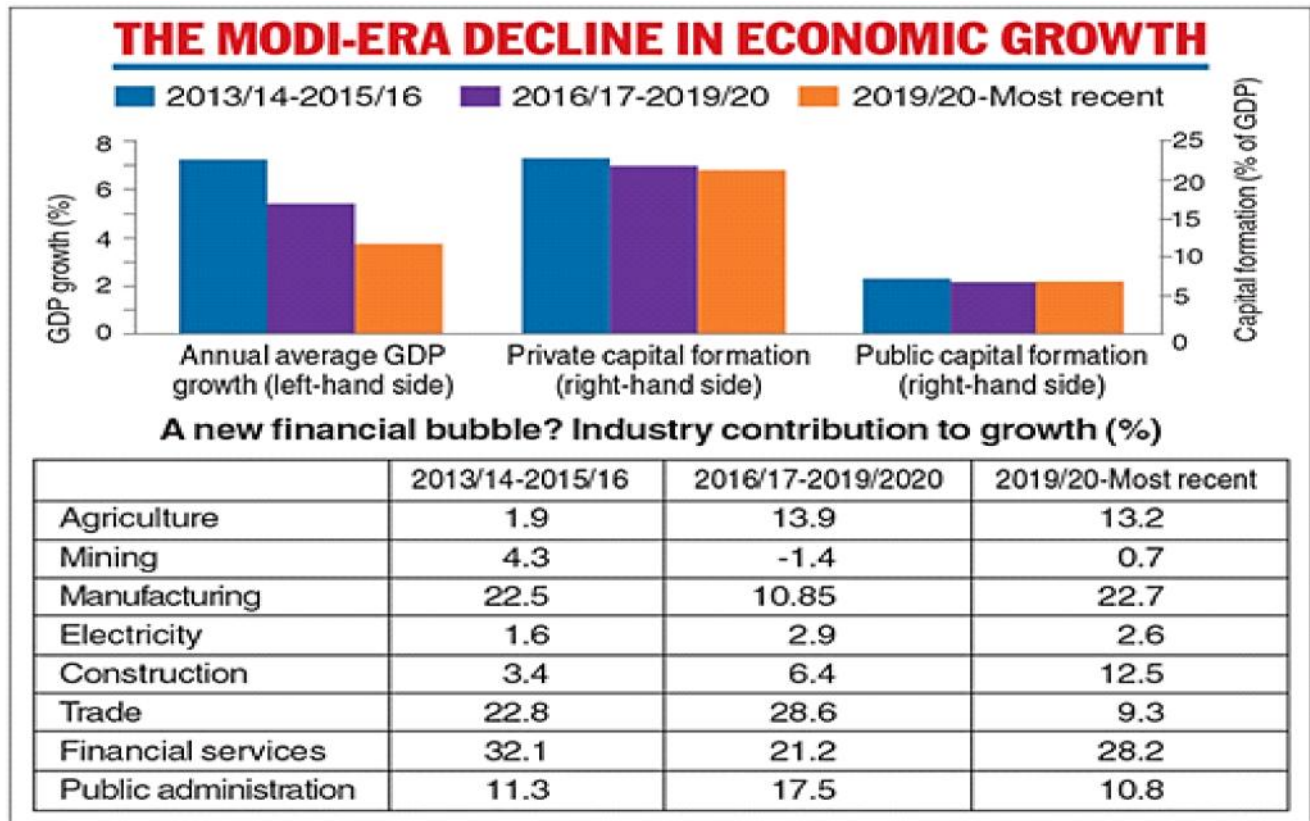
"We see an extraordinary success story. And we see the remarkable achievements under Prime Minister Modi's watch that have materially benefitted so many Indian lives," said the US secretary of state, Antony Blinken, at Davos to the journalist, Thomas Friedman, a self-declared *"raging Indiaphile"*.

Was starry-eyed Blinken referencing India's rising contribution to illegal immigration in the United States of America? Indian illegal immigrants fleeing joblessness could soon exceed the receding numbers from Mexico. Perhaps Blinken was referring to reports of 7% GDP growth rates. He should know better.

IN THE SKY THERE IS NO DISTINCTION OF EAST AND WEST

India's recent growth spurt is a 'dead-cat bounce' post its devastating Covid phase. In the entire post-2019 period since the onset of Covid, combining the initial, steep decline with the subsequent recovery, India's GDP growth averages a modest annual 3.5% rate. Using such multi-year averages

is crucial to avoid cherry-picking selective data. India's celebrated exceptionalism disappears in the clearer vision of averaged numbers. Its post-Covid growth has been lower than that in Bangladesh, Vietnam, and even China amid its extensive economic correction.



THE TELEGRAPH GRAPHICS

Over the entire Modi era, GDP growth fell from just over 7% a year pre-demonetisation to about 5% following demonetisation and the bursting of an unsustainable credit bubble. And the further fall since then to the 3.5% post-Covid rate is despite being propped up by another credit bubble. The new bubble is corrosive. The government tops up the capital of public sector banks suffering from defaults by big business and banks and 'fintechs' push loans on consumers. Fintech loans are often

at usurious rates and quickly become unrepayable, causing great stress. Pursuit of mobile loan app defaults by recovery agents have triggered dismissal from jobs, even suicides. Meanwhile, manufacturing growth — the only mass source of dignified jobs — was anaemic even at its high of 1.6% a year; it is now down to 0.8% a year.

Nor are matters improving. Indian business elites talk Modi up but fail to match their words with action. Private investment in machinery and structures (as a share of GDP) continues to

THERE HAS TO BE EVIL SO THAT GOOD CAN PROVE ITS PURITY ABOVE IT

decline, a sure sign that Indian investors see the future darkly. Investors have reasons to worry. Their investment has become steadily less productive: a rupee of investment generates ever-smaller increases in GDP.

Two-faced foreign investors singing of India's brilliant future have pulled back their investment. In the financial year, 2022-2023, the Reserve Bank of India estimates that foreign investment was about \$42 billion, which, through ups and downs, is about the same as in 2008-2009, fifteen years ago. Over those fifteen years, foreign investment has come down from about 3.6% to just above 1% of GDP. Foreign direct investment to Vietnam is close to 4.5% of its GDP.

Quite simply, key metrics that the government and its acolytes brandish — GDP growth, manufacturing resurgence, domestic and foreign investment — are, in fact, consistently disheartening. Why is the performance so woeful? The clue lies in the lived reality of the people, especially the jobs and purchasing power they can secure. As Ajit Kumar Ghose, India's pre-eminent labour-macro economist, documented, the Indian economy employed fewer people in 2018 than in 2012, the two dates with data for assessing the early Modi years. Agriculture and manufacturing jobs fell, while financially precarious construction work and low-end service roles grew. Over this time, about 100 million working-age people, fifteen years or older, left the labour force, joining 400 million others who did not bother looking for a job.

After 2018, the numbers have remained unkind to the assertions of "extraordinary success". For the 135 million added workers — drawn from the larger working-age population and re-entry of those previously waiting outside the labour market

— the economy created just five million formal jobs, those that pay a regular salary and at least one social security benefit.

Instead, given too few urban or industrial jobs, a potentially cataclysmic regression occurred to the agricultural sector. Over half the added workers — many college-educated — piled into agriculture's most unproductive segments. Having earlier fled that grim living, their post-Covid, non-agricultural options were limited to the small number of jobs in construction and low-end services. Manufacturing continued generating few — mainly informal — jobs.

Is this the measure of success? Today, about 450 million working-age Indians do not work or look for a job. Of the rest, 280 million, 46% of the workforce, struggle in agriculture plagued by declining groundwater and climate crisis-induced stresses that cause heart-breaking crop losses. Unsustainable debt and suicides are common in the vast drylands of western and central India and even in Punjab, India's breadbasket. In China, 24% and in Vietnam 29% rely on agriculture.

The Indian story gets worse. The entire addition to the agricultural workforce since 2018 comprised the 'self-employed', a term that helpless jobseekers use to seek dignity despite their reality of huge unemployed time. Of the self-employed, 'unpaid household helpers' accounted for the more than half the increase, mainly women who earlier said they were not in the labour force. Even outside agriculture, most new workers deemed themselves 'self-employed'.

For Blinken, hyped economic accolades might be good foreign policy, but they deflect attention from urgent Indian priorities. Dignified jobs remain

scarce despite the much-touted digital and physical infrastructure. About 85% of Indian school students are functionally illiterate for the international economy, according to Stanford University's Eric Hanushek. (In China, 14% are functionally illiterate.) The rupee is severely overvalued. Job-generating exports, always

weak, are declining. Is it surprising that household consumption — especially of necessities — is increasing so slowly? Is it surprising that the government provides free food grains to 800 million people and pacifies them with more handouts? The hype though must go on, reality be damned.

CIRCULARS

- 02 dated 31st January, 2024 : Revision in Dearness Allowance from February 2024
- 03 dated 14th February, 2024 : Reproduction of UFBU Circular No. UFBU/2021/1 dated 14.02.2024 on Bipartite talks with IBA on Negotiating Committee Meeting – Round 7

JUDICIAL

2024 LLR 119
SUPREME COURT OF INDIA
HON'BLE MS. HIMA KOHLI, J.
HON'BLE MR. RAJESH BINDAL, J.
CA NO. 5494/2013, DT/- 14-12-2023

U. P. SINGH
V.
PUNJAB NATIONAL BANK

A. DISMISSAL – *Justification of – Workman was appointed as Clerk-cum-Cashier – Initially, he was transferred at Barabanki, then transferred to Zaidpur, Barabanki and then to Shahjanhanpur – He was suspended on account of his disorderly behaviour – On enquiry, he was found guilty of charges – Punishment of stoppage of two grade increments was imposed, advising him to report for duty of Bhagwantnagar, Unnao – He failed to join duty at transferred place – After six years, he raised an industrial dispute about his deemed retirement – Tribunal passed award in his favour – Writ Court reversed the award – Division Bench upheld the order of writ court – Workman challenged orders of High Court in appeal – Held, workman, as per record on case file had joined active practice as a lawyer after his deemed voluntary retirement from service – Workman has contended that the Disciplinary Authority, while passing the order of punishment, could not have ordered his transfer in the same order*

as the competence to order suspension – Contention of management was that workman had indulged in misbehaving with his senior officers, he was habitual of not complying with orders of authorities – in past he was imposed a very light punishment of stoppage of two graded increments – He was issued notice after enquiry as to why he should not be dismissed from service – In any institution indisciplined person creates bad effect, especially in a Bank where dealing is with general public – Admittedly he got himself enrolled as an Advocate and is in active practice – He did not mention his address in the letters sent to Bank – A notice was also published in News Paper that he is abandoning the duty and avoiding to provide his address in his letters intentionally showing that letters sent by Bank were not received by him – Such acts on the part of workman prove that he was legally trained – He kept quiet for six years in raising industrial dispute – Such conduct of the workman itself was sufficient to non-suit him as has rightly been done – All the rules and regulations governing he post continue to apply – Merely because the Bank had stopped paying subsistence allowance to the workman does not mean that the workman was no more an employee of the Bank – Action taken by Bank was only to ensure that workman joined his duty – No error is with impugned order – Same is upheld – Appeal is dismissed. Paras 8 to 118

B. TRANSFER – *Consequences of non-reporting at place of transfer – Settled laws that a person aggrieved by transfer cannot sit at home and decide on his own that the order is illegal or erroneous and he will not comply with the same – Workman even did not report for duty at the place of transfer after issuing repeated letters sent by the Bank – Hence, workman is not entitled to reinstatement or compensation in lieu thereof. Paras 8 to 10*

C. MISCONDUCT – *When serious justifying dismissal from service – Workman had indulged in misbehaving with his senior officers, he was habitual of not complying with orders of authorities – In any institution indisciplined person creates bad effect, especially in a Bank where dealing is with general public – He misconducted by sitting on a hunger strike – He did not mention his address in the letter sent to Bank – A notice was also published in News Paper that he is abandoning the duty and avoiding to provide his address in his letters intentionally showing that letters sent by Bank were not received by him – Such conduct of the workman itself was sufficient to non-suit him as has rightly been done – No error is with impugned order – Same is upheld – Appeal is dismissed. Paras 15 and 16*

For Petitioner: Petitioner-in-Person.

For Respondent: Mr. Rajesh Kumar Gautam, Advocate.

IMPORTANT POINTS

- ★ Non-reporting for duty at the place of valid transfer is a misconduct justifying dismissal of the workman.
- ★ Abnormal duty in raising an industrial dispute, without sufficient reasons, will effect adversely upon the relief sought by the workman.
- ★ Non-reporting for duty at the place of transfer despite repeated letters sent by management will

BETTER THAN A HUNDRED YEARS OF IDLENESS IS ONE DAY SPENT IN DETERMINATION

infer that workman has abandoned the job.

- ★ Workman is not entitled to back wages if his termination is had illegal but he is proved as gainfully employed.
- ★ Disciplinary Authority, while passing the order of punishment, avoid to pass order of transfer in the same order without having power to issue transfer order.
- ★ It is duty of the employee or dismissed employee to provide his last address so that management may communicate with him in case of any need.
- ★ All the rules and regulations governing the post continue to apply till the workman is paid his full and final dues.
- ★ Merely because the employer stopped paying subsistence allowance to the workman does not mean that the workman was no more an employee of the employer.
- ★ Settled law is that a person aggrieved by transfer order cannot sit at home and decide on his own that the order is illegal or erroneous and he will not comply with the same.
- ★ If the workman did not report for duty at the place of transfer after repeated letters sent by the employer, he is not entitled to reinstatement or compensation in lieu thereof.
- ★ Misbehaviour with senior officers, become habitual of not complying with orders of authorities, are grave and serious misconducts justifying punishment of dismissal from service.
- ★ Sitting on a hunger strike at the gate of the management is grave and serious misconduct.
- ★ Non-providing address by the workman in his letters sent to management, is a serious misconduct justifying termination of his services.
- ★ If the workman has any grievance against the transfer order, he can avail remedy against the same; otherwise, he is duty-bound to comply with the same.
- ★ Failure to avail remedy against transfer order would mean that he has accepted it.
- ★ The plea that transfer order is erroneous and no consequences would follow for its non-compliance is erroneous.
- ★ Master-servant relation does not come to end during suspension.

JUDGMENT

Rajesh Bindal, J.-1. The workman is before this Court impugning the order (Order dated 10.02.2011) passed by the Division Bench of the High Court (High Court of Delhi) in an intra court appeal (Letters Patent Appeal No. 481 of 2010), whereby the order (Order dated 26.02.2010) passed by the learned Single Judge in the Writ Petition (Writ Petition No. 7834 of 2003) was upheld.

YOU WILL NOT BE PUNISHED FOR YOUR ANGER, YOU WILL BE PUNISHED BY YOUR ANGER

2. The learned Single Judge of the High Court had set aside the award (Award dated 27.08.2003) of the Tribunal (Central Government Industrial Tribunal-cum-Labour court). Vide the aforesaid award, the prayer of the workman was accepted, and order dated 05.12.1984 deeming that the workman had voluntarily retired, was set aside. He was directed to be reinstated with full back wages along with interest and consequential benefits.

3. The brief facts of the case, as are available on record, are that the workman was appointed with the Bank (Punjab National Bank) on 20.06.1977 as Clerkcum-Cashier. Initially, he was working at Barabanki. Thereafter, he was transferred to Zaidpur, Barabanki and then to Shahjanhanpur in August 1978. On 14.06.1982, he was suspended on account of his disorderly behaviour. On enquiry, the workman was found guilty of the charges and awarded punishment of stoppage of two graded increments with cumulative effect vide order dated 28.09.1983. Vide the same order, he was advised to report for duty to the Manager, Branch Office, Bhagwantnagar, Unnao. The workman failed to join duty. In terms of Clause XVI (Clause XVI-Voluntary Cessation of Employment by the Employees) of the Bipartite Agreement (Fourth Bipartite Agreement dated 17.09.1984) between Indian Banks' Association and Workmen Unions, vide order dated 05.12.1984, the workman was deemed to have voluntarily retired from service. Aggrieved by the aforesaid action of the Bank, six years later, the workman raised a dispute about his deemed retirement before the Assistant Labour Commissioner. On 15.11.1991, the dispute was referred to the Tribunal for adjudication. The question referred was answered by the Tribunal in favour of the workman. However, the learned Single Judge reversed the award of the Tribunal and the Division Bench upheld the order passed by the learned Single Judge.

4. The workman, even as per the material available on record, has joined active practice as a lawyer after his deemed voluntary retirement from service with the Bank, has appeared in person and argued before this Court. Even the Tribunal had recorded that the workman had appeared himself in person and had addressed arguments.

5. The workman, who appeared in person, submitted that the Disciplinary Authority, while passing the order of punishment after enquiry, could not have ordered his transfer in the same order as the competence to order transfer of the workman lied with a different authority. The workman had been raising that issue before the authority, however, the same was not addressed and in an illegal manner, he was deemed to have voluntarily retired. He was not given joining time also. He made number of representations to revoke his suspension to enable him to join the place of posting after his reinstatement. He had even gone on hunger strike but none of the authorities redressed his grievance. He was not even paid subsistence allowance for the period he was under suspension. After passing of the punishment order in the enquiry initiated against him, he could not be continued on suspension as the order dated 28.09.1983 stated that he shall be deemed to be reinstated only on joining at the new place of posting. He sought to explain his reasons for not complying with the order of transfer by explaining that the Branch Office, Bhagwantnagar, Unnao, was at a distance of 350 kilometers. There was non-payment of allowances including subsistence allowance for the previous period, and if he was stated to be under suspension, he could not have been transferred as the transfer was possible only after his reinstatement.

6. On the other hand, learned counsel for the Bank submitted that seeing the conduct of the workman, who had been misbehaving with his senior officers and was also in the habit of not complying with the orders of the authorities, he was imposed a very light punishment of stoppage of two graded increments, otherwise the notice issued to him after enquiry was to show cause as to why he should not be dismissed from service. There is no place for any indisciplined person in any institution, especially in a Bank where entire business depends upon the dealing of the staff with its customers. Even after the punishment was imposed upon him and to avoid any further untoward incident, seeing his past conduct, the workman was directed to report for duty at a different branch. However, the workman did not comply with that order and continued raising the dispute with the Bank at different levels. He further mis-conducted himself by sitting on a hunger strike. This aggravated the issue and shows the attitude of the workman who was not fit to be retained in service. It was contended that there is no error in the orders passed by the High Court setting aside the award of the Tribunal and the workman does not deserve any relief.

7. We have heard the workman, who appeared in person and the learned counsel for the Bank and perused the relevant referred record.

8. A fact which is not in dispute and has been specifically recorded by the learned Single Judge of the High Court in his order is that in the year 1985 the workman got himself enrolled as an Advocate with the Bar Council of Uttar Pradesh. It was admitted by him that he had been handling cases of the Union and other employees of the Bank.

9. It is a fact that the workman was awarded the

punishment of stoppage of two graded increments vide order dated 28.09.1983. In the same order, the workman was directed to report for duty to the Manager, Branch Office, Bhagwantnagar, Unnao (U.P.). The fact which remains undisputed is that the workman never challenged the order of punishment or his transfer before the competent authority or the Court and the said order became final. He was only aggrieved with his posting to the Branch Office, Bhagwantnagar, Unnao. Instead of joining his new place of posting, he continued writing letters. In terms of Clause XVI of the Bipartite Agreement, in case a workman absents from work consecutively for 90 days or more, without submitting any application for leave, the Bank is entitled, after 30 days' notice, to conclude that the employee has no intention to join duty and is deemed to have voluntarily retired on expiry of the notice period of 30 days. The relevant Clause is extracted below:

“Clause XVI-Voluntary Cessation of Employment by the Employees

Where an employee has not submitted any application for leave and absents himself from work for period of 90 days or more consecutive days without or beyond any leave to his credit or absents himself for 90 or more consecutive days beyond the period of leave originally sanctioned or subsequently extended or where there is satisfactory evidence that he has taken up employment in India or the management is satisfied that he has no present intention of joining duties, the management may at any time thereafter give a notice to the employee last known address calling upon the employee to report for duty within 30 days of the notice stating inter alia, the grounds for the management coming to the

conclusion that the employee has no intention of joining duties and furnishing necessary evidence, wherever available. Unless the employee reports for duty within 30 days or unless he gives an explanation for his absence satisfying the management that he has not taken up another employment for avocation and that he has no intention of not joining duties, the employee will be deemed to have voluntarily retired from the Bank's service on the expiry of the said notice. In the event of employee submitting a satisfactory reply, he shall be permitted to report for duty thereafter within 30 days from the date of the expiry of the aforesaid notice without prejudice to the banks right to take any action under law or rules of service."

10. A person aggrieved by the order of transfer cannot sit at home and decide on his own that the order is illegal or erroneous and he will not comply with the same. If the workman had any grievance, he could have availed of his remedy available against the same; otherwise, he was duty-bound to comply with the same. Failure to avail of any remedy also would mean that he had accepted the order and was duty-bound to comply with the same. At a later stage, he could not take a plea that the order being erroneous, no consequence would follow for its non-compliance.

11. On 20.12.1983, a letter was issued to the workman reminding him that despite his transfer to the Branch Office, Bhagwantnagar, Unnao, he had not yet reported for duty. He was given ten days' time to report for duty or latest by 05.01.1984. It was stated that otherwise, it shall be presumed that he was absenting unauthorisedly and disciplinary action would be taken against him

in terms of the Bipartite Agreement. This was followed by another letter dated 05.01.1984. The workman was given ten days' time to join the duty from the date of receipt of the letter or latest by 20.01.1984, whichever was earlier. Further, the intention of the workman was quite evident from the subsequent events which remained undisputed, namely, that he intended to join legal practice which he did, as admittedly in the year 1985, he got himself enrolled as an Advocate and is in active practice. The communication dated 30.01.1984 from the Bank to the workman shows that the workman had personally submitted a letter dated 24.01.1984 to the Regional Manager, Lucknow Region of the Bank. As per the direction of the Bank, the workman was given time upto 06.02.1984 for reporting for duty. It is evident from the communication dated 01.02.1984 addressed by the workman to the Bank that he was in the knowledge of all the developments and further, being a Law Graduate, he very well knew the consequences of failure to challenge an order and not complying with the same. He would also be aware of the Bipartite Agreement and the consequences mentioned therein of his absence from duty. In the aforesaid letter, the workman had mentioned that from January 1984, his subsistence allowance had not been paid resulting in mental torture to him. His idea seemed to be to remain in practice of law and at the same time enjoy payment of subsistence allowance without working. The language of the letter also clearly suggests that the workman was legally trained.

12. His over-smartness is evident further from the contents of his letter where he claimed that as a consequence of non-payment of subsistence allowance, he had to pass his life on open road and his address for communication had been lost, thus making sure that he could take a plea that

HE WHO SEEKS HAPPINESS BY HURTING WILL NEVER FIND IT

none of the communications from the Bank were received by him. In his subsequent letter dated 08.02.1984, in response to letters from the Bank dated 05.01.1984, 09.01.1984 and 30.01.1984, he again raised the issue regarding non-payment of his subsistence allowance but did not mention his address. He stated that he could not be compelled to report for duty at the Branch Office, Bhagwantnagar, Unnao. The aforesaid communication from the workman clearly establishes the fact that he was in the know of the letters issued by the Bank to him regarding his voluntary absence from duty for over 90 days. He was directed to report for duty to the Manager, Branch Office, Bhagwantnagar, Unnao vide order dated 28.09.1983, but instead of submitting his joining, he continued corresponding with the Bank.

13. The conduct of the workman is further evident from the communication dated 06.03.1984, addressed by him to the Chairman of the Bank informing that he had gone on hunger strike from 06.03.1984 onwards on account of non-redressal of his grievances. Yet, he was smart enough not to furnish his address in the said letter. Though the period of 90 days had already expired after 28.09.1983 and the workman was absenting from duty without any application despite repeated notices served upon him, still a notice was sent by the Bank to the workman at his last known two addresses on 05.10.1984 referring to Clause XVI of the Bipartite Agreement specifically stating that in case of his failure to join duty within 30 days, he shall be deemed to have voluntarily retired from service.

14. Notice was also published in Lucknow and Allahabad Editions of North India Patrika on 08.10.1984. This was done as an abundant caution as the workman had not been furnishing his

address in any of his communication though had been corresponding with the Bank. He was well aware of the communications sent by the Bank even after the aforesaid notice was issued to him. He sent another letter to the Bank on 17.10.1984, claiming payment of subsistence allowance from January 1984 onwards. He sent yet another letter dated 18.10.1984 to the Branch Manager, Shahjahanpur informing that in case any communication is received in his name from any other office, the same may be served upon him but strangely enough he did not mention at what address.

15. In his subsequent communication dated 20.10.1984, again the workman claimed bonus but still did not furnish any address. Same was the position in his subsequent communications also which we do not wish to expound upon in this order as the sum and substance of the same is that instead of complying with the order directing him to join duty at the Branch Office, Bhagwantnagar, Unnao, the workman continued a running correspondence with the Bank. In these circumstances, it is apparent that the workman, who was legally trained, was trying to drag the Bank into avoidable litigation instead of complying with the orders. The Bank, vide order dated 05.12.1984, considering his conduct, had treated him to have voluntarily retired from service with immediate effect. The aforesaid order was sent at the last two known addresses of the workman. Though the workman was claiming that he does not have any address for correspondence, but immediately after the order dated 05.12.1984 was passed, he wrote a letter dated 07.12.1984 to the Bank giving reference of the aforesaid order directing his deemed voluntary retirement. He claimed that he got knowledge of the aforesaid order from a Union leader when he visited Lucknow on 05.12.1984. Even after gaining knowledge of his deemed voluntary retirement on

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07.12.1984, the workman kept quiet for a period of six years before raising a dispute before the Assistant Labour Commissioner on 28.08.1990.

16. The aforesaid conduct of the workman itself was sufficient to non-suit him as has rightly been done. His argument that being on suspension, he could not have been treated to have been voluntarily retired as per the deeming provision, is merely to be noticed and rejected, as during his suspension also, the relationship of master and servant does not come to an end. All the rules and regulations governing the post continue to apply. Merely because the Bank had stopped paying subsistence allowance to the workman does not mean that the workman was no more an employee of the Bank. The action was taken by the Bank only to ensure that somehow or the other, the workman joined his duty. However, it seems that he had some other scheme in his mind. The idea seems to be to lay a claim on all his wages. Initially,

to get subsistence allowance without working and then claim reinstatement and back wages. If Clause XVI in the Bipartite Agreement is seen, the workman could have been treated to have been voluntarily retired immediately upon expiry of 90 days from 28.09.1983 as he had failed to join duty. Letter dated 05.01.1984 issued by the Bank was duly acknowledged by him in his communication but still he failed to join duty and continued writing letters. Despite this fact, the Bank was magnanimous enough to have issued a final notice to the workman on 05.10.1984, granting him 30 days' time to report for duty. This is also acknowledged by the workman. But for reasons best known to him he failed to comply with the same.

17. For the aforesaid reasons, we do not find any error with the order passed by the High Court. The same is upheld.

18. The appeal is accordingly dismissed.

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