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Editorial

FESTIVITIES AND BEYOND!

As autumn sets in, we all look forward to the festive season, which brings a sense of fulfillment after a year of hard work. It's a time of new clothes, colours, and dreams. Festivals like Navratri, Durga Puja, and Diwali are celebrated enthusiastically nationwide. The editorial board of Common Bond extends festive greetings to all members of the Confederation, their families, and well-wishers. Unfortunately, the festive season for bankers has been muted in recent years due to various reasons like mergers, the pandemic, and the threat of privatisation. The economy is facing challenges, and both retail and wholesale inflation need to respond to the policy prescriptions of the Reserve Bank of India and other central banks. This is impacting the financial sector, especially the balance sheet of banks. The public sector banks played a crucial role in supporting the economy during the pandemic, risking the lives of their employees. However, the banking system is now an alibi for privatisation and other regressive measures. We must refashion our priorities and devise suitable strategies to counter our challenges. It's essential to reach out to the citizenry and win their

trust in battling the powers that be. We have reasons to believe that the morale of our members is being targeted by spreading panic news about the imminent sale of public sector banks. We need to stay united and focused on our goal of serving the people and the nation.

Public sector Indian banks have witnessed a remarkable turnaround in recent years. These banks have shifted from cumulative losses to substantial profits, showcasing a positive transformation in their financial performance. The efforts undertaken by public sector banks to improve their financial position have yielded significant results, with their cumulative profits crossing the Rs. 1 lakh crore mark.

One key factor contributing to this turnaround is the consolidation of the Indian banking sector during the period. As a result of this consolidation, banks have been able to bolster their risk-absorbing capacity and reduce non-performing assets to their lowest level in six years. Additionally, macro stress tests have indicated that all banks could comply with minimum capital adequacy norms even in severe

A JUG FILLS DROP BY DROP

stress scenarios.

The State Bank of India (SBI), one of India's largest public sector banks, reported a 178% jump in profit in the first quarter of the current financial year. Public sector banks such as Canara Bank and UCO Bank have also registered significant profit growth. The overall positive turnaround in the public sector Indian banks has contributed to the development and stability of the Indian banking sector.

Overall, the turnaround story of public sector Indian banks highlights the successful efforts made to improve their financial performance,

reduce losses, and generate profits. This transformation has positively impacted the Indian banking sector and bodes well for the future of these banks.

Let this autumn be our hunting ground for newer ideas, a more unique form of resistance, and a welcome break to rejuvenate ourselves for the struggles ahead.

Stay well! Enjoy the festivities. Let us keep our gun powders dry for a decisive battle.

#March on comrades,
#NationAgainstPrivatisation
#BankBachaoDeshBachao

ORGANISATION

We are reproducing the text of AIBOC Circular No. 2023/36 dated 13.09.2023 covering the Supplementary Charter of Demands for information of our readers.

Circular No. 2023/36

Date: 13.09.2023

Dear Comrades,

WAGE NEGOTIATION FOR OFFICERS FOUR OFFICERS' ASSOCIATIONS SUBMITTED SUPPLEMENTARY CHARTER OF DEMANDS

The Second meeting of the IBA Sub Committee for Officers was held today at IBA Office, Mumbai. The meeting was chaired by Shri Om Prakash Mishra, Chairman of the Sub Committee along with other members of the committee. From AIBOC, Comrade P M Balachandra, President and the undersigned attended along with other Officers' Organisations.

The officers' associations today, submitted a Supplementary Charter of Demand to the IBA incorporating many more points based on the

current scenario in the industry. The Supplementary Charter of Demand is attached for your information. Details of the discussion on demands raised by us will be circulated later by UFBU.

With greetings,

Yours comradely,
Sd/-
(Rupam Roy)
General Secretary

IN THE SKY THERE IS NO DISTINCTION OF EAST AND WEST

The Chairman
Indian Banks' Association
Mumbai.

Dear Sir,

SUPPLEMENTARY CHARTER OF DEMANDS

We are writing to you today on behalf of the Bank Officers' fraternity, as represented by the Four Officers' Associations. At the onset, we express our sincere gratitude for promptly handling the ongoing negotiations and convey our confidence in your commitment to achieving an effective settlement that addresses all critical issues essential in establishing a healthy and conducive working environment, thereby fostering sustainable business growth.

We solicit your preferred attention on several additional issues that are relevant for the ongoing negotiations. To this end, we are submitting a **"Supplementary Charter of Demands"**, which shall be reviewed and considered alongside the COD currently under consideration.

1. Wage revision in Catholic Syrian Bank and DBS Bank

- ◆ Wage revision to officers of Catholic Syrian Bank and DBS Bank (erstwhile Lakshmi Vilas Bank) on the lines of 8th Joint Note to be extended without further delay.

2. Coverage of 9th Joint Note

- ◆ 9th Joint Note should cover all public sector Banks, private Banks and Foreign Banks

3. Officiating Pay:

- ◆ Restriction of minimum of 7 days for officiating in higher grade to claim officiating pay to be removed.

- ◆ Formula for computation of officiating pay to be rationalised.

4. Dearness Allowance formula:

- ◆ DA on pension for all retirees to be updated and brought to a common Index Point

5. Improvement in other allowances:

- ◆ Hill & Fuel Allowance: Places situated at a height of over 500 meters but less than 1000 meters.

- ◆ **Lakshwadeep island** to be included in page no 33 of our Charter of Demands under Special Allowance To North East, Sikkim, J & K, Leh And Ladakh, Andaman And Other Disturbed Areas.

- ◆ Introduction of Lunch Allowance

- ◆ Introduction of discomfort allowance for staggered/odd-hour duties for officers.

- ◆ Upward revision of project area allowance & split duty allowance etc.

6. Medical Insurance Scheme:

- ◆ Premium finalised to remain the same atleast for 3 years.

- ◆ Common guidelines to be issued for Buffer coverage and increase in quantum of buffer.

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

- ◆ More number of hospitals to be included under cashless scheme.
 - ◆ The stipulation of minimum 24 hours of hospitalization for reimbursement to be removed.
 - ◆ Reimbursement of pathological tests should be allowed even if there is no line of treatment/hospitalisation after tests in case the tests are made on the advice of the doctor.
 - ◆ Bank managements should handle all the claims instead of directing the officers to contact the TPA.
 - ◆ Grievances redressal mechanism to be devised at all levels, which shall include the representatives of banks, union and insurance company.
 - ◆ OPD (outpatient treatment) expenses to be included for reimbursement under the medical insurance policy.
 - ◆ Reimbursement of dental treatment expenses like root-canal etc.
 - ◆ For Retirees minimum basic policy to be worked out and premium to be borne by the Banks. Premium for additional optional coverage can be paid by the retirees.
 - ◆ GST should be waived for premium on medical insurance of retirees, or it should be borne by the Banks
- 7. Leave Rules:**
- ◆ The provision that "No leave can be taken as a matter of right" to be suitably modified so that leave is not declined unjustifiably.
 - ◆ As one grid policy is already on the cards, the leave available to officers in the branches and also of the Officers is different. The balance of holidays should be added to the account of the officer instead of any other compensatory exercise prevailing in the banks.
 - ◆ Increase in Casual leave mentioned in page no 42 of our Charter of Demands to be enhanced to 18 days.
 - ◆ Restriction on availment of maximum number of days of casual leave of 4 days at a time to be removed.
 - ◆ While computing Privilege leave, maternity leave/paternity leave and Special Leave availed may not be taken into account.
 - ◆ Under clause 5(b) of 8th Joint Note, women officers can avail sick leave for sickness of children upto the age of 8 years. The age ceiling should be revised to 15 years and the facility should be extended to male officers also.
 - ◆ For sickness of "*Special Child*", sick leave should be sanctioned to officers on production of medical certificate irrespective of the age of the child.
 - ◆ Grant of special maternity leave upto 60 days in case of still born or death of infant within 28 days of birth as per Government guidelines

- ◆ Balance of maternity leave to be permitted to be availed to attend to delivery of daughter/daughter-in-law upto 45 days and where maternity leave is not available, sick leave can be granted.
 - ◆ Leave towards miscarriage/MTP/ etc., to be treated as over and above normal Maternity Leave entitlement.
 - ◆ Submission of medical certificate to be waived for availing sick leave for minor ailments like flu, fever, etc for a max. period of 6 days. For this, number of occasions per year may be stipulated.
 - ◆ **Leave Bank:** In case of death of an officer due to terminal diseases or after prolonged hospitalisation on account of major accidents, loss of pay suffered by him/her due to lack of leave at credit to be reimbursed to the family.[in addition to demands under (LEAVE BANK), Page 42]
 - ◆ Increase in number of days of Special leave to office-bearers.
 - ◆ Office-bearers shall be permitted to avail special leave in combination with other leave and intervening holidays to be excluded.
 - ◆ For Office-bearers and the Executive Committee members of the unions, notice period to be waived for availment of privilege leave.
 - ◆ Introduction of ½ day leave upto 10 occasions a year
- 8. Leave Fare Concession:**
- ◆ Parents should be automatic dependents irrespective of their income.
 - ◆ For officers working in North-east States, LFC should commence from Kolkata instead of Guwahati.
 - ◆ Partial encashment of LFC to be allowed.
 - ◆ Road mileage cost to be increased to ₹ 15/- per kilometre.
 - ◆ At the time of retirement from the Bank, officers to be allowed additional LFC for travel to his home town.
- 9. Improvement in retirement benefits:**
- ◆ Last drawn "*Pay*" or 12 months' average "*Pay*", whichever is higher, should be taken for computation of Gratuity.
 - ◆ After 30 years of service, for every completed year of service, it should be 45 days, instead of 15 days.
 - ◆ For computing basic pension, it shall be either last drawn "*Pay*" or last 10 months' average, whichever is higher.
 - ◆ Credit to NPS account on real-time basis.
 - ◆ An actuarial report on pension provisions in Public Sector Banks should be provided as mentioned in our MOU signed on 4.01.2021 that an actuary was appointed.
 - ◆ Qualifying service for full pension need not be stipulated as in Central Government Pension Scheme

- ◆ Review of Regulation 46, 47 and 48 of the Pension Regulations, 1995
- 10. **Special problems of ex-servicemen:**
 - ◆ Uniform guidelines to be issued for implementation in all the banks on fitment.
- 11. **Service conditions of women officers:**
 - ◆ Declaring 8th March as holiday to mark International Women's Day
 - ◆ We demand Creche allowance for Women Officers till the time of establishment of Creche facility in addition to our demand for Establishment of Creche facility mentioned in page no 34 of Charter of Demands under Issues concerning to lady Officers.
 - ◆ In cases of women officers facing Court cases due to divorce, separation etc., they may be exempted from transfers till the Court case is completed.
- 12. **Physically Challenged/Differently abled officers:**
 - ◆ Transportation shall be arranged for differently abled officers to attend office and to return to their homes.
 - ◆ Introduction of separate Reimbursement of annual medical check-up expenses for physically Challenged/ differently-abled Officers.
- ◆ **JOB** software to be provided for visually impaired officers.
- ◆ Special leave of 4 days to be increased to 7 days a year.
- 13. **Disciplinary Action Procedure:**
 - ◆ Punishment should not be imposed till disposal of appeal.
 - ◆ Subsistence allowance during suspension period to be improved.
 - ◆ On reinstatement after suspension, the increments earned during the period of suspension to be released.
- 14. **Improvement in PLI scheme:**

Parameters under the PLI scheme to be suitably modified. Uniform guidelines to be given by IBA to all Banks
- 15. **Other demands:**
 - ◆ Pension Regulations should be amended and updated as per Joint Note up to 8th Joint Note.
 - ◆ Any benefit passed on to workmen which consequentially bring disparity with the officers shall be addressed properly.

We reserve the right to alter, amend, add, delete, or revise these demands as necessary during the course of our discussions. Your cooperation in this regard is highly appreciated.

Sd/-
(Rupam Roy)
General Secretary
AIBOC

Sd/-
(S Nagarajan)
General Secretary
AIBOA

Sd/-
(PremMakker)
General Secretary
INBOC

Sd/-
(Aadarsh K N)
General Secretary
NOBO

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

BIPARTITE TALKS WITH IBA
WAGE NEGOTIATION FOR OFFICERS: CORE COMMITTEE MEETING ROUND-2

We are reproducing another text of AIBOC Circular No. 2023/37 dated 14.09.2023 covering the Supplementary Charter of Demands for information of our readers.

Circular No. 2023/37

Date: 14.09.2023

Dear Comrade,

BIPARTITE TALKS WITH IBA
WAGE NEGOTIATION FOR OFFICERS: CORE COMMITTEE MEETING ROUND-2

We reproduce hereunder the abridged text of UFBU Circular no.: UFBU/2023/13 dated 13-09-2023 pertaining to the Officers'. The demands that were discussed in the officers sub-committee meeting are listed below and the remaining demands which form part of our Charter of Demands & Supplementary Charter of Demands

will be discussed in successive meetings in due course.

#OurUnityLongLive

With greetings,

Sd/-
Rupam Roy
General Secretary

Text of Circular No. UFBU/ 2023/13 dated 13.09.2023

TO ALL CONSTITUENT UNIONS:

Dear Comrades,

BIPARTITE TALKS WITH IBACORE COMMITTEE MEETING – ROUND -2

Further to the discussions held with the IBA's main Negotiating Committee on 31-8-2023, discussions were held at the Core Committee level set up exclusively for the demands of the workmen unions and officers associations. Discussions were held with Workmen Unions on 12-9-2023 and with Officers Associations on 13-9-2023 respectively.

Sri. Rajneesh Karnatak (MD&CEO, Bank of India) led the IBA team in the discussions with the workmen unions. From unions, representatives of AIBEA, NCBE, BEFI, NOBW and INBEF participated. Sri. O.P Mishra (Dy.MD, SBI) led the IBA team in the discussions with officers' associations. From associations, representatives of AIBOC, INBOC and NOBO participated.

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

| Discussions with Officers Associations: | | |
|--|---|---|
| 1 | All existing Stagnation Increments up to Scale V should be converted to regular increment after one year from reaching maximum of the respective present scales. Two Additional Stagnation increments to be introduced for all grades of officers. | IBA will look into it & come back |
| 2 | Two increments for passing CAIIB | IBA is positive about the demand |
| 3 | F.P.P.: It should be the last increment without any ceiling. FPP to be de-frozen. | Implications on Terminal Benefits, will be discussed further. |
| 4 | PQP: For completion of Part I JAIIB and Part II CAIIB, one and two increments respectively are to be considered instead of consolidated amount as in the past. | Implications on Terminal Benefits, will be discussed further. |
| 5 | Stagnation increment to be paid to officers who have opted out from promotion | Will be discussed further based on data |
| 6 | Upward revision of HRA | Agreed in principle, based on cost |
| 7 | Self-Lease for officers to be introduced. | Individual Banks to decide |
| 8 | Substantial increase of CCA & Location allowance (non CCA centres) for all | Agreed in principle- part of cost |
| 9 | Learning Allowance to be enhanced substantially. | Agreed in Principle-Part of cost |
| 10 | Closing allowance to be enhanced and paid every quarter. | IBA is positive about the demand |
| 11 | Areas declared as SEZ/NEZ/EPZ: The branches coming under the above areas should be treated on par with Metro Centers for all allowances and perquisites. | Part of Cost, a detailed Note to be submitted by Officers` Associations |
| 12 | Introduction of incentive for rural and other sensitive/difficult areas. | Positive Response-detailed proposal is to be submitted by Officers` Associations |
| 13 | Improvement in special area allowance and special compensatory allowance for N.E, Jammu, Kashmir, Himachal, Leh, Ladakh, Sikkim, Andaman, Uttarakhand and red corridor / disturbed areas | Will be examined after reviewing the Extant Govt. Guidelines and notifications. |
| 14 | Improvement of lumpsum amount as compensation on transfer. & Payment of lumpsum amount on mid-academic transfer to meet the education expenses of children on account of transfer. | Agreed to review, asked for a detailed proposal from Officers Association |
| 15 | Improvement in Leave Fare Concession and monetization of LFC - The entitlement of mode of travel should be made as air travel to all the officers. | To be further analysed and discussed |
| 16 | Improvement in all leave facilities/introduction of the concept of Leave Bank | Committee is formed to discuss separately |
| 17 | Revision in Halting Allowance | Will be reviewed appropriately |
| 18 | Revision in Lodging Expenses | Will be reviewed appropriately |
| 19 | Education Allowance for Children to be introduced | May be considered up to 2 children till graduation-subject to Cost |
| 20 | Yearly Executive Health check-up for all officers to be introduced | Principally agreed, to be further analysed and discussed |
| 21 | Review of Disciplinary Rules Procedure | Committee is formed to discuss separately |

Yours comradely,
Sd/-

(SANJEEV K. BANDLISH)
CONVENOR UFBU

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

CIRCULARS

- 33 dated 18th August, 2023 : 3rd National Women's Convention of AIBOC to be held At Patiala, Punjab on 8th October, 2023
- 34 dated 31st August, 2023 : Bipartite talks with IBA – Main Committee Meeting - Round - 2
- 35 dated 11th September, 2023 : Text of letter no. AIBOC/2023/05 dated 11.09.23 on Wage Negotiation for Officers: Mandate for 9th Joint Note
- 36 dated 13th September, 2023 : Text of Supplementary Charter of Demands to the Chairman , IBA, Mumbai
- 37 dated 14th September, 2023 : Text of Circular no. UFBU/2023/13 dated 13.09.23 on Bipartite talks with IBA – Core Committee Meeting - Round – 2

JUDICIAL

[2022 (173) FLR 796]
(CALCUTTA HIGH COURT)
T.S.SIVAGNANAM and HIRANMAY BHATTACHARYYA,JJ.
MAT No. 451 of 2022
and
I.A.No. CAN 1 of 2022
April 18, 2022
Between
RAVI SHANKAR MALANI
and
STATE BANK OF INDIA and others

Payment of Gratuity-With 10% simple interest-Appeal by bank-Appellate Authority confirmed the order of Controlling Authority-Learned Single Judge allowed the writ petition of bank-Hence instant appeal by employee-Held, after completion of probation, the appellant was absorbed-By placing him on probation, the bank had treated him as an employee-Orders passed by both the authorities below were just and proper-Writ Court ought not to interfere hence order of writ court set aside-Appeal allowed. [Paras 7 to 10]

T.S. SIVAGNANAM J.:- Affidavit-of-service filed in Court today be kept on record.

2. This *intra*-Court appeal at the instance of the first respondent in the writ petition is directed against the order dated 02.03.2022 passed in WPA No. 16222 of 2021 filed by the State Bank of India. The undisputed facts are that State Bank of India challenged the order dated 31.07.2018 passed by the Controlling Authority

EVERY HUMAN BEING IS THE AUTHOR OF HIS OWN HEALTH OR DISEASE

under the provisions of *Payment of Gratuity Act, 1972* (in short "the Act") computing the gratuity payable to the appellant at ₹ 4,66,444/- which includes simple interest at the rate of 10% on the total amount of gratuity so computed. The State Bank of India filed an appeal before the Appellate Authority under the provisions of the said Act. The Appellate Authority by order dated 31.07.2019 dismissed the appeal and affirming the order passed by the Controlling Authority. Challenging the said order, the State Bank of India preferred the writ petition.

3. The first contention raised before the learned writ Court is that the appointment of the appellant was purely contractual and he was appointed as a contractual Chartered Accountant and that his contract though was for eight years, it was on yearly basis or renewable once in two years. The appellant having accepted the terms and conditions of the contract, not covered under the State Bank of India Employees Gratuity Fund, was not entitled to file an application before the Controlling Authority for computation of gratuity. The appellant contended that for all purposes he was treated as an employee of State Bank of India and was extended all benefits though the appellant would state that his service was contractual. Further, it was contended that under the relevant regulation there is a bar for the appellant to become a member of State Bank of India Gratuity Fund. But that will not disentitle him from being entitled to gratuity in terms of the provisions of the Act. Further, the appellant has rendered good service for the bank and every time he was recognized for his good service and enhanced emolument was also given to him. Further, the bank has issued a work experience certificate dated 30.06.2017 certifying that the appellant, who has been engaged in the State Bank of India from 14.11.2008 to 30.06.2017. He joined the bank as Credit Analyst on 14.11.2008 on contractual basis and at the time of relieving his designation was Vice-President (Chartered Accountant : Credit Analyst) in the Commercial

Branch. Further, the certificate states that the conduct/performance of the appellant has been satisfactory during his employment in the bank.

4. Further, the appellant referred to the definition of employee as defined under *section 2* (e) of the Act and the definition of wages as defined under *section 2* (s) of the Act. The appellant places reliance on the decision of Hon'ble Supreme Court in *Allahabad Bank & anr. v. All India Allahabad Bank Retired Employees' Association* which dealt with *section 5* of the Act of 1972 which gives power to the government to exempt the provisions of the Act in respect of certain establishment. In the said judgment the Hon'ble Supreme Court had held that there is no escape from payment of gratuity under the provisions of the Act until and unless the establishment has been exempted by the appropriate government. Further, it was held that the gratuity, being a statutory right, cannot be taken away except in accordance with the provisions of the Act.

5. The appellant also places reliance on the decision of Hon'ble Division Bench of this Court in a judgment delivered on 29th September, 2016 in MAT 1298 of 2012. The learned single Bench by the impugned order has allowed writ petition and set aside the order passed by the authorities under the Act.

6. On reading of the impugned order, particularly, paragraph 7 thereof, we find that substantial portion of the contention raised by the appellant has found favour of the learned writ Court. The only aspect on which the learned writ Court did not agree with the appellant was on the ground that the engagement of the appellant was contractual. Taking note of the contract, on this ground the learned single Judge has sought to distinguish the decision relied on by the appellant before the writ Court. We, thus, test the correctness of the order passed by the learned single Judge on this aspect.

7. The terms and conditions of the service of the appellant are governed by State Bank of India Chartered Accountants Appointed on Contract Service and Conduct Rules 2004. In Rule 8 thereof grades, emoluments and categorization of posts have been mentioned. It states that contractual appointment as Chartered Accountants will be on a consolidated emolument on cost to Bank basis as decided by Central Office Human Resources Committee and the remuneration on Cost to Bank basis as also eligibility criteria for appointment is subject to review by the Central Office Human Resources Committee of the Bank from time to time as per market conditions and shall consist of the components mainly, pay, house rent, conveyance, leave travel conveyance, medical expenses, subsidy on loans, supplementary allowance, variable pay. The remuneration payable has been categorized as pay or as wages had the appointment been classified under the workman category. Further, the contract entered into between the respondent -bank clearly shows that the process of recruitment has been undertaken by the first respondent- bank. Further, the terms of engagement of the appellant was to be governed by the rules and regulations of the bank including the power to initiate action for any misconduct or breach of any terms and conditions or stipulations mentioned in the contractual rules of the bank. The remuneration payable was referred to as salary. Apart from that the basic pay for various contractual employee based on certain parameters as mentioned under the rules. In the present facts and circumstances, it may be too late for the bank to take a stand that the appellant would have fallen within the definition of the term 'employee' as defined under **section 2(e)** of the Act. Admittedly, the appellant was employed on wages and wages as defined under **section 2(s)** of the Act means all emoluments which have earned by an employee while on duty and leave in accordance with the terms and conditions of his employment which are payable to him in cash and includes dearness

allowance but does not include any bonus, commission, house rent allowance, overtime wages and other allowances. Thus, under **section 2(s)** wages has been defined in the widest possible term and the 'pay' will definitely fall within the definition of 'wages' as for all purposes to be treated as emoluments. If that be the case, then the appellant would fall within the definition of 'employee' as defined under **section 2(e)** of the Act for the purpose of application of the provisions of **Payment of Gratuity Act** and not for other purposes. So far as the contract of employment is concerned, we find that though the contract of service is extended from time to time, these are all purely matters within the realm and control of the bank. Undoubtedly the service of the appellant was found to be good. Consequently, the contract was renewed from year to year or once in two years and the fact remains that the bank has always considered the appellant, who have been in continuous employment since 2008 till he resigned in the year 2017. The Controlling Authority under the provisions of the Act has taken note of the factual matrix and interpreted in the manner in which the service condition of the appellant has been couched and thereafter computed the quantum of gratuity payable. Thus, the order passed by the Controlling Authority dated 31.07.2018 was tested for its correctness by the appellate authority and after re-examining the fact the appellate authority by or der dated 31.07.2019 has affirmed the order. Until and unless there was perversity in the approach of the authorities, the writ Court seldom interferes with the orders passed by the authorities exercising jurisdiction under labour social-welfare legislation. Further, on going through the offer of appointment dated 19.07.2008 we find that the rule of reservation has been adopted by the respondent-bank, the appellant has been subjected to medical examination, his antecedents have been verified, non-compete agreement has been directed to be executed and more

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importantly the appellant was placed under probation for a period of six months. An employee, who has been recruited in an organization, is initially employed on temporary basis and placed under probation and upon successful completion he was absorbed into service. Thus, by placing the appellant under probation, for the purpose of considering the appellant as an employee as defined under **section 2(e)** of the Act, the bank has treated him as an employee. Therefore, we find that the orders passed by the Controlling Authority as well as the Appellate Authority was just and proper and ought not to have been interfered by the learned writ Court especially in the absence of perversity.

8. Thus, for the aforesaid reasons, we are of the considered view that the order passed in the writ petition calls for interference. In the result, the appeal and the connected application are allowed and the order passed in the writ petition is set

aside. Consequently the orders passed by the Controlling Authority as affirmed by the Appellate Authority are restored and the appellant shall be entitled to withdraw the entire amount of gratuity together with interest which is lying in the deposit before the Controlling Authority on production of a server copy of this judgment.

9. MAT No. 451 of 2022 and the connected application being CAN 1 of 2022 are disposed of.

10. Urgent photostat certified copy of this judgment, if applied for, be delivered to the learned advocates for the parties, upon compliance of all legal formalities.

HIRANMAY BHATTACHARYYA, J.-I agree.

Appeal Allowed.

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C/o State Bank of India, Local Head Office,

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E-mail: aiboc.sectt@gmail.com

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