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Editorial

WE FEEL DISTURBED!

The legacy of the Confederation compels us to remain vigilant even when society is indifferent. Our responsibility is even greater as the largest confederation of supervisory cadre representing over 3.50 lakh bank officers serving citizenry in every nook and corner of this great Nation, especially in challenging times. One recent incident that deeply affected us and the Nation in general is the gruesome murder of a PG intern on duty at R G Kar Medical College Hospital in Kolkata. We share the concerns of our West Bengal State Unit regarding the safety and work-life balance of our female colleagues in the workplace. We demand deterrent punishment for all the culprits involved in the incident, considering the recurring nature of such attacks on women in different parts of the country. We congratulate the West Bengal state unit, UFBU, West Bengal Unit and protesters all over the world who hit the street raising their voice against this gruesome murder.

The incident has raised some serious question about degenerative social value system in an era when everything is measured in material terms. On a practical plane, the dignity & safety of women work forces when they are joining in large numbers has come into more sharp focus. It is needless to act while it is the primary responsibility of the Employer to ensure safety, security and work life balance of lady employees in the work place, the state cannot remain a passive onlooker. State here implies both the political and administrative leadership with due role of judiciary and media. Civil society has also

to play its role. In fine, the social superstructure has to ensure the protection of its lady working force in a changed time. Though, incidents of attack on woman's modesty are on the rise throughout the country, the incidents of Kolkata bring into focus the need of conscious intervention by civil society so that such incidents do not recur.

It is here the organized trade union movement has a positive role to play. We are a dominant part of civil society and can play the role of opinion maker. Time has come that we gradually come out of traditional practice of confinement within our own sectoral demands and merge ourselves with larger social issues. Let us once again recapitulate that very emergence and continuation of public sector banking is itself a product of social unanimity and unless we are able to ensure the dignity of women both at work place and outside along with compelling the state power to discharge its duties correctly, the very superstructure of society will collapse. It is in our own interest that we need to react to all such incidents that visibly impact our social fabric for ensuring victory of our commitment for a just and equitable society.

Let us not fell disturbed. Let us fight for real gender equality. Let us march for a just society where all members feel free from a nauseating and suffocating environment.

**March on comrades
#JusticeForRGKar
#SafetyForWomenAtWorkPlace**

A JUG FILLS DROP BY DROP

INCOME TAX SCENARIOS – VARIOUS INCOME LEVELS

Gross Income in Rs.					
INDIVIDUAL (UPTO 60 YEARS)					
INCOME	7,00,000	10,00,000	20,00,000	35,00,000	55,00,000
Taxable income as per current concessional tax regime (after standard deduction of Rs. 50,000)	6,50,000	9,50,000	19,50,000	34,50,000	54,50,000
Taxable income as per concessional tax regime (after standard deduction of Rs. 75,000)[Budget July 2024]	6,25,000	9,25,000	19,25,000	34,25,000	54,25,000
Taxable income as per old tax regime (after considering various deductions)	6,30,000	9,00,000	18,00,000	31,50,000	49,50,000
INCOME TAX PAYABLE					
As per current concessional tax regime	-	54,600	2,96,400	7,64,400	13,88,400
As per proposed concessional tax regime	-	44,200	2,78,200	7,46,200	13,70,200
As per old tax regime	40,040	96,200	3,66,600	7,87,800	13,49,400
<ul style="list-style-type: none"> • Rebate u/s 87A under the old tax regime as available for a resident individual having a total income not exceeding Rs. 5,00,000 per annum • Rebate u/s 87A under the concessional tax regime is available for a resident individual having a total income not exceeding Rs. 7,00,000 per annum • Tax figures include health and education cess at 4% • Eligible deductions and exemptions such as standard deduction, professional tax, section 80C, section 80CCD(1b) and section 80D have been used for the purpose of old tax regime 					

IN THE SKY THERE IS NO DISTINCTION OF EAST AND WEST

CIRCULAR

Circular No. 2024/13
To All Affiliates

Date: 27.06.2024

Dear Comrades,

AIBOC & AIBEA WRITES TO HON'BLE FINANCE MINISTER, GOVT. OF INDIA DEMANDING MERGER OF RRB's WITH SPONSOR BANKS

We reproduce hereunder the contents of Joint Communique issued jointly by AIBOC & AIBEA addressed to Hon'ble Finance Minister dated 27.06.2024 on the captioned subject. The same has been widely circulated amongst the Print and Electronic Media.

#OurUnityLongLive

With greetings,

Sd/-

(Rupam Roy)

General Secretary

Text of Joint Communique dated 27.06.2024

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Smt. Nirmala Sitharaman
Hon'ble Minister of Finance and Corporate Affairs
Govt. of India, New Delhi

Date: 27.06.2024

Respected Madam,

MERGER OF REGIONAL RURAL BANKS WITH THE SPONSOR BANKS

All India Bank Officers' confederation and All India Bank Employees Association, representing the collective voice of more than 6 lakhs bank employees, like to bring to your kind attention our demand for merger of Regional Rural Banks (RRBs) with their respective Sponsor Banks for ensuring overall efficiency and viability of the banking sector. The grounds of our demand are set out here in below.

Regional Rural Banks were set up as regional based and rural oriented institutions with capital contributed by Govt. of India, State Govts. and sponsored banks under the RRB Act, 1976. The basic objective of RRBs

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

Common Bond, September-2024

3

was to function as professionally managed alternative channel for credit dispensation to small and marginal farmers, agricultural labourers, socio-economically weaker section of population, for development of agriculture, trade, commerce, small scale industries and other productive activities in rural areas. RRBs are expected to mobilise resources and deployed locally thus playing a significant role in developing the rural economy.

There are now 43 RRBs sponsored by 12 scheduled commercial banks with around 22,000 branches with operation extending to 30 Crore deposit accounts (approx.) and 3 crore loan accounts (approx.) covering 702 districts. All the Public Sector Banks except Punjab & Sind Bank sponsored one or more RRBs. J & K Bank is the only Private Sector Bank to sponsor an RRB. 92% of the RRB branches are located in rural and semi-urban area.

The RRBs are following BASEL I norms for determining their Capital Adequacy. In the context of emerging risk management challenges adherence to BASEL I norms is considered inadequate and globally the banking system is gradually shifted to BASEL III norms of provisioning requiring infusion of further core capital. The Financial year 2021-22 was a watershed year in the context of RRBs as Govt. of India decided to infuse Rs.10890 crores with 50% sharing by the GOI, 35% from the sponsored bank and 15% from the state govt. This is in sharp contrast to the total capital infusion by all stake holders of Rs. 8393 crores over a period of 45 years. However, this infusion of capital by the govt. remains inadequate for such RRBs numbering around 16, whose CRAR are either negative or lower than mandatory 9%. The need for maintaining a healthy CRAR will be further accentuated with the projected increasing credit flow to the rural sector. This will create a serious viability issue for the RRBs, which can only be mitigated by its merging with the sponsor banks. The merged entity will be able to access the capital

market reducing its dependence on the budgetary support, which will be beneficial for fiscal management of the govt.

The major challenge for improving operational efficiency of RRBs stems from the fact that the RRBs are under dual control of NABARD and sponsor banks. While the day to day operational management of the RRBs are being looked after by senior executives from the sponsored banks, who are otherwise acclimatised to work under the regulatory framework of RBI and DFS fail to deliver their best in a different regulatory frame. It is imperative that for ensuring desired level of operational efficiency is duality of control over the RRBs should end and they should be brought under operational and regulatory framework as being practiced by the sponsored banks and the same can be ensured by the merger of these two entities. The RRBs are asked to upgrade their technological platform to the higher version as is prevailing in the sponsored banks. The work of technological upgradation is underway in all the 43 RRBs. The merger of RRBs with their sponsor banks will be a seamless technological transition.

The RRBs and the Commercial Banks are competitive amongst each other in the same market place wooing same targeted group of customers and offering identical banking services in many areas. However, RRBs are constrained to the extent that they are not in a position nor authorised in certain cases to offer all the modern banking products that are available in the country. The customers of RRBs are discriminated to that extent. Competition amongst Public Sector Banks and RRBs are leading to waste of scarce financial resources for offering same type of services and even then a large chunk of our rural population is being denied the fruits of technology driven up-to-date banking products. Merger of RRBs with Sponsor Banks will ensure delivery of uniform product range to the entire clientele ensuring accelerated growth of the rural economy and priority sector lending so vital in the govt.'s plan for a robust Indian Economic growth.

The merger of RRBs with their sponsor banks will update the skill of RRB employees to modern banking practices and effectively address the issues of staff shortages in both RRBs and the sponsored banks. Such integration in HR will also be seamless as the salary structures and other perquisites enjoyed by the officers and employees of RRBs are broadly same and they are also exposed to the work culture of their respective sponsor banks for all the operational support extended over the last 45 years.

Moreover, the proactive step of merging RRBs with their respective sponsor banks will facilitate enhanced supervision, governance and accountability ensuring greater sustainability of the entire banking sector.

The multifarious advantages that follow from merger of the RRBs with their sponsor banks make us unequivocal in placing our demand for a complete merger of all the 43 RRBs, which will ensure a complete transformation of the Rural Economy by combining the financial strength of the sponsor bank with the rural outreach of the RRBs arresting the trend of declining growth in CASA deposits and more efficient credit delivery system for the benefit of the entire rural population.

We therefore, urge upon the government to merge all the RRBs with the respective sponsor banks.

Sd/-
Rupam Roy
General Secretary
AIBOC

Sd/-
C.H. Venkatachalam
General Secretary
AIBEA

CIRCULARS

- | | | |
|---------------------------------------------|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 13 dated 27th June, 2024 | : | AIBOC & AIBEA writes to Hon'ble Finance Minister, Govt. of India demanding merger of RRB's with Sponsor Banks |
| 14 dated 10th July, 2024 | : | Reproduction of UFBU Circular No. UFBU/2024/6 dated 07.07.2024 regarding Bipartite talks with IBA and the Minutes signed with IBA on revised PLI norms and Medical Insurance Policy |
| 15 dated 10th July, 2024 | : | Circular on the happenings of the 13th Triennial General Council held at Guwahati from 07th to 9th July, 2024 |
| 16 dated 17th July, 2024 | : | Circular on celebration of the 55th Anniversary of Bank Nationalisation Day |
| 17 dated 05th August, 2024 | : | Circular on Dearness Allowance to be payable for August to October 2024 |
| 18 dated 16th August, 2024 | : | Circular on the text of letter No. AIBOC/2024/16 dated 16.08.2024 on fraternal support from AIBOC to one day nationwide bank strike call by AIBEA on 28.08.2024 |
| 19 dated 27th August 2024 | : | Circular on Bipartite Talks between IBA & UFBU on Residual Issues held on 26th August, 2024 at Bangalore |

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

JUDICIAL

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPEAL FROM ITS CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE
APO 66 of 2022
WPO 52 of 2019
IA No. GA 1 of 2022
PUNJAB NATIONAL BANK
VS.
AVIK KUMAR SINHARAY AND ORS.
WITH
APOT 134 OF 2022
WPO 52 of 2019
AVIK KUMAR SINHARAY
VS.
PUNJAB NATIONAL BANK AND ORS.**

PRESENT:

The Hon'ble Justice Debangsu Basak
And
The Hon'ble Justice Md. Shabbar Rashidi

For the Appellant PNB : Mr. R.N Majumder, Adv.
Mr. S.M. Obaidullah, Adv.

For the Respondent in : Mr. Soumya Majumdar, Adv.
APO 66 of 2022 & Md. Zohaib Raut, Adv.
APOT 134 of 2022 Mr. Ajitesh Pandey, Adv.

Hearing concluded on : July 30, 2024
Judgment on : August 08, 2024

DEBANGSU BASAK, J. :-

1. Two appeals have been heard analogously as they emanate out of the same impugned judgement and order.

2. XXXXX

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

3. Learned advocate appearing for the employer has submitted that, the employee was issued a chargesheet dated January 27, 2017 to which the employee had given a reply dated February 14, 2017. Employee had challenged the disciplinary proceeding in a writ petition being WP 21662 (W) of 2016 which was disposed of by an order dated August 8, 2017 by directing the employer to conclude the departmental proceedings upon compliance with the principles of natural justice.

4. Learned advocate appearing for the employer has submitted that the enquiry officer submitted a report dated November 15, 2017 and held all charges levelled against the employee in the chargesheet dated January 27, 2017 were proved. Employee had submitted written submissions with regard to the enquiry report. The disciplinary authority had passed an order dated December 30, 2017 imposing the penalty of dismissal from service. Employee had preferred an appeal therefrom. Employee had filed a writ petition being WP 11130 of 2018 which was disposed of on July 11, 2018 by directing the appellate authority to dispose of the appeal within two weeks from the date of communication of the order. Appellate authority had passed an order dated August 16, 2018 confirming the order of dismissal from service.

5. Relying upon 2003 Volume 3 Supreme Court Cases 583 (Lalit Popli vs. Canara Bank and Others) learned advocate appearing for the employer has contended that there was no violation of the principles of natural justice in the enquiry proceeding. Subsequent discharge in the criminal proceedings has no relevance in the facts and circumstances of the present case. He has

also relied upon All India Reporter 1992 Supreme Court 1981 (Nelson Motis vs. Union of India and Another) with regard to the effect of discharge in a criminal proceeding. He has contended that, the employee did not act with devotion diligence and integrity. He has relied upon 1998 Volume 4 Supreme Court Cases 310 (Union Bank of India vs. Vishwa Mohan) in support of such contention.

6. Relying upon 2003 Volume 4 Supreme Court Cases 364 (Chairman and Managing Director, United Commercial Bank and Others versus P.C. Kakkar) learned advocate appearing for the employer has contended that, since there was no error in the decision-making process, the decision taken by the employer should not be interfered with.

7. With regard to the scope of a writ of certiorari, learned advocate appearing for the employer has relied upon All India Reporter 1964 Supreme Court 477 (Syed Yakoob vs. K. S. Radhakrishnan and Others). On the aspect of exercise of powers under Articles 226 and 227 of the Constitution of India, learned advocate appearing for the employer has relied upon 2015 Volume 2 Supreme Court Cases 610 (Union of India and Others vs. P. Gunasekaran). On the contention that, the quantum of punishment is within the domain of the employer, learned advocate appearing for the employer has relied upon 1996 Volume 3 Supreme Court Cases 364 (State Bank of Patiala and Others versus S.K. Sharma).

8. Learned advocate appearing for the employer has relied upon All India Reporter 1982 Supreme Court 673 (J. D Jain vs. The Management of State Bank of India) for the contention that, strict rules of Indian Evidence Act do not apply in a domestic enquiry

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

proceeding. He has also relied upon All India Reporter 1977 Supreme Court 1512 (State of Haryana vs. Rattan Singh).

9. Learned advocate appearing for the employee has referred to the list of dates. He has contended that the employee was working as Senior Manager (Information Technology) (IT) of the employer and was deputed to a regional rural bank of which the employer was a sponsor on August 10, 2015. Employee had made a complaint under the Whistleblower Policy of the employer bringing to the notice of the Vigilance Authorities about bank loan fraud and looting of loan in the credit operations department and loan monitoring department. General Manager Human Resources (HR) had been alleged to be one of the persons involved. After such complaint employee had been suspended on July 13, 2016. Chargesheet had been issued subsequently.

10. Learned advocate appearing for the employee has pointed out to the charges levelled against the employee. He has contended that, the first charge of unauthorised access to the data server of the bank was not proved due to answers given by the prosecution witnesses. One of the prosecution witnesses had categorically stated that, it was not possible to have unauthorised access to the data server of the bank. Creation of fake email ID which is the 2nd charge has not been proved since, the employee issued the complaint under the Whistleblower Policy of the employer using such email ID. In any event, the employee is accepting that such email ID is his and as such the question of the employee having created any fake email ID does not arise. The 3rd charge is with regard to arriving at the head office of the rural bank on June 18, 2016 and being instrumental in changing the Central

Processing Unit (CPU) of the computer set allotted to the manager which employer could not prove.

11. Learned advocate appearing for the employee has referred to various irregularities in the enquiry proceeding. He has contended that, such irregularities had vitiated the enquiry proceedings. He has referred to the order of punishment. He has contended that, the penalty order was issued from Assam whereas the draft order was prepared in Kolkata in the HR department which was headed by General Manager HR who was one of the accused in the complaint lodged by the employer under the Whistleblower Policy.

12. Learned advocate appearing for the employee has contended that, both the central government as well as the Reserve Bank of India had intervened on the basis of the complaint of the employee. RBI had written to the employer to review the disciplinary proceedings against the employee on May 30, 2018, and August 29, 2018. Central Government had written a letter dated September 19, 2018 with regard to the punishment of dismissal meted out to the employee.

13. Learned advocate appearing for the employee has pointed out that the complaint of the employee against the officers lead to disciplinary action against 28 officers of the employer including the General Manager HR.

14. Learned advocate appearing for the employee has contended that, the entire disciplinary proceedings including the decisions taken therein stand vitiated due to

administrative malice and personal bias against the employee.

15. Learned advocate appearing for the employee has contended that, the order of dismissal from service being bad in law has been correctly set aside by the learned Single Judge. However, learned single judge instead of awarding full back wages along with all attending benefits, had erred in directing only half of the back wages to be paid. He has contended that, the employee was prevented from discharging his services and therefore he should be compensated with full back wages. He has relied upon 2013 Volume 10 Supreme Court Cases 324 (Deepali Gundu Surwase vs. Kranti Junior Adhyapak Mahavidyalaya & Ors.) and 2022 Volume 11 Supreme Court Cases 794 (Gowramma C. vs. Manager (Personnel) HAL) in this context.

16. Learned advocate appearing for the employee has relied upon 2006 volume 4 Supreme Court Cases 713 (Narinder Mohan Arya vs. United India Insurance Co. Ltd.) and 2017 Volume 2 Supreme Court Cases 308 (Allahabad Bank & Ors. Vs. Krishna Narayan Tewari) for the proposition that a court can interfere with a departmental proceeding when the enquiry report is based on no evidence. He has contended that, fairness in procedure is a principle of natural justice.

17. On the aspect of mala fide exercise of power and the meaning of mala fide learned advocate appearing for the employee has relied upon All India Reporter 1964 Supreme Court 64 (Union of India vs. HC Goel) and 2020 Volume 3 Supreme Court Cases 86 (Rajneesh Khajuria vs. Wockhardt Limited & Anr.).

18. Learned advocate appearing for the employee has relied upon 1981 Volume 1 Supreme Court Cases 722 (Ajay Hasija vs. Khalid Mujib Sehrawadi) for the proposition that, where a party does not deny allegations contained in an affidavit then such allegations should be accepted as true.

19. Employee while working with the employer on deputation to a rural bank had made a complaint to the Central Vigilance (CPC) on April 4, 2016 in terms of the whistle blower policy of the bank.

20. Employee had been suspended on July 30, 2016. A chargesheet had been issued by the employer on January 27, 2017. Employee had submitted a reply to the chargesheet on February 14, 2017 and enquiry proceeding had commenced as against the employee. Inquiry Officer had submitted a report dated November 15, 2017 finding the employee guilty of all the three charges levelled against him.

21. Employer had given a opportunity to the employee to submit a reply to the enquiry report which the employee did on December 29, 2017. Disciplinary Authority had issued an order of punishment dated December 30, 2017 directing dismissal from services.

22. Employee had preferred an appeal to the Appellate Authority on January 6, 2018. By a letter dated May 30, 2018, RBI had asked the employer to review the decision in the disciplinary proceedings. However, Appellate Authority had concurred with the finding of the Disciplinary Authority by the order dated August 16, 2018.

23. By a letter dated August 29, 2018, RBI had

requested the employer to review the disciplinary proceeding as against the employee. By a letter dated September 19, 2018, Union of India had expressed concern with regard to the dismissal from service of the employee.

24. In response thereto employer had written to the Union of India stating that the complaint of the employee had led to disciplinary proceedings against 21 employees of the employer.

25. A criminal proceeding had been initiated as against the employee which was disposed of by an order dated December 10, 2019 passed by the learned Chief Metropolitan Magistrate discharging the appellant.

26. XXXXX

27. XXXXX

28. XXXXX

29. XXXXX

30. XXXXX

31. XXXXX

32. XXXXX

33. XXXXX

34. XXXXX

35. XXXXX

36. XXXXX.

37. XXXXX

38. XXXXX

39. Scope of judicial review of decision taken in a disciplinary proceeding is limited. In a judicial review of a decision taken in a disciplinary proceeding Court is not required to act a Court of appeal, re-appreciate the evidence and substituted its finding with that of the one under challenge. Sufficiency of the evidence is not within the domain of the Court, if there is some evidence to arrive at the decision impugned.

40. In disciplinary proceedings, three charges had been levelled as against the employee namely,

- i. Unauthorized access to bank server to extract data
- ii. Creation of fake e-mail ID
- iii. Arriving early at the branch on June 18, 2016 to swap the CPU of the computer set allegedly belonging to another employee.

41. With regard to the first charge in the enquiry proceedings, management witness No. 2 in answer to a question put by the employee whether from the rural bank where the employee was posted, access to the server/system/network of the employer was possible or not. Such management witness No. 2 had replied in the negative to such question.

42. Indisputably, employee had been working on deputation at the rural bank at the material point of time when it is alleged that the employee had accessed the server of the employer to extract data.

43. In view of such categorical answer in the negative given by management witness No. 2, first charge as against the employee has to be held to be not proved. Employer has failed to produce any evidence at the enquiry that access to the server of the employer was possible from the rural bank.

44. The second charge of creation of fake e-mail ID has no substance. Employee has accepted that the so called fake e-mail ID is his. Question therefore, of such e-mail ID remaining fake on the acceptance of the same as his own by the employee does not arise. In any event, the complaint made through such so called fake email ID had been acted upon by the employer. 21 officers of the employer had been proceeded against on the basis of the complaint emanating out of such so called fake e-mail ID. The substance in the allegations of the employee as contained in the complaint made through the alleged fake e-mail ID stood vindicated upon punishment being imposed against 21 of the bank officers.

45. The third charge of early arrival for the purpose of replacing the CPU of another employee concerned has not been proved at the enquiry. The CPU recovered from the relative of the employee has not been established to be the CPU belonging to the other employee of the bank.

46. Although, sufficiency of evidence in proof of a finding in a domestic tribunal is beyond scrutiny by a Constitutional Court, exercising jurisdiction under Article 226 and 227 of the Constitution, nonetheless, the same Court exercising the same jurisdiction can decide as to whether there was absence of any evidence in support of a finding on the principle that finding without evidence amounts

to an error of law apparent on the record for which a writ of certiorari can be issued.

47. In the impugned judgement and order, learned Single Judge had taken the pains to consider the evidence available during the enquiry in respect of the three charges. Learned Single Judge has held that there was no evidence for the Inquiry Officer to arrive at a finding of guilt in respect of any of the three charges. As noted above, absence of any evidence tantamount to an error apparent on the record triggering the jurisdiction of a Constitutional Court.

48. In view of the discussions above, appeal at the behest of the employer is without merit and is dismissed, however, without any order as to costs.

49. Employee has appealed against the direction contained in the impugned judgement and order with regard to payment of back wages. The impugned judgement and order has directed half of the back wages to be paid to the employee.

50. XXXXX

51. XXXXX

52. Both Deepali Gundu Surwase (supra) and Gowramma C. (supra) and have held that, if the employee was kept out of work by a decision of the employer then reinstatement with full back wages is normal rule on such decision being set aside, unless there are supervening circumstances. The employee herein has been kept out of work without any justification, at the behest of the employee. In course of hearing, employee has relied on a counter affidavit filed by him in

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the Special Leave Petition (C) No. 17059 – 17060 of 2022 where, he has taken the stand that he was without job, and without salary for the last 5 years.

53. We have not found any supervening circumstances which allows denial of full back wages to the employee upon his reinstatement.

54. In Nelson Motis (supra) it has been held that, where the nature and scope of the disciplinary proceeding was different from that of a criminal case, acquittal in criminal case did not affect the disciplinary proceeding or the decision arrived thereat.

55. Ajay Hasija (supra) has held that in case a party does not deny allegations on affidavit then the allegation should be accepted as true.

56. Consequently, we allow the appeal of the employee being APOT 134 of 2022 by modifying

the direction passed by the learned Single Judge with regard to payment of back wages to the employee. We direct that, the employer reinstates the employee forthwith with full back wages and other service benefits from the date of his dismissal from service till his reinstatement. Payments be made within four weeks from date. Employer will treat the employee to be in continuous service, as if the order of suspension and the disciplinary proceeding not occurring and will afford all consequential benefits to the employee treating him an employee as such.

57. APO 66 of 2022 is dismissed.

58. APOT 134 of 2022 is disposed of without any order as to costs.

[DEBANGSU BASAK, J.]

59. I agree.

[MD. SHABBAR RASHIDI, J.]

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