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Editorial

MARCH ON COMRADES!

The exemplary determination and courage of the bank employees and officers have compelled management and the government to engage in discussions to address the pent-up frustrations of bankers arising from significant delays in resolving outstanding issues. Additionally, bankers are concerned about unilateral changes to the agreed PLI Scheme, ongoing staff shortage due to inadequate recruitment, and interference in day-to-day management of the bank.

Since the signing of the Joint Note in March 2024, the evolving developments have been continuously monitored by the Confederation. The Working Committee Meeting in November, along with the 102nd E C Meeting in January 2025, conducted virtually, called for structured industrial actions, including potential strikes. The Confederation's proactive stance has positively influenced the industry, prompting the UFBU to advocate for the bankers' grievances.

Two rounds of negotiations have taken place with the intervention of CLC (Central), involving top executives from member banks, the IBA, and the

Joint Secretary of DFS. The UFBU constituents participated in these discussions, demonstrating a unified approach among the organizations. It has been decided that serious efforts will be made to restart the recruitment process, particularly for Award Staff positions, and to address the longstanding 5-day work week issue. The written minutes confirm that the CLC (C) will monitor the commitments made by management.

This represents a significant step forward. However, we cannot be complacent concerning the commitments made by management, which are subject to review by the CLC (C) for proper implementation. We must maintain high organizational preparedness to ensure our members can respond effectively to any unexpected delays in implementing these decisions. Moreover, the residual issues of the 9th Joint Note also need resolution to satisfy all stakeholders involved.

#March on comrades,

#NationAgainstPrivatisation

#BankBachaoDeshBachao

A JUG FILLS DROP BY DROP

GOEL ASSUMES CHARGE AS CHIEF EXECUTIVE OF IBA

The Indian Banks' Association (IBA) said Atul Kumar Goel has assumed charge as Chief Executive (CE) of the Association.

EXPANDING DIGITAL PAYMENTS

There is a lot of scope to further deepen and expand digital payments, says RBI Governor Malhotra. Though much progress has been made in the development, spread and adoption of digital payments, there is a lot of scope to further deepen and expand digital payments in the country, according to RBI Governor Sanjay Malhotra. "Digital payments have become the preferred mode of payment for many of us. However, surveys have shown that nearly 40 per cent of our adult population still does not use digital payments. One of the main reasons for this is the lack of awareness or familiarity with using digital payments," he said in his address at the inaugural of Digital Payments Awareness Week 2025 on Monday in Mumbai. In January 2025, more than 20 billion payments worth almost ₹ 250 lakh crore were made through digital modes in India. Malhotra observed that geographies and population segments lagging behind in usage and awareness of digital payments need to be identified and suitable steps should be taken to expand awareness and improve usage.

NEW TDS RULES FROM APRIL 1, 2025

Higher limit for tax deduction on FD interest, lottery winnings ; The Union Budget 2025, presented by Finance Minister Nirmala Sitharaman, has introduced major revisions to the tax deducted at source (TDS) rules, aimed at providing financial relief to taxpayers, especially senior citizens, investors, and commission earners. Here's a breakdown of the key changes effective from April 1, 2025. The Union Budget 2025 proposed to put more money in the hands of the middle class and senior citizens. The threshold limit has been doubled for senior citizens to achieve this. From April 1, interest income from fixed deposits (FDs), recurring deposits (RDs), etc., will only be subject to deduction if the amount, at the aggregate level in a bank, exceeds Rs 1 lakh in a financial year for the senior citizens. This means if a senior citizen keeps his/her interest income below ₹ 1 lakh, then the bank will not cut any TDS.

IN THE SKY THERE IS NO DISTINCTION OF EAST AND WEST

CIRCULAR

We are reproducing the full text of Circular No. 2025/14 dated 23rd March, 2025 by AIBOC.

Dear Comrades,

CONCILIATION MEETING WITH CHIEF LABOUR COMMISSIONER (CENTRAL) ALL INDIA BANK STRIKE DATED 24TH & 25TH MARCH, 2025 POSTPONED

We reproduce the text of UFBU Circular no. 2025/05 dated 23.03.2025 for your information. We once again express our sincere thanks to all the affiliates and state units for their participation in the agitation programmes in large numbers at the call of UFBU..

Dear Comrades,

OUR CALL FOR STRIKE ON 24TH AND 25TH MARCH, 2025 POSTPONED.

In the midst of our agitational programme, as informed in our earlier message on 18-3-2025, there was conciliation meeting on that day between IBA/ Bank managements and UFBU as arranged by the Chief Labour Commissioner. Since no understanding could be reached on our demands, the conciliation meeting was adjourned to 21st March and accordingly one more round of conciliation meeting took place in CLC office, New Delhi on that day.

Chief Labour Commissioner (Central), Shri K. Shekar himself conducted the conciliation proceedings along with Dy. CLC, RLC (HQ) and ALC (IR). Representatives of DFS from the Ministry of Finance, IBA and all Bank managements were present. All our constituent Unions were present.

Detailed discussions were held on all our demands raised in our Strike Notice.

1. 5 Days Banking per week: There was elaborate discussion on introduction of 5 Day Banking per week. We pointed out that even though our Bipartite Settlement/Joint Note was signed one year ago in March, 2024, the issue still remains pending with the Government to whom the IBA has recommended. We explained that keeping the issue pending for such a long time amounts to ignoring the sanctity of the bilateral settlement arrived between the IBA and UFBU. We also pointed out that in the present scenario where employees and officers/Managers in the Banks work under a lot of stress and strain, many times, working beyond normal working hours, the demand for 2 days of weekly off has become a necessity.

IBA replied that as per the Settlement/Joint Note, they have recommended the matter to the Government and they are awaiting their approval. When pointed out by CLC that IBA should follow up

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

the matter with Government, they assured that they would pursue the matter with Government for getting their due approval. DFS representative stated that the issue is under consideration but cannot commit any timeline. Hence there was virtual stalemate on this issue.

Hence, the Chief Labour Commissioner wanted some senior officials from the DFS to participate in the conciliation meeting to know the stand of the Government to end the stalemate. Even though all the top officials of the DFS were busy with the proceedings of the ongoing Parliament Session, a senior Joint Secretary of the DFS participated in the meeting via video conference and clarified that the matter is receiving the serious attention of the Government including by the Finance Minister.

We conveyed our disappointment over the undue delay in the matter and wanted the Government to expedite the process. He assured that the matter is already receiving the serious attention of the Government including at the level of Finance Minister and hence requested the UFBU to reconsider our call for strike so that customers are not put to any inconvenience. We informed him that UFBU leaders will meet and take a decision looking to his assurances.

2. Adequate Recruitment in all Cadres :

We pointed out that year after year the number of clerical and substaff is getting reduced even though business has swelled hugely. We explained how the

shortage of staff is resulting in undue workload on the existing staff, staff not able to complete their work within office hours, compelling officer staff to undertake clerical, cashier and even watchman duties, customers getting irritated over delay in services and picking up quarrel with staff including physical assaults, etc. We also drew their attention that even out of the clerical staff recruited, the attrition is high and net intake is much lesser. We pointed out that in many branches, there is not a single substaff or watchman or Armed Guard or even part time sweepers. We explained that in the absence of recruitment of permanent substaff in these vacancies, large number of temporary employees have been employed by branches continuously for a long period of years and hence are expecting their regularisation. Hence we emphasised our demand for adequate recruitment of staff in all cadres.

After discussions, the IBA agreed to take up with the member banks and with the recent changes in the enhanced duties of clerical employees in public sector banks as per the 12th Bipartite Settlement, IBA was hopeful of positive development in recruitment in all the Public Sector Banks.

IBA also assured discussions with the UFBU on a periodic basis on this issue by involving all the Banks including discussing manpower planning mechanism in the Banks. The issue of recruitment of Substaff shall also be discussed and it was decided to take up the issue with a positive frame of mind.

Regarding high incidence of attrition in Banks, IBA informed that efforts are afoot to re-arrange the sequence of recruitment in Banks like POs followed by clerical staff and like SBI, PSB, RRB, etc. which is expected to reduce the rate of attrition to some good extent.

3. Outsourcing Permanent Jobs in Banks:

The IBA informed that as agreed before the CLC, they are ready to discuss the issue with the UFBU in the background of the guidelines of the RBI and having regard to the judgement of the Supreme Court. IBA also informed that they have sought for the suggestions and views of the Unions in this regard in the earlier round of discussions. The CLC advised the parties to discuss this issue bilaterally.

4. Review of directive on PLI issued by

DFS : We pointed out that the recent Guidelines from the DFS on revised PLI for Scale IV officers and above is a violation of the mutually agreed/ signed Joint Note and is also highly discriminatory and unfair. After discussion IBA agreed to refer the matter to DFS for re-examination and reconsideration of this new scheme sent to the Public Sector Banks.

5. Government guidelines on review of efficiency of employees and officers at

the age of 55/57/58: We conveyed our strong protest against the recent instructions from the DFS to Banks that managements should review the efficiency of the officers and employees of the

Banks on reaching the age of 55/57/58 years and submit the Report to them every month. DFS representative clarified that it was a routine communication sent to the Banks based on the guidelines from DOPT and there was no malafide in that. We conveyed to DFS that Government should not ask for such information from the Banks as the same are intimidatory.

6. Safety of Employees and Officers in Branches against assault by unruly elements and customers:

We pointed out that instances are on the increase where unruly customers and outside elements are attacking and assaulting the bank employees, officers and Managers and the safety of the staff has become a question mark. IBA fully shared our concerns and informed that they are fully seized of the issue and it is being discussed at the IBA level with Bank managements to prevent such occurrences and to ensure safety of the bank staff. We suggested that permanent Armed Guards should be appointed in the Branches which will be a deterrent against attacks on staff.

7. Filling up of Post of Workmen / Officers Directors in PSBs:

We pointed out that the posts of Workman Director and Officer Directors based on the panel of names submitted by the majority Unions remain unfilled for the past nearly 10 years. The representatives of DFS informed that 14 names from various Banks have already been processed and sent

for consideration and approval by the Appointments Committee of the Cabinet and the remaining cases are under correspondence and examination.

8. Resolution of Residual Issues pending with IBA: IBA informed that two round of discussions have already taken place on 26.8.2024 and 13.3.2025 and that further discussions will continue to find amicable solutions.

To our demand for reverting to Old Pension Scheme for NPS covered employees, IBA informed that this issue is part of the residual issues and that they are open for discussions on the same in the further round of discussions.

9. Increase In Gratuity ceiling: The DFS representative informed that it requires legal formalities which involves Ministry of Labour. DFS has already taken it up with the Ministry of Labour and is following up the same. The UFBU requested to expedite the process.

10. Income Tax on Perquisites: The DFS informed that levy of Income Tax on Perquisites is as per the Income Tax Act. Banks may take their own decision in absorbing the Tax burden.

11. Maintaining 51% of Capital in IDBI Bank: The representative of DFS and IBA informed that this is a policy matter announced by the Government and hence cannot comment on the same.

12. Unfair Labour Practice In Banking Industry:

The UFBU brought to the attention of the CLC that even though all employees and officers have a right to join the Union/Association of their choice as provided in the Indian Trade Unions Act, 1926 and also as per the Article 19-1-C of the Constitution of our country, some of the Banks are preventing SMGS-IV and above officials to be members of the Association/Union in which other officers are members. The IBA informed that they will discuss the issue further. The Unions requested the intervention of the CLC(C) in this regard. Responding to the issue of Unfair Labour Practice, The CLC(c) advised to file a complaint for violation of Section 25(T) of ID Act, 1947 so that the matter be investigated with legal application of mind and appropriate action may be initiated, if required.

Looking to the entire detailed discussion as above, the Chief Labour Commissioner requested the UFBU to consider withdrawal of the proposed Strike on 24th and 25th March, 2025. We informed him that the undue delay so far by the Government in according its approval to 5 Days Banking has made us sceptical and going merely by assurances would be difficult for UFBU and hence cannot withdraw the strike call. CLC informed us that UFBU should keep in mind the assurances given by the senior official of the DFS through video conference and that the matter is receiving the attention of the Finance Minister also.

He further said that he will also follow up the issue

with the DFS since 5 day banking is part of the Settlement/Joint Note which implies that both IBA and the UFBU have come to the agreement on that issue. The CLC also assured that he will directly monitor the development at periodical interval so that matter may be resolved at an early date.

In the view of the above developments, the leaders of constituent unions of UFBU met among themselves for mutual consultations and having regard to the entire proceedings of the conciliation, the response of the IBA on the various issues raised by us in the strike notice and the response of the DFS representatives including by the Joint Secretary of the Dept. of Financial Services, the initiatives taken by the CLC to follow up and monitor the issue of 5 Day Banking with the DFS, felt that the proposed strike action and agitational programmes can be deferred and postponed by about two months. It was decided that if there is no satisfactory development, UFBU will again revive the agitation and strike call.

Accordingly, this decision was conveyed to the CLC and IBA by UFBU to postpone our strike call. In view of this, the CLC adjourned the proceedings to 22-4-2025 for further discussions.

Comrades, it can be observed that all the issues listed in the strike notice have been taken up during the discussions and attempts are being made to take it forward for amicable solutions. On the important issue of 5 Days Banking, the assurances of the IBA, DFS and CLC have opened the way for an amicable solution at the earliest. We hope that

things will move in the positive direction.

We thank all our Unions and members all over the country for their enthusiastic response and participation in the agitational programmes which manifested our unity and determination to pursue our demands. This has paved the way for fruitful discussions and positive approach to resolve the issues.

We are aware that due to high expectations, there is some resentment about not achieving 5 day banking immediately. Our agitational programmes and strike call have sufficiently highlighted the importance of our demand and we are hopeful that the Government would attend to the same seriously. We assure all our members that this issue is being specially attended to and will be followed up to the logical conclusion at the earliest.

With greetings,

Yours Comradely,

Sd/-

General Secretaries of the UFBU Constituents

Our Unity Zindabad!

With revolutionary greetings,

Yours sincerely,

Sd/-

Rupam Roy

General Secretary

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

CIRCULARS

07 dated 26th February, 2025	:	Tax on Perquisite Value of Accommodation W.P.No. 14126/2008 in the matter of AIBOC Vs. Union of India and Others – Injunction granted in the captioned writ petition is still in force.
08 dated 03rd March, 2025	:	Reproduction of the text of the Memorandum submitted to the Secretary, DFS by the representatives of UFBU.
09 dated 03rd March, 2025	:	Reproduction of the text of the Circular No. 2025/02 dated 03.03.2025 issued by UFBU after the successful Dharna at Jantar Mantar on 03.03.2025
10 dated 05th March, 2025	:	Reproduction the text of the Strike Notice for the 48 hours' continuous strike on 24/25.03.2025 served by UFBU to the IBA and DFS.
11 dated 06th March, 2025	:	Circular on International Women's Day.
12 dated 13th March, 2025	:	Reproduction of the text of UFBU circular no. 2025/03 dated 13.03.2025 on discussions with IBA on residual issues.
13 dated 18th March, 2025	:	Reproduction of the UFBU circular no. 2025/04 dated 18.03.2025 on the Convention of Workers extending support to our strike.
14 dated 23rd March, 2025	:	Reproduction of the text of UFBU Circular no. 2025/05 dated 23.03.2025 on the conciliation meeting with Chief Labour Commissioner (Central) on the postponement of the all India Bank strike dated 24th and 25th March, 2025.
15 dated 26th March, 2025	:	UFBU writes to IBA for issuing advisory to member banks to Defer/ hold the PLI policy proposed by DFS

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

JUDICIAL

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.2608 of 2025
(@ SPECIAL LEAVE PETITION (C) NO.10088 of 2020)**

Western Coal Fields Ltd.

¼ Appellant

versus

Manohar Govinda Fulzele

¼ Respondent

WITH

Civil Appeal No.2609 of 2025 (@ Special Leave Petition (C) No.21957 of 2022)

Civil Appeal No.2610 of 2025 (@ Special Leave Petition (C) No.1907 of 2025)

J U D G M E N T

K. VINOD CHANDRAN, J.
Leave granted.

2. The question raised in the above cases is the permissibility of the forfeiture of gratuity, in the event of termination of service on misconduct, which can be categorized as an act constituting an offence involving moral turpitude; without there being any conviction in a criminal case or even a criminal proceeding having been initiated.

3. The appellant in one of the appeals is a Public Sector Undertaking on whose behalf learned Solicitor General Mr. Tushar Mehta appears. The other appeals are by the Maharashtra State Road Transport Corporation for whom Ms. Mayuri Raghuvanshi =, learned Standing Counsel appears. Impugned judgments found the forfeiture of gratuity to be not permissible under the Payment of Gratuity Act, 1972 (the Act) relying on the decision of this Court in Union Bank of India and Ors. Vs. C. G. Ajay Babu. On behalf of the contesting respondent in the appeal filed by the PSU, Mr. Shivaji M. Jadhav appears to defend the reasoning in the judgment and none appears for the

respondent in the appeals filed by MSRTC; though served with a notice.

4. Before we look into the facts of the separate cases, we have to dwell upon the law as declared in the C. G. Ajay Babu. C. G. Ajay Babu was a case in which the delinquent employee, while working as Branch Manager in a Bank was dismissed from service pursuant to allegations of misconduct being proved against him in a departmental proceeding. The misconducts alleged and proved were the failure to take steps to ensure and protect the interests of the Bank, failure to discharge duties with utmost devotion, diligence and honesty and for acts unbecoming of an Officer employee. Further show cause notice was issued threatening forfeiture of gratuity, on the ground that misconducts proved, amounts to acts involving moral turpitude. The challenge made against the dismissal before the High Court failed, but the forfeiture was held to be bad. The forfeiture was upset, on the finding that, there was no allegation of financial loss caused to the bank, which was the only ground on which gratuity could be forfeited as per the Bipartite Settlement regulating the conduct and behavior of the employees of the Bank; including disbursal of gratuity.

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

5. A Division Bench of this Court found that subsection (5) of Section 4 of the Act is a non obstante clause which does not affect the right of an employee to receive better terms of gratuity, under any award, agreement or contract with the employer. While subsection (5) made inapplicable the other provisions of Section 4, subsection (6); which deals with forfeiture of gratuity, despite being a non obstante provision made inapplicable only the provisions of subsection (1); which created the statutory right for gratuity on an employee, limited for the purposes of forfeiture. It was held that, insofar as the delinquent employee having been in the service of a bank, which service is regulated by the Bipartite Settlement, which also contains provisions for payment of gratuity and its forfeiture, subsection (6) of Section 4 of the Act is inapplicable to the employees of the bank. The Settlement providing for better terms of gratuity also provided for its forfeiture when the misconduct results in financial losses to the bank and only to the extent of the loss; while specifically prohibiting forfeiture of gratuity for dismissal on any other ground. The order of the High Court was upheld finding that the forfeiture; in the teeth of the provisions of the Bipartite Settlement, could not have been carried out by the bank.

6. XXXXX

7. XXXXX

8. XXXXX

9. With all the respect at our command, the interpretation in C. G. Ajay Babu does not come out of the statutory provision, Section 4(6)(b)(ii) of the Act. Normally, we would have referred the matter for consideration by a Larger Bench, but, as we noticed, the statutory provision does not make it a requirement that the misconduct alleged & proved in a departmental enquiry should not only constitute an offence involving moral turpitude, but also should be duly established in a Court of Law. The words "duly established in a Court of Law" cannot be supplied to the provision Court of Law" cannot be supplied to the provision. Moreover, as we observed, the

interpretation of sub clause (b)(ii) of subsection (6) of Section 4 was uncalled for in C. G. Ajay Babu since the provisions of Section 4, including subsection (6) was found to be inapplicable to the employer Bank and its employee, by virtue of subsection (5) of Section 4. The interpretation, hence, with due respect was an obiter making a reference unnecessary.

10. As has been argued by then learned Solicitor General and the learned Counsel appearing for MSRTC, subclause (ii) of Section 4(6)(b) enables forfeiture of gratuity, wholly or partially, if the delinquent employee is terminated for any act which constitutes an offence involving moral turpitude, if the offence is committed in the course of his employment. An 'Offence' as defined in the General Clauses Act, means 'any act or omission made punishable by any law for the time being' and does not call for a conviction, which definitely can only be on the basis of evidence led in a criminal proceeding. The standard of proof required in a criminal proceeding is quite different from that required in a disciplinary proceeding; the former being regulated by a higher standard of 'proof beyond reasonable doubt' while the latter governed by 'preponderance of probabilities'. The provision of forfeiture of gratuity under the Act does not speak of a conviction in a criminal proceeding, for an offence involving moral turpitude. On the contrary, The Act provides for such forfeiture, in cases where the delinquent employee is terminated for a misconduct, which constitutes an offence involving moral turpitude. Hence, the only requirement is for the Disciplinary Authority or the Appointing Authority to decide as to whether the misconduct could, in normal circumstances, constitute an offence involving moral turpitude, with a further discretion conferred on the authority forfeiting gratuity, to decide whether the forfeiture should be of the whole or only a part of the gratuity payable, which would depend on the gravity of the misconduct. Necessarily, there should be a notice issue to the terminated employee, who should be allowed to represent both on the question of the nature of the misconduct, whether it constitutes an offence involving moral turpitude, and the extent to which such forfeiture can be made. There is a notice

HE WHO SEEKS HAPPINESS BY HURTING WILL NEVER FIND IT

issued and consideration made in the instant appeals; the efficacy of which, has to be considered by us separately.

11. As far as, the PSU is concerned, we find that the appellant was proceeded against for the misconduct of producing a fraudulent 'date of birth certificate' to obtain appointment. The learned Counsel for the respondent argued that he has served almost 22 years in the PSU and that gratuity is the fruits of his service; which was otherwise unblemished, and is also a statutory right as per the Act, which cannot be denied to him on termination. The learned ASG, however, points out the appellant would not have obtained the appointment if his actual date of birth had been disclosed at the time of appointment. The appellant, in fact was born in 1953, as proved at the enquiry, while the date of birth submitted for his appointment was of the year 1960. The very substratum of the appointment having been removed, the appellant cannot plead for any leniency and the terminated employee deserves no sympathy asserts the Learned ASG, who also relies on the decision of this Court in *Devendra Kumar vs. State of Uttaranchal* to contend that a suppression of material information at the time of selection or appointment would constitute an offence involving moral turpitude.

12. XXXXX

13. In the present case it has been proved that the petitioner suppressed his actual date of birth. The failure of the employer to initiate a criminal proceeding on the fraud employed by way of the the fabricated/ forged certificate produced for the purpose of employment, does not militate against the forfeiture. Obviously, as coming out from the provision, no conviction in a criminal proceeding is necessitated, if the misconduct alleged & proved constitutes an offence involving moral turpitude. The very same reasoning applies in the appeals by the MSRTC were the delinquent employees, conductors in the stage carriages operated by the MSRTC were found to have indulged in misappropriation of fares collected from

passengers. Misappropriation definitely is an act constituting an offence involving moral turpitude.

14. Now we come to the question of whether the forfeiture of gratuity of the terminated employees should be only partly or wholly. Insofar as the PSU is concerned, the appointment itself was invalid for reason of suppression of the actual date of birth and production of a forged certificate. We extract paragraph 25 from *Devendra Kumar* Judgment:

"25. More so, if the initial action is not in consonance with law, the subsequent conduct of a party cannot sanctify the same. *Sublato fundamento cadit opus* – a foundation being removed, the superstructure falls. A person having done wrong cannot take advantage of his own wrong and plead bar of any law to frustrate the lawful trial by a competent court. In such a case the legal maxim *nullus commodum capere potest de injuria sua propria* applies. The persons violating the law cannot be permitted to urge that their offence cannot be subjected to inquiry, trial or investigation. (*Vide Union of India v. Major General Madan Lal Yadav [(1996) 4 SCC 127 : 1996 SCC (Cri) 592 : AIR 1996 SC 1340]* AND *Lily Thomas v. Union of India [(2000) 6 SCC 224 : 2000 SCC (Cri) 1056]* .) Nor can a person claim any right arising out of his own wrongdoing (*jus ex injuria non oritur*)."

15. The appointment itself being illegal, there is no question of the terminated employee seeking fruits of his employment by way of gratuity. We uphold the decision of the PSU forfeiting his entire gratuity. However, in the case of conductors (*Civil Appeal No. _____ @SLP (C) No.21957 of 2022*), we see that the act alleged and proved is of misappropriation of meager amounts. It is trite that even if minimal amounts are misappropriated it would constitute a misconduct warranting termination, as held by this Court. However, on the question of forfeiture of gratuity, we are of the

DO NOT DWELL ON THE PAST OR FUTURE. CONCENTRATE ON THE PRESENT MOMENT

opinion that the Appointing Authority should have taken a more sympathetic approach. We do not propose to send back the matter for fresh consideration but direct the Appointing Authority to limit the forfeiture to 25% of the gratuity payable and release the balance amounts to the respondent employees.

16. We allow the appeals with the above modifications in so far as the extent of gratuity forfeited in two appeals. Parties to bear their own costs.

17. Pending application(s), if any, shall stand disposed of.

.....J.
(Sudhanshu Dhulia)

.....J.
(K Vinod Chandran)

New Delhi;
February 17, 2025

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(FORM IV RULE 8)**

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I. Rupam Roy, hereby declare that the particulars given above are true to the best of my knowledge and belief.

Bangaluru
25.3.2025

Sd/-
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