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Editorial

DECISIVE STRIKE BACK!

Common Bond expressed its strong belief in its last issue of May 2025 that a unified protest from all workers, regardless of their position, can ensure true trade union democracy. Today, we wish to take a step further. A united nation, irrespective of religion, caste, creed, or belief, can decisively dismantle the workshop of terrorism and its mentors. We bow in reverence to the memory of the 25 innocent tourists and a local guide who fell victim to the brutal bullets of terrorists. They are the martyrs who lost their lives to a barbaric few operating both from within and outside our borders. Common Bond honours the valiant Indian armed forces that have inflicted calibrated and measured destruction on terrorist camps, which are unfortunately operated from outside India, with direct encouragement from an unprincipled neighbour prioritizing religious and other forms of fundamentalism over peace, progress, and development.

We appreciate the positive response from our government when approached by the same neighbour for a ceasefire after nearly suffering a defeat at the hands of our armed forces. India demonstrated restraint and engaged in positive de-escalation despite having the upper hand militarily.

This maturity reflects the solid ethical foundation upon which our nation, India, stands. The world has witnessed two World Wars, and despite that, the post-Second World War era has seen numerous flare-ups and localized wars in different regions. We are currently witnessing the inhumane destruction resulting from the Russia-Ukraine conflict and the ongoing war in Palestine. All wars lead to immeasurable destruction of nature and national property, loss of countless lives, threatened childhoods, and a compromise of humanity. From this perspective, the Indian government's decision for a ceasefire—without compromising its commitment to identifying and destroying terrorist shelters—is commendable, even if it may not be the most popular stance.

Looking at our neighbours, an uncertain future awaits us. The sponsors of cross-border terrorism have lost this round, but the seeds of terror sown in various parts of their land will likely rise again from the rubble. We cannot ignore the possibility of future aggression, and we remain uncertain about the nature and target of such aggression. One thing is clear: a terror state cannot be trusted, but a purely military response may not be the optimal solution.

A JUG FILLS DROP BY DROP

“An eye for an eye” is a catchy slogan, but a nation must act with responsibility, maturity, and statesmanship, ensuring terror-free nights for its citizens. We prefer not to enter into the debate about whether the ceasefire was prompted by the intervention of the US President. We recognize it as our decision, and we commend the magnanimity shown by our armed forces. We must ensure that the international community continues to exert pressure on our rogue neighbour. Additionally, it is important to note that our neighbour’s rudeness stems not from a democratically elected government but from one that is favoured by the military under the guise of democracy. They require careful handling through both diplomatic channels and other means.

Jingoism in our motherland is understandable, especially following the heinous attack on innocent

people in Pahalgam. However, a jingoistic outcry in our country will only fuel similar sentiments in our neighbor’s land. Such competitive jingoism between two nations with nuclear arsenals could lead to unimaginable destruction. A cry for peace is not a sign of weakness; rather, it is a powerful tool to undermine the warmongers on the other side.

AIBOC and its 325,000 members salute the armed forces once again and commit to maintaining the highest standards in banking operations during these challenging times.

Nation first! Institution Second! Individual Last! Jai Hind!

**#March on comrades,
#NationAgainstPrivatisation
#BankBachaoDeshBachao**

CIRCULAR

We are reproducing the full text of Circular No. 2025/20 dated 29th April, 2025 by AIBOC on the Conciliation Meeting held on 29.04.2025 by CLC.

Dear Comrades,

CONCILIATION MEETING WITH CLC

We reproduce the text of UFBU Circular no. 2025/07 dated 29.04.2025 for your information.

Dear Comrades,

Conciliation meeting held today by CLC

Our members are aware that consequent to our call for Strike, the Chief Labour Commissioner of

the Ministry of Labour, Government of India, held two rounds of conciliation meetings on 18-3-2025 and 21-3-2025 wherein it was decided, in view of the discussions with the IBA and the officials of the Dept. of Financial Services, Ministry of Finance and the assurances of the CLC, to postpone our two days’ strike action. Subsequently, IBA had called us for a round of bipartite discussions on 23-4-2025, the outcome of which has been informed to members in our previous circular.

In this background, one more round of conciliation meeting was held today by the CLC in his office in

IN THE SKY THERE IS NO DISTINCTION OF EAST AND WEST

New Delhi. Shri. K. Shekar, CLC, along with Shri Tej Bahadur, Dy. CLC, Shri. O.P. Singh, RLC-HQ, Shri Amritesh Kumar, ALC-IR conducted the conciliation proceedings. IBA was represented by Shri Brajeshwar Sharma, Sr. Advisor(HR&IR). Officials from the DFS, Finance Ministry were also present during the discussions. Representative of all the 12 public sector banks were also present. Representatives of our 9 unions were present.

Gist of the issues discussed during the conciliation meeting:

1. Revised PLI Scheme for Scale IV officers and above: We pointed out that DFS can decide revised PLI scheme for the Board Level Executives i.e. MDs and EDs but scale IV and above officers are already covered by the PLI scheme which has been mutually finalized between Unions and IBA and which is a part of the Bilateral Joint Note and hence should not be altered unilaterally. We also pointed out that the changes made in the PMS/CDS, especially in SBI, will deprive many senior officers of their PLI because the scheme is designed to exclude more officers than to provide any incentive.

IBA informed that further to the previous conciliation meeting, the issue was been taken up with DFS for their re-examination and the response of the DFS is awaited. In the meantime, no bank has proceeded with the implementation of the revised scheme. The CLC advised the DFS to expedite the issue as early as possible.

2. 5 Days Banking : We pointed out that this important issue was discussed in detail during the

conciliation meeting on 21-3-2025 wherein the senior official from the DFS assured that the matter is receiving due attention of the Government but subsequently there have been media reports that Government is not inclined to consider this favourably. It was clarified that the issue is still under discussions in the Ministry. We urged that the decision should be taken without much delay, as the issue was already agreed upon at IBA level in the bipartite settlement on 8-3-2024 and since then the issue is pending with the Government. After discussions, it was decided that CLC will take up the matter with the Secretary, DFS. Issue will be pursued further.

3. Adequate recruitment of Clerks and Substaff: IBA informed that after UFBU had taken up the issue and after signing of the 12th Bipartite settlement wherein enhanced roles and powers of clerical staff has been provided, the Banks have increased their indents of clerical staff for the year 2025-26 from 6,128 to 11,830 in addition to recruitment of 14,191 clerks in SBI. We pointed out that this is not adequate as compared to the actual requirement in the various Banks.

IBA further stated that while the managements are positive on this issue, the decision can be taken only by the Boards of the respective Banks. After discussions, it was decided that IBA would facilitate further discussions wherein broad inputs can be discussed.

The CLC advised all the PSBs to submit the proposed recruitment data in the next round of conciliation meeting.

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

We stated that as discussed in the earlier meeting, the sequence of recruitment i.e. first recruitment of officers and then followed by recruitment of clerks be adopted to reduce the rate of attrition. It was informed that this procedure will be followed from the next process.

We also suggested that IBPS should be advised to keep adequate number of empaneled successful candidates so that in the place of drop outs/non-joining/non-reporting of candidates allotted to Banks, immediate replacements may be given. This suggestion was well-noted by the IBA/DFS.

Regarding recruitment of substaff, we pointed out that vacancies of substaff, Armed Guards, House keepers, part time employees are not filled up due to the directive of the DFS to outsource all these vacancies. We further pointed out that this has caused employment of thousands of temporary and casual staff instead of permanent staff. Hence we demanded that all these substaff vacancies should be filled up through recruitment.

IBA informed that in view of the minutes signed before the CLC in November, 2023, status quo is being maintained by Banks on outsourcing but Unions have not come forward with any suggestions in the discussions. CLC advised that both IBA/Banks and Unions should sit together and discuss the issue to find amicable solutions. Hence it was decided to discuss the issue of recruitment of substaff further.

4.Measures for safety and security of staff from assaults and attacks by unruly customers/ banking public: We pointed out that in the present context when such

assaults and attacks are on the increase, the Government and Banks should ensure proper measures for the safety and security of the officers and employees working in the Branches. We suggested that the Branch heads should be authorised to file FIRs immediately, and that the accounts of such misbehaving customers should be closed and de-boarded. We also suggested that all Branches should be provided with regular Armed Guards which will deter such assaults and attacks. All these suggestions were well received and CLC advised DFS to attend to this issue and to issue proper advisory to the Banks.

5.Enhancement in ceiling on Gratuity to Rs. 25 lacs under the Gratuity Act: It was informed that the issue is under process and is being followed up.

6.Appointment of Workman/ Officer Directors: DFS informed that wherever the process of verification of panel, etc. have been completed, such cases have been sent to Appointments Committee of the Cabinet for their approval. Other cases are under correspondence. We pointed out that there is inordinate delay which indicates that the Government is deliberately deferring the issue. DFS was requested to expedite the issue of these appointments.

The conciliation proceedings have been adjourned to 17-6-2025. Looking to the developments further decision including revival of the postponed strike will be taken in due course.

With greetings

Comradely Yours,
Sd/-
Rupam Roy
General Secretary

OVERCOME ANGER BY LOVE, EVIL BY GOOD

SHARED ARTICLE

We are sharing an article published in The Leaflet, Special May Day Issue published on 03.05.2025 by Gautam Mody the General Secretary of the New Trade Union Initiative.

SEVEN CARDINAL LABOUR RIGHTS PRINCIPLES THAT THE NEW LABOUR CODES SEEK TO COMPLETELY UNDERMINE

Pitting trade unions in an unequal footing against employers, too much discretion to executive, doing away with punitive measures against employers - the Labour Codes could give employers the license to practice forced labour. We must, learning from both our history and from the experience across the world, recognise that the rights we win will be meaningful and substantive only if they are truly universal in their reach

WORKERS AND WORKER'S RIGHTS ARE ALWAYS UNDER ATTACK in the profit system. In our country, far too many workers do not receive the minimum wage and work many hours longer than eight each day without overtime pay or a weekly off. There are today more contract workers in formal workplaces than there are regular or permanent workers.

Trade union recognition is very hard to come by. The mechanisms for social security make it difficult to access and are both restrictive and discriminatory. Additionally, all labour legislations are open to interpretation and subject to multiple jurisdictions. Despite these weaknesses in the law, sustained workers' agitation through much of the twentieth century, led by strong democratic trade unions, brought gains that came to be upheld by the courts including the Supreme

Court. Hence labour law came to be read more closely with the case law or legal precedents set by courts. The judiciary, in some measure, though without questioning the profit system, recognised that the unequal power relationship between employers and their employees must be taken into account in a democracy that seeks a modicum of fairness in employment relations.

Since the 1990s, with the changing geopolitical map of the world which shifted the balance of force, this recognition of the imbalance in power relations has come under challenge. In 1991, India moved from a dirigiste economy to one that privileged the profit system over all else and especially workers. This process went forward in the workplace as the tripartite labour machinery declined at all levels, and with changes in the views of the judiciary, even as there were no significant changes in labour legislations in our country. Both the executive, that entirely abdicated its responsibility for ensuring fairness and worked determinedly to attract investment, and the judiciary, that protected the executive, have provided employers, including government itself, the impunity to do as they pleased.

The Labour Codes are, in effect, a codification of employment practices that are violative of basic labour rights. Hence what is de jure today will become de facto when the Labour Codes come into effect. There are seven overarching principles cardinal to labour rights won over the past century and protected by statute, case law or accepted

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

practice, which the Labour Codes will undermine to the enormous disadvantage of workers.

First the Codes place trade unions and their members on an unequal footing before law vis-à-vis employers and their companies. Trade unions under the Codes may be proscribed (denied their registration) for a violation of the omnibus Industrial Relations Code. No such punitive measure is envisaged against a company under the Companies Act or any other law. This provision for deregistration of trade unions, when taken together with the virtual impossibility on the right to strike, will force workers and their trade unions to resort to extra-legal platforms in order to advocate and agitate their cause. This amounts to the legislature pushing the working class towards criminalisation for making reasonable and lawful demands.

Second, the Codes create a clear legislative divide between the so-called 'formal' and the 'informal' (including contract workers). Such workers who do not have 'formal' employment relations, whether in an incorporated or unincorporated enterprise, will remain beyond the pale of law only to 'benefit' from 'schemes' that government 'may' introduce that will not be justiciable under law. Hence while the government accepts the natural tendency of the concentration of capital, the legislature has sanctioned constant and greater dispersal of labour ensuring that the vast majority of workers will continue to remain beyond the pale of law and without access to judicial remedy.

Third, the Codes undermine the federal character of the labour legislation and implementation in so far as there is an omnibus central law leaving states with little room for manoeuvre. Rather than advancing the constitutional value wherein issues

on the Concurrent List allowed for states to legislate regarding higher standards and better conditions for workers, the Codes open space for doing just the reverse. By opening up, for instance, hours of work to state specific legislation and rulemaking power, the Codes, in fact, open the race to the bottom. For instance, states will compete with each other for longer working hours, breaching the right to an eight-hour work day completely.

Fourth, as is the case with all other legislations under the present government, the Codes erode the mandate of the legislature thereby passing on the power to amend significant workers' rights protected by law onto the executive. From access to information on a private company's finances to the formula for computing the annual bonus to the factory safety legislation following the Bhopal gas tragedy, all the way to the health and safety protection won through decades of struggle by construction workers, the Codes have, in one stroke, transferred these from existing legislative protection to the executive's prerogative.

Fifth, despite the claims, the Codes are far from comprehensive in their reach. The Codes are discriminatory and restrictive. They virtually keep all agricultural and domestic workers outside the scope of their implementation. The Shops and Establishments Acts for states remain outside the scope of the Codes, thereby leaving out a vast body of workers in offices, retail and other commercial areas of employment. The Codes address the night shift for women's work but do not address the ubiquitous sexual harassment and violence that takes place in the workplace.

Notably, sexual harassment is still left to the POSH Act. It has no connection with the Codes. Violations

also have not been separately legislated under the Codes. Hence, these violations will continue to lie beyond the remit of the labour law enforcement machinery. This will contribute to the persistent and increasing harassment of and violence against women. These grave violations will not be addressed as a labour rights violation. Hence harassment of women will remain an active mechanism for 'disciplining' and 'controlling' in the workplace. Also, alarming is the non-inclusion of the Child Labour (Prohibition and Regulation) Act, 1986 which, through a recent amendment under the present government, legitimised the employment of children who are 'family' members of the establishments' owner.

Sixth, the Codes are violative of internationally acceptable core labour standards, as agreed upon by member states of the International Labour Organisation. Of course, it might be said that many of these conventions have not been ratified by earlier governments. Yet, what the current violations symbolise is stark. The Codes violate ILO Convention No. 1 on Hours of Work. This convention was adopted at the founding convention of the ILO in 1919 and ratified by India's colonial government in 1921. The young independent India ratified 1949 ILO Convention No. 81 on Labour Inspection. If the labour inspection system was in tatters ten years ago, today it is completely demobilised. Tripartite consultations (government-employers-trade unions) is now a thing of the past, despite a consultative machinery being put in place in pre-independent India. Similarly, we have ratified the 1978 ILO Convention No. 144 on Tripartite

Consultation but there have been no consultations with trade unions in a decade and certainly not on the codes.

And finally, the framework of creating an environment of 'ease of doing business' has meant the elimination of punitive measures against employers for violation of law. All of this has been done in the name of 'decriminalising business'. Under the existing Minimum Wages Act, 1948, non-payment of minimum wages is a criminal offence punishable including with imprisonment. Non-payment of wages is widely accepted as amounting to forced labour and has been upheld by the Supreme Court as such. Under the Codes this offence can now be settled with a monetary fine. The Labour Codes, in effect, give employers a licence to practice forced labour. This is just the tip of the iceberg.

Realistically speaking, for the overwhelming majority of workers in the country the Codes are already a living reality whether or not the legislation is in force. There can be no denying that the existing laws have not brought relief to the many. The task of challenging the Codes, reversing them and winning strong rights in the workplace will and must remain the task of workers through their trade unions.

As we go forward in addressing our task, we must, learning from both our history and from the experience across the world, recognise that the rights we win will be meaningful and substantive only if they are truly universal in their reach and leave no worker unprotected under law. Therein lies our challenge.

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

CIRCULARS

- 19 dated 25th April, 2025 : Text of UFBU Circular No. 2025/06 dated 25.04.2025 on discussions with IBA on residual Issues held on 23.04.2025
- 20 dated 29th April, 2025 : Text of UFBU Circular No. 2025/07 dated 29.04.2025 on Conciliation Meeting held by CLC on 29.04.2025
- 21 dated 30th April, 2025 : Celebrating May Day – 2025
- 22 dated 30th April, 2025 : Circular on Dearness Allowance May 2025 to July 2025
- 23 dated 6th May, 2025 : AIBOC extends its solidarity and unwavering support to the General strike on 20.05.2025 called by Central Trade Unions
- 24 dated 22nd May, 2025 : Discussions with IBA on Medical Insurance Scheme

JUDICIAL

2025 LLR 493

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 17230 OF 2024

Vinod Narayan Kachave

...PETITIONER

VERSUS

The Presiding Officer (ICC) and Anr

...RESPONDENT

SEXUAL HARASSMENT OF WOMEN AT WORK. PLACE (PREVENTION PROHIBITION AND REDRESSAL) ACT, 2013 - Section 18 - Patitioner had challenged report of internal Complaints Committee - He has challenged judgment and order passed by Member Industrial Court, dismissing appeal filed under section 18 of the Act – Held, passing of comment with regard to length and volume of the complainant’s hair which were never perceived by the complainant as sexual harassment are not covered by the term ‘sexual harassment’ - Remarks against another male employee would not cause any sexual harassment complainant - Finding by ICC are vague in nature since the evidence recorded by ICC have not been discussed - The ICC has not

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

considered the issue whether the allegations levelled against the Petitioner, really constitute sexual harassment to the complainant - Exchange of text messages after occurrence of alleged incident between the Petitioner and complainant would cast serious doubt as to whether the complainant was really offended by any particular conduct of the Petitioner - Even complaint of sexual harassment was made immediately after tendering of resignation by the complainant - Otherwise the relationship between the Petitioner and the Complainant appear to be quite cordial till she tendered her resignation - Hence, findings by Industrial Court are clearly perverse - No case of sexual harassment of the complainant was made out in the light of peculiar facts and circumstances of the present case - Accordingly impugned order is set aside - Petition succeeds.

IMPORTANT POINTS

Passing of comments regard to length and volume of the complainant's hair, never perceived by the complainant as sexual harassment, are not covered by the term 'sexual harassment'.

Remarks against another male employee would not cause any sexual harassment complainant.

Finding by ICC are vague in nature since the evidence recorded by ICC have not been discussed.

Exchange of text messages after occurrence of alleged incident between the Petitioner and the complainant would cast serious doubt as to whether the complainant was really offended by any particular conduct of the Petitioner.

Complaint of sexual harassment, made immediately after tendering of resignation by the complainant, cast doubt if the complainant was caused sexual harassment..

After alleged incidents, quits cordial relations between complainant and petitioner reflects doubts if there was a kind of sexual harassment to the complainant.

Findings by Industrial Court are clearly perverse since no case of sexual harassment of the complainant was made out in the light of peculiar facts and circumstances of the case.

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

JUDGMENT

SANDEEP V. MARNE, J.

1) The Petition challenges judgment and order dated 1 July 2024 passed by Member Industrial Court, Pune dismissing Appeal (IESO) No. 1 of 2023 filed under provisions of Section 18 Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (POSH Act). Petitioner had challenged the report dated 30 September 2022 passed by the Internal Complaints Committee of Respondent No.2-Employer.

2) XXXXX

3) In its report dated 30 September 2022, the Internal Complaints Committee (ICC) has reproduced three broad allegations against the Petitioner as under:

Incident 1
XXXXX

Incident 2
XXXXX

Incident 3
XXXXX

4) After reproducing the three incidents narrated by the complainant, the ICC has recorded following findings after conduct of enquiry:

1. It was observed by the ICC that Vinod Kachave, though agreed to some of the

charges, was not willing to accept the others, inspite of informing him that ICC has multiple witnesses who have confirmed all the allegations.

2. All serious allegations were confirmed by multiple witnesses that were interviewed by the committee. The same was recorded by the committee.

3. ICC also felt that during the course of the meeting Vinod Kachave was reluctant in agreeing to the fact that his behaviour is completely unprofessional and he has created work environment which is not conducive to female employees and amounts to harassment at workplace. He was in complete state of denial on the most of the serious charges.

4. Vinod Kachave also tried to interfere with the investigation and acknowledged that he had met Madhavi Pawar and Pravin Kedar on 21 morning before ICC could commence the meeting. In fact, he was again in a state of denial and said that as per him it was completely acceptable that he has met both the employees.

5) I proceed on a footing that all the three incidents can be held to be proved on the basis of evidence led before the ICC.

6) So far as the first incident is concerned, the same relates to passing of comment by the Petitioner with

HE WHO SEEKS HAPPINESS BY HURTING WILL NEVER FIND IT

regard to length and volume of the complainant's hair and he singing a song relating to her hair. Considering the nature of comment allegedly made by the Petitioner towards the complainant it becomes difficult to believe that the same was made with an intent of causing any sexual harassment to the complainant. She herself never perceived the comment as sexual harassment when the comment was made. The comment was made on 11 June 2022. However the WhatsApp conversation between the Petitioner and the complainant post 11 June 2022 would indicate that the Petitioner was in fact motivating the complainant with regard to performance of her work and the complainant had expressed gratitude towards the efforts of the Petitioner. Therefore even if the allegations qua Incident No.1 are accepted as proved, it becomes difficult to hold that the Petitioner has committed any act of sexual harassment.

7) So far as the second incident is concerned, the same relates to making of remarks by the Petitioner in respect of another male employee when other female employees were present. The allegation does not indicate presence of the complainant when the alleged remark was made. The remark was admittedly not directed against the complainant. Both the remarks reflected in the second incident are admittedly against another male employee. Therefore it becomes difficult to believe that the conduct described in second incident would cause any sexual harassment personally to the complainant.

8) So far as the third incident is concerned, the same relates to allegations against Ms. Madhavi Pawar,

Reporting Manager, who herself is a female employee. The allegation is not directed against the Petitioner in any manner. Thus the allegation in third incident does not pertain to the Petitioner.

9) Thus though the first two incidents relate to allegations against the Petitioner and even if the allegations are taken to be proved, concrete inference of cause of sexual harassment to the complainant cannot be drawn.

10) Perusal of the findings recorded by the ICC would indicate that the same are vague in nature. The Committee has not discussed each article of charge in relation to the evidence appearing on the record. The ICC has merely made vague recommendations by recording a general finding that 'all serious allegations were confirmed by multiple witnesses that were interviewed by the committee'. Beyond this finding, there is no discussion in the report of the ICC about the evidence appearing on record in respect of each article of charge.

11) In my view, therefore the report of the ICC is clearly vague as the same is drawn without discussing the evidence on record. Most importantly, the ICC has not considered the issue whether the allegations levelled against the Petitioner in first two incidents really constitute sexual harassment to the complainant. The allegation involved in third incident had nothing to do with Petitioner's actions. Still said incident was unnecessarily incorporated in the report of the ICC. As observed above, the exchange of text messages

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after occurrence of the alleged incidents between the Petitioner and complainant would cast serious doubt as to whether the complainant was really offended by any particular conduct of the Petitioner. Ms. Khan would in fact suggest that the complaint of sexual harassment was made immediately after tendering of resignation by the complainant. Otherwise the relationship between the Petitioner and the Complainant appear to be quite cordial till she tendered her resignation.

12) Considering the overall conspectus of the case, I am of the view that the findings recorded by the Industrial Court are clearly perverse. The Industrial Court has failed to take into consideration the exact nature and gravity of allegations levelled against the

Petitioner. It has completely ignored the fact that even if the allegations are taken as proved, no case of sexual harassment of the complainant was made out in the light of peculiar facts and circumstances of the present case. In my therefore, the impugned judgment and order passed by the Industrial Court is indefensible and liable to be set aside.

13) The Petition accordingly succeeds. Judgment and order dated 1 July 2024 passed by the Member Industrial Court, Pune is Appeal (IESO) No. 1 of 2023 as well as the report of the ICC dated 30 September 2022 are set aside.

14) The Petition is allowed in above terms. There shall be no orders as to costs.

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