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Editorial

"ON FEAR"

By Kahlil Gibran

*It is said that before entering the sea
a river trembles with fear.*

*She looks back at the path she has traveled,
from the peaks of the mountains,
the long winding road crossing forests and villages.*

*And in front of her,
she sees an ocean so vast,
that to enter
there seems nothing more than to disappear forever.*

*But there is no other way.
The river cannot go back.*

*Nobody can go back.
To go back is impossible in existence.*

*The river needs to take the risk
of entering the ocean
because only then will fear disappear,
because that's where the river will know
it's not about disappearing into the ocean,
but of becoming the ocean.*

For years, modern society has upheld enlightenment, liberty, equality, and reason as its moral compass. However, today we see a growing influence of ideas that were once considered fringe—such as nativism, ethno-nationalism, and aggressive privatization of national assets—shaping mainstream debate. This shift is not a sudden rupture but rather a gradual movement that tests whether the liberal democratic political and economic order, which champions tolerance, can withstand this onslaught.

A JUG FILLS DROP BY DROP

In our own country, we are witnessing a rise in intolerance, religious division, and hatred among communities that dominate our public discourse. This trend is supported by an emerging economic model where the privatization and sale of national assets to capitalists of questionable integrity have become commonplace. In the pursuit of profit, critical environmental concerns have been overlooked, and development is encroaching on ecosystems—from the hills of Ladakh to fishing villages in Kanyakumari—threatening ecological balance and leading to unprecedented natural disasters.

Much has been discussed regarding artificial intelligence (AI) and its applications, particularly in the financial sector. However, logical debates regarding the implications of these emerging technologies on our society have yet to be initiated. For instance, Google's decision to establish its global AI center in Vizag fails to consider the environmental impact it may have, especially in terms of increased electricity demand contributing to pollution. These social issues directly affect the future of professionals in banking and require serious engagement to craft a socially acceptable path toward development.

The crucial question is whether our society will uphold its professed values, which have been cherished

since the days of our struggle for independence, or allow fear to erode the rights and gains we've made over generations. History offers a clear warning: the experiences of the Great Depression in the 1930s demonstrated how easily a modern society can abandon its liberal principles under the influence of various populist demagogues. The post-war order was established to prevent such a decline. Addressing the challenges of our time requires thoughtful self-assessment and correction, as well as a willingness to listen to genuine economic and cultural challenges, avoiding the temptation to endorse fringe ideas.

Social orders are strongest when they protect the equal dignity of all, both in the workplace and in daily life. The principles of equality, pluralism, and reason remain the unwavering compass of a modern society. All efforts to protect and promote new rights and privileges in the workplace are intricately linked to an awareness of ongoing social upheavals. Let us not shy away from uniting with the vast ocean of humanity in defending the social fabric that has been built on principles of equality, tolerance, and justice for all.

#March on comrades,
#NationAgainstPrivatisation
#BankBachaoDeshBachao

CIRCULAR

Circular No. 2025/38

Date: 27.09.2025

Dear Comrades,

DISCUSSIONS WITH IBA ON 26-09-2025

We reproduce the text of UFBU Circular no. 2025/13 dated 26.09.2025 for your information.

Dear Comrades,

Discussions with IBA on 26-9-2025

Further to the Strike Notice served by us on IBA

on 5-3-2025, there have been few rounds of conciliation proceedings held by the Chief Labour Commissioner (Central), Ministry of Labour, Government of India. Various issues raised by us in the Strike Notice have been under discussion during the conciliation meetings and the details have also been periodically informed to our members.

IN THE SKY THERE IS NO DISTINCTION OF EAST AND WEST

One of the important issues taken up by us during these conciliation meetings was relating the PLI scheme advised by the Government applicable to Scale IV officers and above because this scheme was in total variance with the PLI scheme agreed by us in the Bipartite Settlement/Joint Note.

In the last round of conciliation meeting held on 11-8-2025, the CLC advised the Unions and IBA to discuss the issue bilaterally and submit the views so that the same be taken up for consideration by the Government.

Accordingly, IBA had invited UFBU for discussions today. After a lot of discussions, we submitted that while the Government's PLI formula may be implemented for the Top Management with certain modifications on the quantum of PLI, it should be ensured that no one should be denied of PLI as is payable under the bilateral PLI scheme applicable the employees and officers.

We have also suggested that the existing quantum of PLI as per scheme available under the settlement should be adequately improved upon. IBA agreed that our suggestions would be duly communicated to the CLC and DFS for their consideration and further discussions so that the issue can be amicably and bilaterally resolved.

Issue will be further discussed in the ensuing conciliation meeting with CLC on 15th October, 2025.

Other issues: The following issues were also raised by us during the discussion today.

1. Early introduction of 5 day banking
2. Finalising the details of Leave Bank scheme
3. Implementation of Ex-gratia in all private banks

4. Exemption of GST on Group Medical Insurance premium
5. Option for remaining employees/officers/retirees to join pension scheme
6. Uniform DA rates for all pensioners at 8088 points
7. Exemption of income tax on additional 4% of NPS contribution
8. Increase in ceiling on Gratuity under the Act
9. Recruitment of Substaff and Armed Guards
10. Advisory to Banks to advice Zonal/Regional Managers not to use abusive language on Branch Managers and others during meetings.

Discussions on these issues will be further continued in the next meeting.

During the discussions, IBA informed that they have taken up the issue with DFS, CBDT and GST Council for exemption of income tax on the premium on Group Medical Insurance policy for retirees.

It was also mutually clarified that the new feature of Add-on facility under the Group Medical Insurance scheme for the retirees to include dependent physically/mentally challenged family member would be applicable only to the children of the retirees. With greetings.

Comradely Yours,

Sd/-
Rupam Roy
General Secretary

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

PRIVATE BANKS REDUCE LENDING RATES MORE THAN PSBs IN CURRENT CYCLE

Following the RBI's 100-bps policy rate cut, private banks showed faster transmission to lending rates, while PSBs led in passing on deposit rate reductions

Following the Reserve Bank of India's (RBI's) rate-setting panel's decision to reduce the policy rate by 100 basis points (bps), the weighted average lending rates on fresh and outstanding rupee loans declined by 58 bps and 55 bps, respectively, till August, according to RBI data. Meanwhile, the weighted average domestic term deposit rates on fresh and outstanding deposits fell by 106 bps and 22 bps, respectively.

Across bank groups, the transmission of rate cuts to lending rates was higher for private sector banks than for public sector banks. Private banks reduced rates on fresh and outstanding rupee loans by 76 bps and 63 bps, respectively, compared with 53 bps and 47 bps reductions by public sector banks.

In the case of deposits, however, public sector banks

showed higher transmission. Rates on fresh and outstanding deposits fell by 105 bps and 20 bps for public sector banks, compared with declines of 99 bps and 17 bps for private sector banks.

Tracking transmission (Feb-Aug; figures in bps)

	Lending rates		Deposit rates	
	WALR (Fresh rupee loans)	WALR (Outstanding rupee loans)	WADTDR (Fresh deposits)	WADTDR (Outstanding deposits)
Public sector banks	-53	-47	-105	-20
Private sector banks	-76	-63	-99	-17
Foreign banks	-107	-84	-98	-86

WALR: Weighted average lending rate
WADTDR: Weighted average domestic term deposit rate
Source: RBI

Source: Business Standard, dated: 24/10/2025

CORPORATE LOAN GROWTH PICKS UP AFTER SLOW QUARTERS HDFC, AXIS, PSU BANKS LEADING THE REVIVAL: REPORT

Corporate credit growth is rebounding as banks report higher lending in Q2 FY25, led by working capital and project-linked funding. Experts expect momentum to build in H2.

After several subdued quarters, banks are once again lending more aggressively to corporates, raising hopes of a broader credit revival in the second half of the fiscal year, according to a Mint report.

While much of the new demand stems from working capital requirements, bankers said companies in infrastructure, renewables and manufacturing have also begun seeking capital expenditure (capex) funding, indicating early signs of investment recovery.

At HDFC Bank, the corporate and wholesale loan

book grew 6.4 percent year-on-year and 4.7 percent sequentially in the September quarter, a sharp improvement from the 1.7 percent annual growth and 1.3 percent sequential decline in the previous quarter.

Still, demand for capex loans remains modest, chief financial officer Srinivasan Vaidyanathan said during the bank's Q2 earnings call on October 18. "It is largely working capital financing that we have participated in this quarter," he noted.

The bank had slowed wholesale lending in earlier quarters due to intense competition and margin

OVERCOME ANGER BY LOVE, EVIL BY GOOD

pressure, focusing instead on rebalancing its portfolio post-merger with HDFC Ltd.

Axis Bank, meanwhile, saw a 20 percent annual and 11 percent sequential jump in its corporate loan book in the September quarter, compared with 9 percent and 6 percent, respectively, in the June quarter.

“There were a few good opportunities that came our way, something we haven’t seen in the past,” said Subrat Mohanty, executive director at Axis Bank. “We see opportunity in the wholesale segment driven by new client investments,” he told Mint.

Other major lenders, including IndusInd Bank and Bank of India (BoI), also reported higher corporate credit growth, while ICICI Bank, Federal Bank, Yes Bank, Punjab National Bank (PNB) and Indian Bank saw a softer pace of expansion compared with last year, Mint noted.

The corporate credit revival comes at a time of rising bond yields, which have made bank loans more attractive for companies, particularly those with lower credit ratings.

The 10-year government bond yield rose 20 basis points to 6.5 percent in the September quarter as geopolitical tensions weighed on investor sentiment.

In August, specialty chemicals maker Neogen Chemicals Ltd raised Rs 200 crore via its A-rated bonds maturing in December 2028 at a coupon of 10.5 percent, underscoring the higher cost of market borrowing.

According to Mint, by comparison, the weighted average lending rate on fresh rupee loans by scheduled commercial banks fell slightly to 8.75 percent in August from 8.81 percent in July, according to RBI data.

Bankers broadly agree that working capital and

project-linked funding remain the key growth drivers for now. Many expect the momentum to strengthen in H2 FY25 as sanctioned loans are disbursed and as private investment gradually picks up.

“It’s still a bit early,” said A.M. Karthik, senior vice-president and co-group head at ICRA, in an interview with Mint. “In Q2, you would have seen corporate credit growth because the yields were still high, and to that extent, bank credit actually picked up,” he said, adding that ICRA has not yet revised its credit growth estimates for FY26.

The ratings agency expects recent GST rate cuts, aimed at boosting domestic demand and offsetting the impact of US tariffs, to support credit expansion for banks and NBFCs in the coming quarters.

Public sector lenders are also seeing traction. Punjab National Bank (PNB) has sanctioned Rs 1.78 trillion in total loans, including corporate accounts, awaiting phased disbursement.

“We are expecting good corporate loan book growth in Q3 and Q4 because of these sanctions,” said PNB CEO Ashok Chandra, adding that demand is strong from infrastructure, roads, renewables, and industrial borrowers.

PNB’s corporate loan book grew nearly 8 percent year-on-year in the September quarter, compared with 7 percent in Q1.

Bank of India (BoI) reported a 12 percent annual rise in its corporate book in Q2, more than double its 5.5 percent growth in Q1.

“Our total pipeline, including global and domestic corporate loans, stands at over Rs 70,000 crore, about 10 percent of our global loan book,” BoI chief executive Rajneesh Karnatak told Mint, adding that around Rs 50,000 crore pertains to corporate lending alone.

Source: Money Control News, Dated/23/10/2025

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

MERGER BUZZ: PSBS YET TO HEAR FROM GOVT, FOCUSED ON DILUTING STAKES TO MEET NORMS

Media reports had said that Indian Overseas Bank (IOB), Central Bank of India (CBI), Bank of India (BOI) and Bank of Maharashtra (BOM) could be merged with big banks such as Punjab National Bank (PNB), Bank of Baroda (BoB) and State Bank of India (SBI).

State-owned lenders have not yet received any communication from the government regarding the next round of public sector bank (PSB) consolidation, five senior bankers aware of the matter told Moneycontrol. This comes amid renewed market speculation about possible mergers among large state-owned lenders.

The bankers said that while consolidation remains a long-term policy objective, no formal discussions or directions have been initiated so far. *“There has been no communication from the finance ministry on any merger proposal. For now, the focus remains on strengthening balance sheets,”* one of the bankers said.

Instead, most PSBs are currently prioritising efforts to bring down the government’s shareholding to comply with the minimum public shareholding (MPS) norms.

Several lenders are exploring share sales through follow-on public offers (FPOs) or qualified institutional placements (QIPs) over the next few quarters. *“The immediate goal is to meet the MPS threshold, not consolidation,”* another banker added.

Media reports had said that Indian Overseas Bank (IOB), Central Bank of India (CBI), Bank of India (BOI)

and Bank of Maharashtra (BOM) could be merged with big banks such as Punjab National Bank (PNB), Bank of Baroda (BoB) and State Bank of India (SBI).

Between 2017 and 2020, the government merged 10 PSBs into four larger entities, bringing the count of state-owned banks to 12 from 27 in 2017.

During the period, Oriental Bank of Commerce and United Bank of India merged with PNB, while Syndicate Bank was merged with Canara Bank. The consolidation was aimed at creating stronger, better-capitalised banks capable of competing globally.

FOCUS ON QIP

The government is progressing with its stake divestment plans through the OFS route in five PSU banks. Bank of Maharashtra, Indian Overseas Bank, UCO Bank, Central Bank of India and Punjab and Sind Bank have been shortlisted for partial disinvestment in the coming months.

This is to bring government stake in these banks in line with the Securities and Exchange Board of India’s (SEBI) minimum public shareholding norm of 25 percent.

IOB is in the process of obtaining approvals for the proposed QIP worth ₹4,000 crore. The aim is to complete the QIP in the second half of the current financial year.

Source: Money control Dated 24/10/2025

CIRCULARS

- 38 dated 27th September, 2025** : UFBU Circular no. 2025/13 dated 26.09.2025 of on Discussions with IBA on 26.09.2025
- 39 dated 06th October, 2025** : Circular celebrating 41st Foundation Day of AIBOC

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

JUDICIAL

**[2023 (176) FLR 793]
(ALLAHABAD HIGH COURT)
SUNEET KUMAR, J.**

**Writ-A No. 8366 of 2017 Connected with Writ Petition No. 32882 of
2019**

May 6, 2022

Between

**Dr . OM PRAKASH GUPTA and another
and
STATE OF U.P. and another**

Constitution of India, 1950-Article 226-Benefit of Dynamic/Special Assured Career Progression (SACP) claimed-Petitioner belonged to Provincial Medical Health Services-Claim rejected-Held, act by State Government carving out a class of Medical Officers i.e. P.H.M.S. being superior to other Medical Officers was misconceived in so far that related to conferment of SACP- *Keeping Medical Officers (Ayurvedic) and other streams out of scheme was invariably discriminatory* -Impugned order set aside-SACP would be applicable to the Medical Officers of other streams-Petition allowed. [Paras 21 to 28]

Concept of ACP is the tied over stagnation on a post and to grant financial upgradation to the government servants, it is not based on the concept of equal pay for equal work or the nature of duties being performed by the government servant. It is applicable across the board from Class-D employee to the highest rank officer, wherever such government servant suffers stagnation. However, an exception has been carved out for the Medical Officers, PMHS while implementing SACP, which in the opinion of the Court is discriminatory, insofar as it excludes the other Medical Officers practising medicine in different streams.

The ACP Scheme in general is not an incentive scheme resting upon to the nature of duty, responsibility or qualification of the government servant. The ACP Scheme, primarily, is to tide over the stagnation which a government servant, irrespective of his duty, post, pay, qualification or seniority, suffers due to stagnation on a post without earning promotion. The ACP Scheme, in the circumstances, provides for pay up-gradation to the government servant which is purely personal.

The Medical Officers, irrespective of the stream of

medicine (Allopathy or conventional) treat the patients which is the core underlying similarity. The comparison with regard to qualification, course of study/syllabus, nature of duty, responsibility etc. as is being pressed by the State Government to carve out a class of Medical Officers i.e. PHMS being superior to other Medical Officers is misconceived and unfounded insofar it relates to conferment of SACP. The administrative policy is invariably discriminatory in keeping the Medical Officers (Ayurvedic) and other streams out of the scheme having regard to the concept of ACP as discussed earlier.

Counsel for the Petitioners : Avinash Tiwari.

Counsel for the Respondents : C.S.C.

JUDGMENT

SUNEET KUMAR, J. - Heard Sri Avinash Tiwari, learned counsel for the petitioners and Sri Kuldeep Pati Tripathi, learned Additional Advocate General, assisted by learned Standing Counsel appearing for the State-respondents and perused the record with the assistance of the learned counsels for the parties.

2. Both the writ petitions are being heard and decided

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

together on the consent of the parties.

The facts and questions of law arising in the writ petitions are identical.

The facts of Writ Petition No. 8366 of 2017 is being adverted to for the sake of convenience.

3. The petitioners are confirmed Class-II Officers on the post of Medical Officers (Ayurvedic); the first petitioner claims to be the President of Prantiya Ayurvedic Evam Unani Chikitsa Seva Sangh (for short "Association") duly recognized by the second respondent, Principal Secretary, Department of Medical Education and Ayush (Ayush Anubhag-1), Civil Secretariat, L ₹ 15600-39100 and Grade Pay at ₹ 6600/-.

4. The instant petition is directed against the order dated 28.02.2017, passed by the first respondent, Principal Secretary, Department of Finance, Civil Secretariat, Lucknow, whereby, the representation of the first petitioner claiming the benefit of Dynamic/Special Assured Career Progression (for short "SACP") Scheme made admissible to the Medical Officers of the Provincial Medical Health Services (for short "PMHS"), has been rejected. Further, a direction has been sought to grant the Medical Officers (Ayurvedic) the benefits of SACP w.e.f. the date it has been allowed to the Medical Officers of PMHS.

The facts, *inter se* parties, are not disputed.

5. The Medical Officers PMHS practice Allopathy stream of medicine. It appears that Medical Officers PMHS made a representation to the State Government for implementation of Dynamic ACP Scheme as made admissible to the Medical Officers under the Central Government. On considering their representation, the State Government *vide* order dated 14.11.2014, framed a scheme on the recommendation of the Committee. The SACP, primarily, provides that the Medical Officers PMHS would be entitled to upgradation of pay on completing 4, 11, 17 and 24 years of satisfactory service. The scheme was made applicable w.e.f. 01.12.2008. The relevant portion of the Government Order dated 14.11.2014, for the purposes of the instant writ petition, is extracted:

6. The petitioners herein belong to a different stream of medicine i.e. Ayurvedic and are entitled to the General

ACP Scheme applicable to all other government servants which was conferred by the Government Order dated 04.05.2010, wherein, upon stagnation on a post the government servant is entitled to upgradation of pay at 10, 18 and 26 years of service. The relevant portion of the Government Order dated 04.05.2010 reads thus:

7. The General ACP Scheme came to be modified *vide* Government Order dated 05.11.2014 providing upgradation of pay on satisfactory completion of 8/16/24 years of service.

8. In this back drop, it is submitted by the learned counsel for the petitioners that the petitioners who are Medical Officers (Ayurvedic) and were inducted by the State Government on the same pay scale/band as admissible to the Medical Officers PMHS have been discriminated, merely, because they belong to and practise conventional stream of medicine as against modern medicine. It is submitted that the nature and duties of the Medical Officers rendering medical services in different streams of medicine is not comparable but the primary duty being performed by the Medical Officers (Ayurvedic) is the same i.e. treating patients and number of hours of duty is comparable with the Medical Officer of PMHS. It is further sought to be urged that the issue being raised in the instant writ petition is not based on comparison/parity with the other stream of medical science or treatment. The benefit of SACP admissible to the Medical Officers PMHS, excluding, Medical Officers of their streams viz. Ayurvedic /Unani/Dental is discriminatory. The concept of ACP is based on the principle of tiding over stagnation on a post, ACP, per se, is not an incentive scheme so as to discriminate between Medical Officers engaged in different stream of medical treatment and practice. It is further submitted that the Dynamic ACP Scheme was made admissible to all the medical officers of the Central Health Service, irrespective, of the stream of medicine they practice, whereas, State Government while implementing the SACP has confined it to the Medical Officers PMHS (Allopathy).

9. Learned counsel for the petitioners, in support of his submission, has placed reliance on the decision rendered by the Supreme Court in *North*

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

Delhi Municipal Corporation v. Dr. Ram Naresh Sharma and others .

10. The issue before the Court was with regard to the discrimination in the age of superannuation of the medical officers *vis-a-vis* dentist and doctors covered under the AYUSH, including, Ayurvedic doctors. The Court was of the opinion that the classification of AYUSH doctors and other doctors of Central Health Scheme (for short "CHS") in different categories is not reasonable and permissible under law. The doctors, both under AYUSH and CHS, render service to patients and on this core aspect, there is nothing to distinguish them. It was held that there was no rational justification for having different dates for bestowing the benefit of extended age of superannuation to these two categories of doctors. Paragraph Nos. 22 and 23 are extracted:

"22. The common contention of the appellants before us is that classification of AYUSH doctors and doctors under CHS in different categories is reasonable and permissible in law. This however does not appeal to us and we are inclined to agree with the findings of the Tribunal and the Delhi High Court that the classification is discriminatory and unreasonable since doctors under both segments are performing the same function of treating and healing their patients. The only difference is that AYUSH doctors are using indigenous systems of medicine like Ayurveda, Unani, etc. and CHS doctors are using Allopathy for tending to their patients. In our understanding, the mode of treatment by itself under the prevalent scheme of things, does not qualify as an intelligible differentia. Therefore, such unreasonable classification and discrimination based on it would surely be inconsistent with Article 14 of the Constitution. The order of AYUSH Ministry dated 24.11.2017 extending the age of superannuation to 65 Years also endorses such a view. This extension is in tune with the notification of Ministry of Health and Family Welfare dated 31.05.2016.

23. The doctors, both under AYUSH and CHS, render service to patients and on this core aspect, there is nothing to distinguish them. Therefore, no rational justification is seen for having different dates for bestowing the benefit of extended age of superannuation to these two categories of doctors.

Hence, the order of AYUSH Ministry (F. No. D. 14019/4/2016-E-1 (AYUSH)) dated 24.11.2017 must be retrospectively applied from 31.05.2016 to all concerned respondent-doctors, in the present appeals. All consequences must follow from this conclusion."

Further, reliance has been placed on the decision rendered by the High Court of Uttarakhand in *Dr. Sanjay Singh Chauhan and others v. State of Uttarakhand and others .*

11. The issue before the High Court was as to whether the Medical Officers (AYUSH) appointed on contract could be discriminated with their counter parts in other streams insofar as salary given to the Medical Officers (Allopathy) and Dental Medical Officers. The High Court allowed the writ petition. Para 10 reads thus:

"10. In the instant case, the duties discharged by the petitioners *viz-a-viz* Allopathic Medical Officers and Dental Medical Officers are of equal sensitivity and quality, even the responsibility and reliability are the same. The classification made by the State Government is irrational."

12. State of Uttarakhand carried the decision in appeal (C) No(s) 33645 of 2018, the Supreme Court dismissed the appeal in *limine vide* order dated 24.03.2022 making the following observations:

"Having heard learned counsel for the parties and considering the facts and circumstances of the case, we do not find any ground for interference with the order passed by the High Court. The special leave petition is, accordingly, dismissed.

However, we may only clarify that the respondents who are Ayurvedic doctors will be entitled to be treated at par with Allopathic Medical Officers and Dental Medical Officers under the National Rural Health Mission (NRHM/NHM) Scheme.

After the order was passed, learned counsel for the petitioners made a statement that petitioners would like to file a review petition before the High Court. It is not for this Court to issue any such direction. It is always open to the petitioners to pursue such remedy as may be available to them in law."

In rebuttal, learned counsel appearing for the State-respondents submits that the reasons assigned conferring SACP to the Medical Officers PMHS as against Medical Officers (Allopathy) is noted in the impugned order. The qualification of the Medical Officers of different streams is not comparable; the nature of duties, responsibility and treatment is entirely different; the Medical Officers of other streams, including, Medical Officers (Ayurvedic) are not engaged in Medico Legal work; further, the Medical Officers PMHS perform complicated surgery and they are not paid Non-Practising Allowance (NPA), whereas, the petitioners, Medical Officers (Ayurvedic), are allowed private practice.

13. In this backdrop, it is submitted by learned counsel for the State-respondents that to encourage the Medical Officers PMHS, the SACP Scheme was formulated in respect of a class of Medical Officers, excluding, Medical Officers of other streams. It is further submitted that the petitioners have not been discriminated against as they are entitled to ACP Scheme as is applicable to all the employees of the State Government *vide* Government Order dated 04.05.2010. In support of his submission reliance has been placed on the following authorities: *Mewa Ram Kanojia v. All India Institute of Medical Sciences and others*, ³*State of Madhya Pradesh v. R.D. Sharma and others*, *Dr. Puneet Kumar Gupta and another v. Union of India through Secy. Ministry of Health and Family and others*, *S.C. Chandra and others v. State of Jharkhand and others*.

14. The authorities relied upon by the learned counsel appearing for the State-respondents is of no assistance as the decisions pertain to the concept and principle of equal pay for equal work. It is noted therein that the principle of equal pay for equal work cannot be invoked in every kind of service, particularly, in the area of professional services.

15. The issue in the given facts is not with regard to equal pay for equal work, but the Scheme formulated for Career Progression to tide over stagnation on a post.

16. On perusal of the ACP Scheme and the relevant stipulations and conditions, therein, it is evident that the scheme offers higher pay scale/financial upgradation only to those eligible government

servants who remained deprived of regular promotions. For such deprivation, they are compensated by grant of monetary benefits on purely personal basis i.e. not dependent upon the post or seniority. The financial upgradation does not amount to functional/regular promotion and does not require creation of new posts. The financial upgradation under the scheme shall be available only if no regular promotions during the prescribed periods have been availed by the government servant. In other words, the ACP Scheme is compensatory and not an incentive scheme to a class of government servants.

17. On specific query, learned counsel appearing for the State-respondents submits that the Medical Officers are inducted on the same pay scale/band and pay-grade at the entry level in the services, however, in the case of Medical Officers PMHS, different pay scale/band and pay-grade is admissible depending upon their specialization or super specialty/qualifications. The petitioners, admittedly, are not claiming equal pay for equal work or the pay scale/band and or pay-grade admissible to the specialist or super specialist. The claim of the petitioners is confined to a Scheme made applicable to a class of Medical Officers (Allopathy), excluding other Medical Officers (AYUSH).

18. The contention of the petitioners is that a class of Medical Officers, insofar as, it relates to the benefit of SACP have been discriminated against without any justification or rational, merely for the reason that they are rendering medical service in different streams of medical science. The petitioners herein have been inducted as Medical Officers and are performing duties in various AYUSH and Unani Hospitals as has been detailed in para-10 of the writ petition, which is extracted:

“10. That opposite party No. 1 rejected the case of petitioners as in regard of their whole cadre on the fake ground as work and responsibilities are not same and Medical Officers, Ayurvedic are not doing emergency services and surgery and Medico legal work.”

19. The averments have not been denied by the State-respondents in the counter affidavit. On a bare perusal of the Government Order dated 14.11.2014, while conferring SACP, the State Government declined

HE WHO SEEKS HAPPINESS BY HURTING WILL NEVER FIND IT

the Dynamic ACP applicable to the Medical Officers of the CHS, irrespective of the stream of specialization i.e. Allopathy/Ayurvedic/Unani/Dental. Whereas, SACP has been made applicable to Medical Officers PMHS and the Medical Officers of other streams i.e. AYUSH/ Dental have been kept out of the scheme.

20. On specific query, learned counsel appearing for the State-respondents admits that the Dynamic ACP has been made applicable to all the Medical Officers irrespective of their streams, but submits that the State Government is not bound to implement the Central Government Scheme in totality.

21. Concept of ACP is the tied over stagnation on a post and to grant financial upgradation to the government servants, it is not based on the concept of equal pay for equal work or the nature of duties being performed by the government servant. It is applicable across the board from Class-D employee to the highest rank officer, wherever such government servant suffers stagnation. However, an exception has been carved out for the Medical Officers, PMHS while implementing SACP, which in the opinion of the Court is discriminatory, insofar as it excludes the other Medical Officers practising medicine in different streams.

22. The ACP Scheme in general is not an incentive scheme resting upon to the nature of duty, responsibility or qualification of the government servant. The ACP Scheme, primarily, is to tide over the stagnation which a government servant, irrespective of his duty, post, pay, qualification or seniority, suffers due to stagnation on a post without earning promotion. The ACP Scheme, in the circumstances, provides for pay up-gradation to the government servant which is purely personal.

23. In this backdrop, having regard to the scope and nature of the ACP scheme, the question that arises is as to whether the Medical Officers rendering medical services in different streams can be discriminated as against Medical Officer PMHS depriving the SACP. In alternative, whether Medical Officer (Ayurvedic) are entitled to be treated at *par* with Medical Officer PMHS under the SACP scheme.

24. It goes without saying that the Western medicine (Allopathy) is integral to our current health care system, but so are other alternative and complementary health care modalities that are available for the people to choose. Western medicine is sometimes at a loss when it comes to treating the patients holistically. The submission of the learned State Counsel that the classification of Medical Officer (Ayurvedic) and Medical Officers PMHS is reasonable for the purposes of SACP having regard to their qualification and the nature of duties is not convincing. The classification is discriminatory and unreasonable since Medical Officers of both the segments are primarily performing the same function i.e. treating the patients. The difference is that one stream of doctors are using indigenous system of medicine and the other stream Allopathy for treating their patients. The mode of treatment, by itself does not qualify as an intelligible differentia. At the root is treatment of patients. The Medical Officers, both Ayurvedic and Allopathy render medical service to the patients and on this aspect, there is nothing to distinguish them. Treatment of patients is the core function common to the Medical Officers of different streams, therefore, no rational justification is seen to having different ACP scheme of bestowing the benefit of career progression to Medical Officers. As discussed earlier, the ACP scheme is personal to the government servant suffering stagnation and the pay upgradation does not rest upon any other consideration viz. status of post, qualification, nature of duty or seniority. The scheme is purely compensatory. In the circumstances the Medical Officers of the State cannot be discriminated against by providing different period of service to earn the benefit of career progression. Therefore, the classification on face value is discriminatory and violative of Article 14 of the Constitution of India.

25. AYUSH is an acronym for Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homeopathy are the six Indian system of medicines prevalent and practised in India. A department called the departments of Indian system of medicine was created in 1995 and renamed AYUSH in 2003 with a focus to provide increased attention for the development of these systems. This was felt in order to give increased attention to these systems in the presence of a strong counterpart in the form of

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Allopathic system of medicine. This took a reverse turn after the initiation of National Rural Health Mission (NRHM) and the AYUSH systems were brought into the mainstream health care. NHRM introduced the concept of mainstreaming of AYUSH and revitalization of local health traditions. This concept helped in utilizing the untapped AYUSH workforce, therapeutics and the principle of management of community health problems at different levels. The envisaged objective, *inter alia*, was to provide choice of the treatment system to the patients and strengthen implementation of national health programs.

26. The State Government is justified in not accepting the Dynamic ACP formulated by the Central Government for its Medical Officers, instead formulated the SACP scheme falling within the realm of administrative policy. But the question is whether such a policy upon being provided can discriminate amongst different streams of medicine practised by Medical Officers. Admittedly, the Medical Officers, irrespective of the stream of medicine (Allopathy or

conventional) treat the patients which is the core underlying similarity. The comparison with regard to qualification, course of study/ syllabus, nature of duty, responsibility etc. as is being pressed by the State Government to carve out a class of Medical Officers i.e. PHMS being superior to other Medical Officers is misconceived and unfounded insofar it relates to conferment of SACP. The administrative policy is invariably discriminatory in keeping the Medical Officers (Ayurvedic) and other streams out of the scheme having regard to the concept of ACP as discussed earlier.

27. Accordingly, the writ petition is allowed.

28. The impugned order dated 28.02.2017, passed by the first respondent, Principal Secretary, Department of Finance, Civil Secretariat, Lucknow, is set aside and quashed. It is provided that the Special ACP Scheme (SACP) implemented *vide* Government Order dated 14 November, 2014, shall be applicable to the Medical Officers of other streams.

No cost.

Petition Allowed.

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