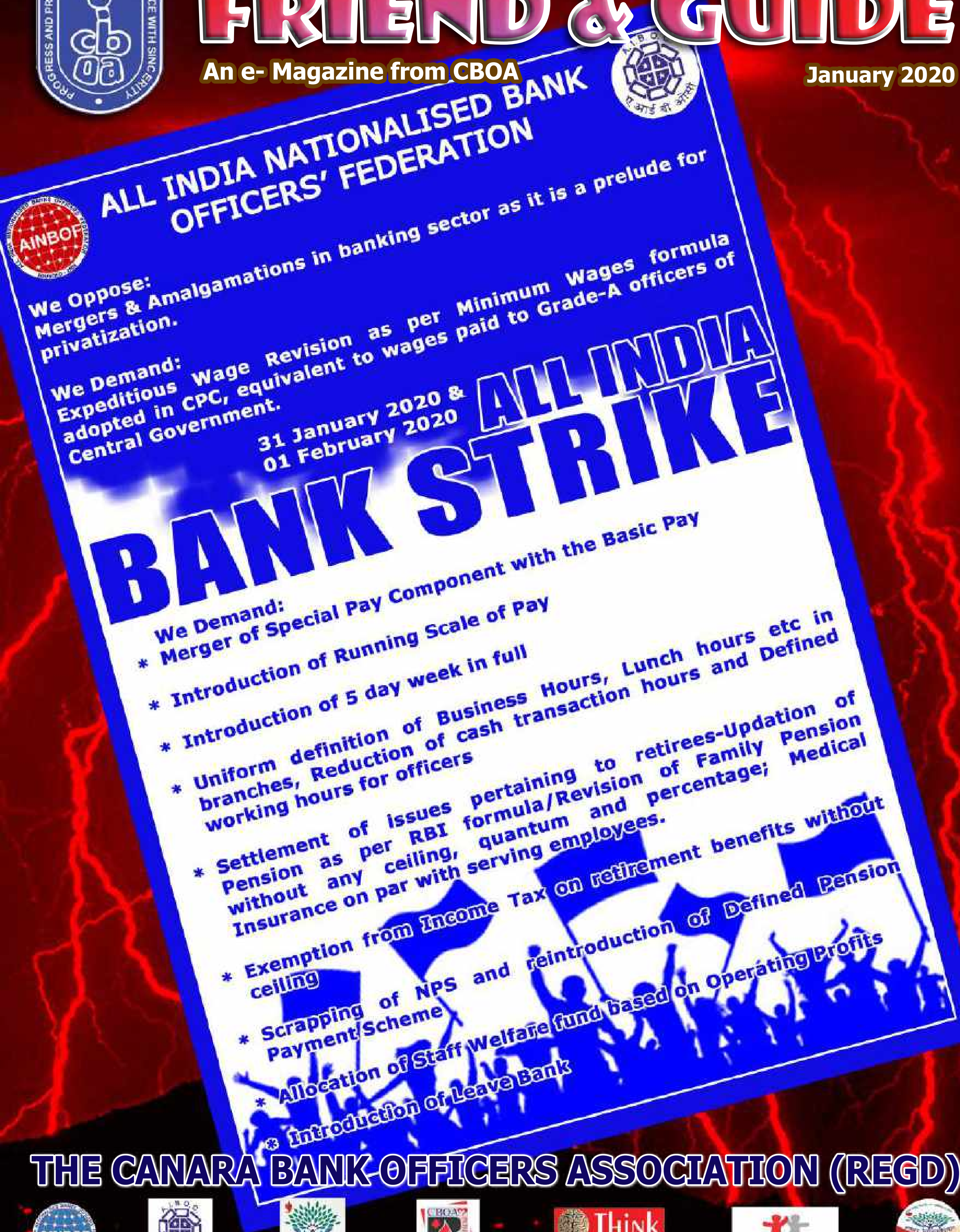
FRIEND & GUIDE

An e- Magazine from CBOA

January 2020



THE CANARA BANK OFFICERS ASSOCIATION (REGD)

CBOA FRIEND AND GUIDE
ISSUE: JANUARY 2020

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COVER
AINBOF ALL INDIA BANK STRIKE NOTICE

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EDITORIAL

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2. Revision of improvement in pay scales by merger of DA upto 31.10.2017.
3. Special Allowance, with DA as on 31.10.2017, to be merged with the existing Basic Pay.
4. Revised DA formula with provision for automatic merger and improvement in Compensation against price rise.
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6. Date of sanction of annual increments should be on 1st January and 1st July every year.
7. The present embargo in regard to the sanction of stagnation increment, automatic movement and PQP in respect of those officers who have opted out of promotion should be removed.
8. Upward revision of HRA commensurate with market rent.
9. Substantial increase of CCA for all centres.
10. Post Allowance should be introduced.
11. Closing allowance to be enhanced and paid once in 3 months, for every quarter.
12. Improvement in transportation of charges at the time of transfer and two months' salary to compensate incidental expenses on transfer.
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14. Review and rationalization of halting/boarding/travelling expenses/Hill area allowance etc.
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16. Improvement in special area allowance and special compensatory allowance for N.E , Jammu, Himachal and terrorist infected areas.
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19. Special Provision for Women Employees with regards to placement and postings, provision of crèche facility/flexi timings/work from home, child care leave with salary as applicable in Central Government etc.
20. Introduction of 5 days Banking.
21. Working hours for officers should be defined and regulated, in terms of ILO Norms.
22. Definition of Family should include the parents, father-in-law and mother in- law, brothers and sisters, divorced or deserted to be treated as members of family for the purpose of LFC, HTC and Medical facilities. The income criteria for dependents to be increased.
23. The Provident Fund should be at the rate of 12% of the total salary and allowances.
24. The Gratuity should be paid at the rate of one month salary and allowance without any ceiling.
25. Roll back to the existing pension scheme to all those who are in NPS.
26. Record note of 25.5.2015 should be implemented in Toto. Revision in Pension, Family Pension at 30% of last drawn pay and the Principle of One Rank One Pension
27. Encashment of entire leave at credit should be permitted on resignation.
28. Improvements in all leave facilities / introduction of the concept of leave Bank etc.
29. Roll back of Mediclaim Insurance for serving officers and retirees, removal of anomalies etc.
30. Review of loans and advances to staff. The Road Tax on vehicles should be paid by the Banks on inter-state transfers.
31. Review of Disciplinary Rules Procedure. Risk allowance should be introduced to provide cover to all the lending risks to all sanctioning authorities at all grades.
32. Present ceiling of 3% of net profit for welfare to be increased to 3% of gross profit without any ceiling for staff welfare activities.
33. Categorization of Branches to be done uniformly for all Banks by IBA &RBI.
34. Massive recruitment of Officers, assistants and subordinate staff required.

Also The Charter of Demand Says:

1. Wage negotiation has to be up to scale VII as in practice based on the Pillai Committee recommendations which introduced 7 scales.
2. The expectation of the increasing number of youth who are joining the banks and their aspirations should be fulfilled. They are tech savvy, they analyse the markets trends in salary and allowances, compare with Govt Salary, RBI Salary, LIC salary and Private Sector. So there is a need to provide better salary and allowances to attract talents to meet the challenges and to contribute to the growth of the nation.
3. Work life balances have to improve with the improvement in technology. So five day week and regulated working hours are to be considered as top priority.
4. Except one Bank there are no officer / employee Director in any of the Public Sector Banks. This is Total violation of the law of the land. This has been an issue in many of our agitations. The IBA should take serious efforts to clear appointment of officer / employee directors in all the banks. Crucial decisions including HR issues are finalised in the Banks Boards. The concept of participatory management should be honoured.

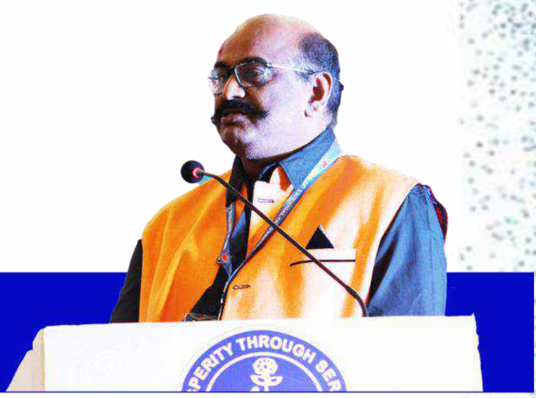
It is stated in the Gita "where there is Dharma there is victory" or, in other words, success goes hand in hand with righteousness.

From the Charter of Demands Submitted Jointly by AIBOC, AIBOA, INBOC and NOBO on 05.06.2017

Editorial Team
CBOA Friend and Guide

Sri. G V Manimaran
General Secretary, CBOA
General Secretary, AINBOF
Senior Vice President, AIBOC
President, Canara Bank Officers Thrift Society

From the desk of
GENERAL SECRETARY



Ref: GS/January/1/2020 dated 09.01.2020

Wage Revision - Developments

Since the submission of Joint Charter of Demands by all Officer's Associations, so far 34 rounds of talks were held with I.B.A., The talks are inconclusive. In any settlement "Financial Issues " shall be decided first.

Yet, recently we came across a circular issued by a trade union on wage settlement communicating that " Non-financial issues " shall be decided without deciding Financial issues.

From the tone and tenor of the letter we were left wondering on the reasons for such an approach when the need of the hour is unity among us to clinch a deserving and decent wage revision for the Bank Officers and employees.

It was quoted that "**There is a need for money but should not have greed for money"** justifying the percentage basis on which wage revision talks are happening and taking a dig at the Need based minimum wages demanded in the Joint Charter of Demands.

Also, a new found thought that the emphasis should be more on **non- financial issues rather than the financial issues is also stressed in that circular.**

This gives rise to following questions.

1. Is it not a fact that the Bank officers' basic pay is lesser than the Clerical Staff in the Central Government and is nowhere near the other Public Sector Undertakings?

2. Is it not a fact that Bank Officers' Salary was rationalized by the Central Government and brought down to the level of the on par with Central Government Officers by implementing the formula of reducing and rationalising the officers pay through the Pillai Committee Recommendations in 1979?

3. Is it not a fact that the relativity factor between the pay of officers and workmen was gradually brought down and currently stands at 2.47 in the last settlement?

4. Is it not a fact that the bank employees who were once touted be in as "high wage islands" have seen their salary and perks come down significantly in the last two decades or so?

5. Is it not insulting the genuine demands and aspirations of the bankers by quoting that "**There is a need for money but should not have greed for money"** and also projecting as if bank employees are in the high wage group?

6. Is it not a fact that the trade union which is supporting the "**Charter of Demands of National Convention of Workers"** but at the same time deviating from our own " **Joint Charter of Demands"** for Bank Officers, which they also signed and are a party to it.?

7. Is it not a fact that trade unions participated in the 08.01.2020 strike supporting the Central Trade Unions, where one of the demands is "**NATIONAL MINIMUM WAGE OF Rs.21,000/- to 24000?**

8. Is it not a fact that "**Wage Settlement"** means agreement over wages between the Managements and the employees, deciding on **"financial issues"?**

9. Is it not a fact that after holding 34 rounds of talks, now saying that emphasis is more on non-financial issues in this settlement, at this juncture, creates apprehension among the cadres as to the reasons for such a stand and also gives a notion that financial issues have either been settled or ignored?

10. Is it not double standard that while mocking our genuine demand of entry level starting basic of Rs.18000/- for bank employees as on 1-1-2016, but, supporting the National Convention of Workers' demand of national minimum wage of Rs.21,000/-, but, on contrary negotiating with IBA on paying capacity on percentage basis and attempting to convinc the innocent members to forget the financial issues and be happy with few non financial issues?

We have been time and again repeated that financial and non-financial issues should be delinked.

By clubbing both the financial and non-financial issues we were losing our bargaining power.
There are past instances where, for settling some of the non-financial issues, we were made to compromise on "Financial Issues".

That is the reason AINBOF was staunchly advocating that Wage revision should be for Financial Issues only. Non-Financial issues can be discussed and settled at any time, then and there without waiting for five years.

So laying emphasis on the non-financial issues now creates an apprehension among members of a paltry wage revision and that members are being prepared to accept the same.

If the trade unions firmly believe in the interest of the banking system and its employees they would not have resorted to such type of statements denigrating the genuine demands and aspirations of the Bank Officers and Employees.

AINBOF has decided to be steadfast in its demands of and urge its apex body not to dilute its stand on the following issues..

1. **Wage Revision as per the Joint Charter of Demands ensuring the need based minimum wages.**
2. **Let the Salary of the JMG scale I Officers should be kept equivalent to Grade "A" officers of the Govt. of India as per the Govt. notification.**
3. **Running scale of pay without any stagnation.**
4. **Updation of Pension.**
5. **Scrapping of NPS**

Let the IBA hold Bi-partite talks with Unions as a party and not as a mere facilitator as claimed by them with no power to decide on salary of Bank men.

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Ref: GS/Whatsapp/December dated 26.12.2019

DECENT WAGES IS OUR RIGHT.

1. Wage revision on the minimum wages policy was the crux of the charter of demand of AIBOC and other officers organisations.
2. Basis - it paves the way to get salary without linking to the profit and paying capacity.
3. Justifications
    a. It is the universal formula
    b. Being adopted for the government employees through CPCs.
    c. Government wants to implement to all through Code on wages act.
4. Four writs were filed heard by four different high court judges and all have admitted the writ and issued notices to the IBA and Government.
5. Government passed the act which ensures minimum wages and also covers the bankers and issued in the Gazette and so, the act is operational.
6. But, through the response to a query under RTI, Govt. informed that
    a. Act is universal and covers the bankers too.

   b. The provisions are effective from the date of notification.
   c. The provisions are yet to be notified.
7. The IBA who are negotiating and signing on behalf of the IBA, but, not on behalf of the bankers, submitted a counter affidavit to the court states that
   a. IBA is merely an association of Indian Banks but not an institution of either Government or Quasi Government.
   b. IBA has no power or authority of its own either to agree or decide in fixing the salary or retirement benefits as prayed for in the Writ Petition.
   c. IBA acts only as a facilitator for Banks and facilitates negotiation for wages based on mandate given by banks.
8. Thus both have shirked their responsibility of settling the decent wages to the bankers.

Dear Bankers,
Kindly think.

1. Government is giving wages to their employees as per the minimum wages policy without linking to profit or budgetary deficit.
2. The act was passed unanimously after got vetted by the CITU, BMS etc.,
3. IBA is not ready to take cue from the act passed.
4. Government delays the notification of the provisions as it will be an additional load to the industry.

THUS THE ABOVE ACTIONS CLEARLY INDICATES THAT THE WAGES FIXED ON THE MINIMUM WAGES POLICY WOULD BE GOOD AND THEY DELIBERATELY DELAY TO AVOID GOOD WAGE SETTLEMENT TO THE BANK EMPLOYEES.

Decide
What to do?

As the STRIKE CALL GIVEN BY THE CENTRAL TRADE UNIONS DEMAND

1. Minimum wages policy and 18000 though it should have been 18750 as 1st Nov 2017.
2. Opposing the Mergers

WE THE AIBOC MUST ALSO EXPLORE THE POSSIBILITIES OF JOINING IN THE JANUARY 8th NATIONWIDE STRIKE reiterating

1. OPPOSING THE MERGERS
2. WAGE REVISION ON MINIMUM WAGES POLICY
3. EQUIVALENT TO GRADE A OFFICERS SALARY TO SCALE 1 OFFICERS.
4. RUNNING SCALE OF PAY.
5. UPDATION OF PENSION.

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Ref: GS/Whatsapp/January

UNANSWERED DOUBTS IN THE MINDS OF AN ORDINARY BANKER

1. The demands made by AINBOF at this juncture is explicit and quantifiable and more relevant when the IBA quantified their offer. Why then we demand Fair wages or Decent wages instead of demanding the quantum we need?
2. When the quantum was clearly recorded in the COD signed by GS of all the four Officers organisations.
   Why they have to move away from that to demand percentage which is obviously the base of PAYING CAPACITY?
3. Having submitted, why the discussion are centring around percentage?
4. Is it not the policy adopted in CPC and government employees got a hefty despite deficit budget?
5. Is it not true that by admitting the writ by three different High court judges, the genuinity of the demands are endorsed by the Honourable high court?
6. Why IBA, instead of responding by informing the incapacity to accept the demands,

submitted a counter in the court saying that they are not the legal entity, they are only facilitators and writ can't be filed on them?

7. Why the Govt of India who are owners of the PSBs asked for time to submit the counter?
8. Is it not true that the Govt assured the Minimum wages by passing the Code on wages act and published through the gazette?
9. Is it not a fact that labour ministry replied to a RTI stating that the minimum wages is universal and thus it is applicable to the bankers too and it will come in to effect when the provisions are notified which will be notified at any time?
10. Is it not true that the trade unions demanding percentage basis has fought for the demand of minimum wages of 21000 to 24000 to all the employees of organised and unorganised sector on 8th January National strike?
11. What is justification when all the work force in this country to get 24000 on the minimum wages policy, bankers alone to get 2% to 20% on the paying capacity basis?
12. Is it not true that the pension is being paid to the limited existing employees joined up to April 2009 from out of the interest earned by the corpus?
13. What they will do with huge pension corpus when the last employee drawing pension also die?

ABOVE ALL,

WHY THE MERGER AND IS IT NOT THE PRECURSOR TO PRIVATISATION WHICH IS NOT GOOD FOR THE INDIAN ECONOMY, PUBLIC AND SOCIETY?

Let's find ANSWERS FOR THE ABOVE.

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Ref: GS/Whatsapp/January

A POINT TO PONDER

1. Few enlightened individuals filed a writ in Madurai High court praying for
   a. Minimum wages formula adopted in CPC
   b. Wage equivalent to Grade A officers of the GOI
   c. Running scale of pay without any stagnation
   d. Updation of Pension
2. Three different Honourable High court judges appreciated the prayer and admitted the writs.
3. AIBOC filed a counter in the high court Madurai supporting the prayer of the petitioners.
4. AINBOF also submitted the counter supporting the petitioners prayer.

But the IBA,

Instead of responding in the court and fighting against the writs if they feel the prayers are unlawful

1. Filed a counter stating that they are only the FACILITATORS and they are NOT A STATUTORY BODY and the writs are not maintainable.
2. They are instigating and obtaining promises that the trade unions are not supporting the prayers of the writs filed in Madurai High court, as learnt.
3. Is it not true that these actions of the IBA indicate that our PRAYERS ARE GENUINE AND LEGALLY ACHIEVABLE?

THINK OVER.

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AINBOF
All India Nationalised Bank Officers' Federation

STRIKE NOTICE/ 2020/01 Place: Chennai

Date: 13th January, 2020

FORM – 1
NOTICE OF STRIKE

NAME OF UNION: ALL INDIA NATIONALISED BANK OFFICERS' FEDERATION (AINBOF)

NAMES OF ELECTED REPRESENTATIVES

1. Shri. Sunil Kumar, President, AINBOF
2. Shri. G V. Manimaran, General Secretary, AINBOF

Dated the 13th January, 2020

To
The Chairman
Indian Banks' Association
World Trade Centre, Cuffe Parade
Mumbai

Sir,

In accordance with the provisions contained in sub-section (1) of Section 22 of the Industrial Dispute Act 1947, we hereby give you notice that **AINBOF, a conglomeration of Officers' Unions/Federations in Nationalised Banks under the umbrella of All India Bank Officers' Confederation (AIBOC)**, propose to go on **STRIKE from 31st January, 2020 to 01st February, 2020, from 11th March, 2020 to 13th March, 2020 and INDEFNITE STRIKE from 01st April, 2020**, on the following issues:

Opposing	1	Mergers & Amalgamations in banking sector as it is a prelude for privatization.
Demanding	2	Expeditious Wage Revision as per Minimum Wages formula adopted in CPC, equivalent to wages paid to Grade-A officers of Central Government.
	3	Merger of Special Pay Component with the Basic Pay
	4	Introduction of Running Scale of Pay
	5	Introduction of 5 day week in full
	6	Uniform definition of Business Hours, Lunch hours etc in branches, Reduction of cash transaction hours and Defined working hours for officers
	7	Settlement of issues pertaining to retirees-Updation of Pension as per RBI formula/Revision of Family Pension without any ceiling, quantum and percentage; Medical Insurance on par with serving employees.
	8	Exemption from Income Tax on retirement benefits without ceiling
	9	Scrapping of NPS and reintroduction of Defined Pension Payment Scheme
	10	Allocation of Staff Welfare fund based on Operating Profits
	11	Introduction of Leave Bank

The Statement of the Case is appended.

Yours sincerely,

(Sunil Kumar)
President

(G.V. Manimaran)
General Secretary

STATEMENT OF THE CASE

1. Whereas, the Government of India on 30th August, 2019 announced merger of Oriental Bank of Commerce and United Bank of India with Punjab National Bank, Allahabad Bank with Indian Bank, Syndicate Bank with Canara Bank and Andhra Bank and Corporation Bank with Union Bank of India, thus pruning these 10 Public Sector Banks in to 4. This decision of the Government of India is without analyzing the ill effects of earlier mergers of Associate Banks with State Bank of India and merger of Dena Bank and Vijaya Bank with Bank of Baroda. These earlier mergers have not been beneficial either to the country or to the customers. Further by merging, these banks have not shown any positive growth and could not reduce the NPAs as pictured by the Government of India.

Whereas, in response to the strike call given by four officers' organizations viz., All India Bank Officers Confederation (the umbrella body of All India Nationalised Bank Officers Federation), All India Bank Officers Association, Indian National Bank Officers' Congress and National Organisation of Bank Officers in September, 2019, **the Department of Financial Services, Union Ministry of Finance, represented by the Union Finance Secretary** had intervened and assured among other things to constitute a high-powered committee involving all stake holders and

Whereas the Department of Financial Services, Union Ministry of Finance has failed to comply with all the assurances given including constitution of a High Powered Committee involving all stake holders and

2. Whereas, Settlement/Joint Note was signed by the Indian Banks' Association with the employees' unions and officers organisations in the Banks on 25-05-2015 covering revision of wages and improvements in other service conditions for the period from 1-11-2012 to 31-10-2017 and

Whereas, the operation of the said Settlement/Joint Note was to end by 31-10-2017 and

Whereas, the need would arise to revise the emoluments and service conditions with effect from 1-11-2017 and

Whereas, the Unions and Associations submitted common Charter of Demands to the Indian Banks' Association in February, 2017 and May, 2017 with a plea to the IBA to take up the demands for discussions and early resolution so that the revised pay scales, allowances and service conditions can be implemented from the due date i.e. 1-11-2017 and

Whereas, having regard to the delay in negotiations and finalising the Settlements in the past, as early as 12-1-2016, the Department of Financial Services, Ministry of Finance, Government of India advised all the Banks as well as the Indian Banks' Association to initiate the process of wage revision and conclude it prior to the effective date i.e. 1-11-2017 and

Whereas, having regard to avoid the delay in arriving at a settlement, the Department of Financial Services, Ministry of Finance, Government of India reminded the Banks and IBA several times with their reminder communications to complete the wage revision process without delay and

Whereas, the IBA commenced the discussions with the Unions on 02-05-2017 with the assurance that the discussions would be completed by October, 2017 and

Whereas, in the Conciliation Meeting held on 28.05.2018 CLC (Central) had directed that existing system of settling the wages for officers up to scale 7 to be continued and

Whereas, the Negotiating Committee of the IBA held negotiations with the Unions on various dates, the latest being on 13th January, 2020 and

3. Whereas, there have been several attempts to create a smoke screen to divert attention from the real issues that continue to surround and plague the banks. The core issues are highlighted as below:

1	**Mergers & Amalgamations in banking sector as it is a prelude for privatization.**
2	**Expeditious Wage Revision as per Minimum Wages formula adopted in CPC, equivalent to wages paid to Grade-A officers of Central Government.**
3	**Merger of Special Pay Component with the Basic Pay**
4	**Introduction of Running Scale of Pay**
5	**Introduction of 5 day week in full**
6	**Uniform definition of Business Hours, Lunch hours etc in branches, Reduction of cash transaction hours and Defined working hours for officers**
7	**Settlement of issues pertaining to retirees-Updation of Pension as per RBI formula/Revision of Family Pension without any ceiling, quantum and percentage; Medical Insurance on par with serving employees.**
8	**Exemption from Income Tax on retirement benefits without ceiling**
9	**Scrapping of NPS and reintroduction of Defined Pension Payment Scheme**
10	**Allocation of Staff Welfare fund based on Operating Profits**
11	**Introduction of Leave Bank**

1. Mergers & Amalgamations in banking sector:

We strongly oppose and protest the Government's move of merger/consolidation of Public Sector Banks, which was announced on 30th August 2019. In the name of consolidation, number of Banks are being reduced. The advantages have been misquoted. Just adding two balance sheets will not make a resultant balance sheet stronger. It is very evident, from across the experiences globally, that bank mergers have never been a success. On the other hand, Mergers and Acquisitions created huge organizations, too-big-to-manage and have a detrimental effect on the economy as a whole. In the garb of branch rationalization, branches will be closed, which is evident from the recent announcement of the merged Bank of Baroda to close down numerous branches of the erstwhile Vijaya Bank. We have also seen this when Associate Banks were merged with State Bank of India. In the name of rationalization, right-sizing of human resources, Voluntary Retirement was offered, which is nothing but instigated termination of services and loss of employment to millions who are directly or indirectly connected with the Public Sectors Banks. In addition, such situation creates tremendous pressure on the officers and staff who are continuing in service as they have to manage the work-load of the personnel who retired voluntarily, also. These will have cascading effect on customer services and deprive banking facilities to the common and needy populace.

Mergers and Acquisitions will result in the monopoly of the banking environment in the country. Every monstrous component of monopolistic environment surfaces and affects customers – like depriving banking next door due to closure of branches, rise in charges and fees, fewer banks, fewer products, less competition and ultimately, deterioration in customer service. The mergers would result in driving the loyal customers of public sector banks into the fold of new generation private sector banks and NBFCs, which would be inimical to the interest of the common man as they will have to shell out more for basic banking services.

The core problem faced by the Indian banking industry is the enormous pile up of NPAs that have accumulated on account of faulty lending practices, absence of any effective strategy to recover the amounts from corporate houses and large borrowers and the volatile IRAC norms which are deliberately being changed frequently by the regulators to ensure that PSBs do not earn net profit at all.. The much-publicized Insolvency and Bankruptcy Code (IBC) process has not succeeded in recovering NPAs. On the other hand, it has resulted in substantial haircuts, leading to losses in banks and undue benefits to Willful Corporate Defaulters. The absence of strong penal action against the corporate willful defaulters and fraudsters reflect the lack of political will on the part of the Union government and exploitation of inherent system weaknesses by large borrowers than anything else.

In this backdrop, the announced merger/amalgamation of public sector banks is nothing but a diversion away from the core issue of NPA recovery and the overall economic situation of the country. Mergers cannot resolve or clean up the balance sheets; rather the NPAs of the merged entities would simply add it up. The improvement in certain ratios, if any, would amount to mere financial engineering and a mis-adventure, without resolving the actual problems. The recent experience of merger of the SBI Associates with the SBI has already led to humongous losses and NPA accumulation subsequent to merger. The results of the combined entity formed out of merger of Bank of Baroda, Vijaya Bank and Dena Bank for the first year of operation are yet to come. Yet, the Finance Ministry seems to have learnt no lesson from it. In a note to the parliamentary Estimates Committee on Bank NPAs, former RBI Governor Dr. Raghuram Rajan had termed bank mergers as a "non-solution" to the NPA problem.

The organizational disruption arising out of mergers would relegate every other activity to the backstage. Banks involved have to invest their precious time to do fire-fighting for next few years, in order to integrate personnel, processes and procedures adversely affecting other banking activities. Mergers will result in different classes of officers & staff within same organization. The industrial relations within the bank is bound to affect not only the officers & employees, but ultimately the very functioning of bank. The announcement of mergers will in no way contribute to the ambitious $ 5 trillion economy of the government as Public Sector Banks are expected to drive the growth engine. In fact it would definitely derail the progress towards the target because of the reduction in the number of branches of the Public Sector Banks. Hence, taking into consideration the overall welfare of the people of our country and towards building a healthy economic environment, we urge that mergers, amalgamation, consolidation and any such proposals be scrapped.

2. Expeditious Wage revision as per Minimum Wages formula adopted in CPC, equivalent to wages paid to Grade-A officers of Central Government.

Negotiations have not been carried out on the lines of the Charter of Demands submitted by us, which is based on minimum wages concept. IBA has not shown inclination, in letter and spirit, to conduct meaningful negotiations based on the basic principles on which our Charter of Demands were arrived and submitted – i.e., minimum wages concept, delinking from paying capacity, equal work-equal wage, external parity, spirit of Pillai Committee Report to restore parity with civil service officers, against unscientific categorization of branches, to provide conducive and globally accepted norms in working environment to women officers, uniform perks and facilities in the Industry, improvement and updation in pension to ensure a decent retired life to the officers, running scale of wages, rolling back to bank-level 100% medical reimbursement facilities for officers and the dependents etc. With utter dismay, it is being observed that the negotiation is being attempted by IBA completely bypassing what is stipulated in the charter of demand. Rather, new-fangled words/ other extraneous factors viz. Performance Linked Pay/ Incentive based on gross operating profits and Return on Assets are being tabled. We demand wage revision only as per the charter of demand submitted.

In the light of the ambitious $5 trillion economy, the Bank officers are expected to a major role in driving the growth engine and have to shoulder humongous workload to fulfil such expectations, which they have been doing despite acute shortage of manpower and other constraints. It is the bank officers who are implementing all the schemes of the government through their dedication, diligence. Hence, we demand that bank officers deserve equity and justice.

3. Merger of Special Pay Component with the Basic Pay

At the time of signing the previous Joint Note in the year 2015, a new component in the Pay Structure viz., Special Pay was introduced. This amount was not meant to be taken for the purpose of pension. This has caused huge reduction in the Pension who have retired since 2012. It has been held by various courts of law that Pension is not a charity and is a deferred payment of salary. In that situation, the concept of Special Pay is to be revisited and has to be compulsorily merged with the Basic Pay so that the Officers are not deprived of the Pension resulting out of the said component.

4. Introduction of Running Scale of Pay

The Group 'A" Government officers are getting their increments uninterruptedly whereas in case of the bank officers the increments are linked to promotions which would otherwise reach stagnation in case of non promotion. Further, the promotions are not in the hands of the individual bank officers and it purely depends on the Individual Banks performance and presence of the branches which also would vary bank to bank.

Besides, on stagnation, the 7th Pay Commission notes***, "The new pay structure has been laid out by and large broadly as an open ended, layered matrix, for civilians as well as for the armed forces personnel. It has been kept in view that a person should not stagnate but should have fair opportunity to progress by dint of merit and secure better emoluments so that frustration does not set in".***

5. Immediate introduction of 5-day week in full

The 4 officers' organisations have submitted a substantiated and logical reasoning for introduction of 5 Day week Banking. Across the globe 5-day week is a norm. Even in our country, most of the progressive, forward-looking corporates, organizations, Government and quasi-Government Organizations have been functioning 5 days a week, which enables the officers and employees to have balanced work life so that they are motivated and can contribute significantly.With the focus on digital banking, Alternate channels, Internet Banking, POS facilities, on-line payment systems have led to the augmentation of digital transactions. As such, declaring remaining Saturdays as holidays will have no impact.

6. Uniform definition of Business Hours, Lunch hours etc in branches, Reduction of cash transaction hours and Defined working hours for officers

Now, banks are conducting cash transactions till one hour prior to close of office hours. Thus, the branches are left with only one hour to aggregate, verify and complete the process of cash counting, re-counting and lodging into the vault. This has a telling effect on closure of the branches for the day, elongating working hours of officers, constraining them to overstay in the branches. Now a very substantial numbers of bank branches are single officer branches. Till the closure of cash, officers will be constrained to handle cash related transactions and are confined to the desk, depriving of much required attention to other areas like lending, business development and compliance related work.

Now that ATMs have been deployed in every part of the country with high density, digital banking like internet banking, mobile banking has occupied pivotal place in transactional banking. Further, the Government has been propagating digital and electronic banking in a big way to reduce the importance and volume of physical cash transactions. In view of these, it would be in fitness of things to reduce the cash transaction hours to 4 hours. This will have the following advantages:

a. Dependency on cash in the society will be reduced
b. Citizenry will adopt better and faster digital, electronic mode of banking
c. Will bring down the cost of operations of banks, paving way for reduced service charges
d. Will bring down the cost of printing currency and its management by Reserve Bank of India
e. Provide much needed time to operating functionaries to complete the day's work well on time.
f. Enable officers to engage themselves in compliances and business development activities.

Apart from the above, every Bank has its own time of functioning and the customers are confused with the bank timings. While the banks are supposed to work on specific days and have common holidays, it is but logical for the public to expect that they work on common timings too. Few banks do not even provide specific lunch timing to their staff. To avoid confusion among the public, it is required that all banks adopt uniform business hours including fixed and defined lunch break for the Officers.

While the office hours of banks are well defined, officers have been subjected to unregulated working hours. Each officer in the industry is made to work unreasonably beyond office hours. While it is an accepted international norm that one cannot work efficiently, applying mental faculty, beyond 8 hours, officers are forced to work for 10-12 hours a day, exposing not only the officers to health risks, but also multiplying the consequential operational risks to the banks. Longer working hours have negative impact on the level of performance, quality of decision, culture of the organization and the industry, in addition to enslaving him to work, discarding familial and social obligations.

IBA/Government has not shown any demonstrative inclination on the issue.

7. Settlement of issues pertaining to retirees - Updation of Pension as per RBI formula/Revision of Family Pension without any ceiling, quantum and percentage; Medical Insurance at par with serving employees

Retirees of the banking Industry are the worst hit. Their basic pay is frozen on the date of superannuation, and is never revised in subsequent Bipartite settlements/ Joint Notes. Worst kind of discrimination is prevailing amongst different groups of retirees in the matter of payment of Dearness Allowance. Pension on Special Grade Pay is denied. Family Pension to the spouse of the deceased employees is too meagre depriving them to lead even a minimum level of dignified life. Although Bank Pension Regulations are framed on the lines of RBI/ Central Government Pension Scheme, no steps have been taken to remove the discrimination in respect of updation of pension/ family pension and place it at par with RBI/Central Government employees.

Steep increase in medical insurance premium: Similarly, a meaningful medical insurance scheme needs to be introduced to take care of the ones who have contributed the major part of their life to the Organisation. Regarding Medical facilities for the retirees our objections have been that:

- The policies for serving employees and Retirees have not commenced from a common date as was suggested.
- Retirees have not given multiple options to choose from i.e. coverage of Rs 1 lakh, Rs 2 Lakh, Rs 3 lakh and Rs 4 lakh to broaden the coverage of the policy. This flexibility needs to be extended for the super top up policy also.
- The premium imposed for medical treatment in respect of officer retirees is absolutely unfair, illogical and unacceptable. It appears that this pricing has been fixed in such a manner so as to drive away the retirees from the purview of the scheme. This issue requires immediate intervention and suitable initiatives to be taken for logical reduction of premium.
- Our suggestion for lesser premium rate for single beneficiary like family pensioners, etc. has been ignored.
- IBA should send communiqué to all Banks to subsidise/bear the Insurance premium of Retirees as is done for EDs/MDs of Banks as most retirees are likely to face extreme difficulty in arranging funds for the renewal.
- IBA may advise member banks to give interest free loans to retirees recoverable in easy instalments for payment of premium.

The spirit of the Department of Financial Services' communication to IBA and Banks to design a suitable insurance scheme to both retired and service should be interpreted that it is a direction to extend such benefits to staff till their life time. As such viewing retired officers / employees as a separate lot and collecting more premium from them, amounts to exploitation. Instead this should be considered as an extended benefit to the retired employees / officers who have put in their heart and soul for the development of the Bank. It would be more prudent, logical, legal to view the entire bank employees as one lot and calculate the premium by carrying out an actuarial analysis instead of treating the serving and retired as different group.

Also, with more than two third of the our bank's workforce in the age group of below 35 years, which was not so at the time of introduction of the subject scheme, the premium is bound to come down and there will be parity in the premium charged for serving employees and the retired employees.

Our other suggestions were that a comprehensive affordable health care policy covering the interest of bank men (both Serving & retiree) should be negotiated upon. It is also suggested that instead of annual renewal, the policy should co-terminate with the validity of wage settlement period with further provision of renewal on payment of pro rata premium post termination of policy date and delay in finalisation of future wage accord. IBA should also approach the Ministry of Finance to exempt GST on Banks' health care policy being a part of staff welfare measure not strictly falling within the definition of business transaction. IBA has not addressed the issues raised by us and unilaterally implemented the revised scheme.

8. Exemption from Income Tax on retirement benefits without ceiling

At present the contribution towards the Provident Fund is exempt from Income Tax at the hands of the Officer who has retired. Similarly Gratuity is exempt from Income Tax to a maximum amount of Rs. 20 lakh. Encashment of the Privilege Leave is exempt from Income Tax to a maximum amount of Rs. 3 lakh. It may be observed that these amount have accrued from the deferred amount of salary payable to such officers. It may also be noted that all these amounts in a way contribute to the "Internal Borrowings" to the exchequer since these amounts are available to the Government in such a way. Hence all the retirement benefits received at the time of retirement by an Officer should be exempted from the purview of Income Tax. It is but natural that such a person will continue to pay Income Tax on the income earned out of such benefits in the consequent years,

9. Scrapping of NPS and reintroduction of Defined Pension Payment Scheme

Pension under National Payment System (NPS) is not defined and hence uncertain. In existing Pension scheme in Banking Industry, Pension is pre-determined. But in NPS, while contribution is determined, the return is not defined. It depends on the capacity of the fund to generate return causing frustration amongst those who were recruited subsequent to April 2010. In NPS, an employee has to indicate his risk appetite at the time of joining in the fund viz. Low risk, Medium Risk and High Risk. But as no switching is allowed, and the performance of the fund may vary depending upon risk pattern indicated at the time of joining, the market behaviour will determine the Pension to be received by an employee. Further, the contribution is made @10 % of Basic Pay + DA of the concerned employee leading to a huge accumulation of fund. But the rate of return on any established fund sometime shows negative return over a time horizon leading to apprehension that at the time of retirement the corpus fund may not be sufficient to generate a pension benefit befitting the living standard at that particular time. Pensionary benefits are vital for the leading a dignified life post-retirement and should not be left to the vagaries of capital market. Removal of uncertainty is pre condition for ensuring whole hearted alignment with job and for this superannuation benefit should be defined. There has been no initiative on the part of IBA and Government to review NPS.

10. Allocation of Staff Welfare fund based on Operating Profits:

The officers of all Banks contribute their blood and sweat to bring in new business to their respective banks and to achieve their corporate objectives. All the efforts put in by them yield the profits for their banks. As per the present guidelines prevailing, various provisions are being made out of the operating profit earned and the net profit is arrived. Based on this net profit the respective Banks come out with different Staff Welfare Schemes to benefit their staff.

It is to be noted that the officers as well as the award staff give their best to their organisation and they are responsible for the operating profit earned by their bank. Out of the policies framed by the Government provisioning is made for which the officers and staff are not at all responsible. Hence, it would be logical to meet out the expenses of the Staff Welfare Schemes from the operating profit of the banks.

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THE CURRENT STATUS OF PENDING WRIT PETITION ON BANK OFFICER'S SALARY REVISION:

Written By:
M.Pounraj
Retired Senior Manager
Madurai

I am Pounraj, retired Senior Manager of Canara Bank. With deep regret and much anguish, I have to inform that I neither got a salary matching to my status and needs, while I was in service, nor getting a pension matching to the needs of the old age.

I came across the Code on Wages Act passed by the parliament and Gazette on 08th August 2019. Code on Wages-2019 is the first ever labour Act that became applicable to Officer and managerial cadre in Banks.

The Act stipulates that the wage should take into account the nature of work attendant on that job and it should also commensurate with the standard of living and status for that job and puts forward a " need based minimum wage " taking into account the above factors thereby discarding the Paying capacity or profitability argument of the institution.

I was also observing the negotiations happening between the India Banks Association and the United Forum of Bank Unions. I was happy with the demands of the officers' organizations who had submitted their Joint Charter of Demands to fix the salary based on the principles of Minimum Wages.

But the negotiations were not going on in the above lines and the minutes of the meetings circulated by UFBU were harping on wage revision based on some percentage of hike and not on Minimum Wages principles.

Initially the offer from IBA was a mere 2%, then the offer was hiked to 6%, 10% and later on to 12%. The negotiations over the past 30 months or so and filing of writ against IBA by serving staff have brought it to the level of 12%. There is a general perception among the bankers that the wage revision might be settled around 12% to 14% increase which is not in tune with the Charter of Demands submitted.

Even in the last settlement also a new component called "Special allowance" was introduced which was not reckoned for pension calculation thus depriving thousands of retirees like me of their rightful share in the pension.

Despite the Government of India passing the Code on Wages Act based on the Minimum Wages Policy which was earlier adopted by the Seventh Central Pay Commission, the UFBU and the officer organizations are reluctant in demanding wage revision on these grounds.

Aggrieved by this, I filed a writ petition in Madurai High Court challenging the injustice being meted out to the bank employees by filing a Writ Petition W.P.(MD).21535/2019 with a prayer to direct the Ministry of Finance to consider the Code on Wages Act in the 11th bi-partite Wage revision negotiations and implement the minimum wages for fixing Bank officers' salary.

While entertaining the Writ, the Hon'ble Lordship has observed in the open Court that this W.P.(MD).21535/2019 has merits and requires a detailed speaking order and directed the Asst.Solicitor General to file the Counter for the Ministry of Finance Govt.of India.

It was also ordered by His Lordship that the 11th bipartite - decision is subject to the outcome of this Writ Petition.

Besides my writ petition, I came to know that already three more Writ Petitions have been filed at Madurai High Court by Mr.Dhanasekar (WP 19947/2018), Mr.Santhanapandian (21195

/ 2018) and Mrs.R.Saravanan (22161/2018).It is to every one's knowledge that IBA had submitted one and the same ~~time~~ type of counter affidavit dated 27.11.2019 and filed in all the three writs. In their counter affidavit, IBA has submitted by admitting that

a. **IBA is merely an association of Indian Banks but not an institution of either Government or Quasi Government.**
b. **IBA has no power or authority of its own either to agree or decide in fixing the salary or retirement benefits as prayed for in the Writ Petition**
c. **IBA acts only as a facilitator for Banks and facilitates negotiation for wages based on mandate given by banks**

In my Affidavit I have submitted that

- **"A facilitator cannot come into the picture unless the parties agree for the same under the Statute.**
- **IBA as the party to the on-going 11th bi-partite settlement, offered percentage hike, interim arrears and so far held 34 rounds of talks with unions whereas a facilitator cannot do so.**
- **IBA declares to remain as a player as well as an umpire in one and the same match which is against Natural Justice.**
- **A settlement with the facilitator is not at all binding.**
- **The very term bi-partite means there are two parties viz., IBA and Unions and there is no role for a third party facilitator.**
- **Much to the amusement of everyone, the IBA after having signed 10 bi-partite settlements in the past 50 years with the Unions has now raised a plethora of legal issues in their counter as to their role-play proclaiming themselves only as a FACILITATOR, and their status as one of NON- STATUTORY BODY and so on and so forth before the Hon'ble Court of Law.**

As the Government and the Major Negotiating Union are also the respondents, Let us all wait for what they are going to submit before the Hon'ble Court on IBA's action of having signed 10 bi-partite settlements with Unions in the past 50 years and in holding of 34 rounds of talks with the unions so far in the on-going 11th bi-partite negotiations vis-à-vis IBA's present claim as a mere facilitator.

Now you might have understood the role played by IBA in our Wage Revision by IBA's own words and from their written submission to the Hon'ble Court.

On coming to know of the importance, the media gave a nationwide coverage for the contents of my writ petition. The IBA and the unions also discussed my writ in the negotiations and circulated. Since then, I am flooded with enquiries from all over the country on the status of the writ. I would like to inform them that the Writ petition is due for the final hearing. In the final hearing, after hearing the arguments from both the sides, the Hon'ble Court shall give their verdict.

The submissions of the IBA are the eye-opener to everyone. Now, it is high time that the Unions and the members to understand the attitude of IBA towards our wage revision. I am not asking for any monetary support from you though it is definitely a strain on my resources.

I am only seeking your continued moral support in my pursuit for a just cause which will benefit lakhs of bank employees. I sincerely feel that if we all fight as one we will definitely achieve our JUST demands. Let the year 2020 bring JUSTICE, HAPPINESS and PROSPERITY to both the serving and the retired Bank Officers.

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FIGHT TO REGAIN THE PAST GLORY OF BANK MEN

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Bank men in India were once nicknamed as " **High Wage Islands".**

It was till the year 1979 J.M.G.-Scale I officers Pay in Bank of India, Canara Bank and a few other Banks were more than that of I.A.S Officers.

The Pillai committee rationalised the Bank Officers pay in the year 1979 and all the Bank officers pay were brought on par with I.A.S.officers.

Since then, 10 bi-partite settlements were signed between I.B.A., and the Bank officers Associations.

All along, the Ten bi-partite settlements failed to maintain the parity of J.M.G.-Scale I pay with that of the I.A.S., officers. Bank officers salary is lagging behind when compared to the salary of Group "A" Govt. Officers.

Yet, the **Government of India , Ministry of Finance, Department of Financial Services (D.F.S.) has through their letter No. 19/4/2017 – Welfare, Government of India Dt.19-4-2017** notified that J.M.G.-Scale I officers are on par with Group „A"- Govt. officers and both are equivalent in cadre in the matter of their salary income.

As the Govt. notification itself equates J.M.G.-Scale 1 cadre with that of I.A.S., officers, both of their minimum pay ought to be equal.

Therefore, the Group A salary demand did not emanate from our side out of fun or greed but as the Govt. notification itself provides equal salary and Bank officers want the implementation of Govt. notification.

Accordingly, in the Joint Charter of Demand (COD) for Officers signed by all the 4 major Bank officers Associations that was submitted to IBA on 5-6-2017., **in page No, 36 – Table 3, Rs. 61,000/- was demanded as the starting pay for JMG-Scale-1** as it was the correspondingly equivalent minimum pay of Rs. 56,100/- that was paid for Group "A"-Govt.Service as on 1-1-2016.

In the meantime the **Code on Wages -2019 Act** which was at the Bill stage at the time of submission of COD became the Act and notified for implementation.

This is the first ever Labour Act that become applicable to Bank Officers. This Act mandates payment of the need based minimum wage payable in respect of the work done in such employment **but not related to the paying capacity or profit of the institutions**.

It discards load factor and stipulates salary commensurate with the nature of work and risk attendant on that job and to maintain the decent standard of living required to match the status for that job.

Moreover, the Contribution towards pension and the interest accrued shall not form part of financial issues.

As the Govt. already notified that J.M.G.-Scale 1 and the Group “A” – Govt. Service., are equal in cadre with respect to their salary income, the correspondingly equivalent minimum pay of Rs.61,000/- for J.M.G.-Scale -1 is demanded in the COD.

But, to everyone’s shock and dismay, in the course of bi-partite negotiations, the I.B.A initially offered a paltry 2 % increase much to the heartburn of bank officers.

Aggrieved by the humiliation and ill- treatment It is by highlighting the above facts, one **S.Dhanasekar - J.M.G.- Scale I officer filed Writ Petition (W.P.)before the Hon’ble Madurai Bench of Madras High Court (H.C.). On seeing the prima face case, the W.P. was admitted by the H.C**

Thereafter, the IBA hiked their offer to 6 %. Subsequently two more W.P. were Admitted before the H.C., and The IBA offer now hovers around 12.25%

Against the above backdrop and by incorporating the above said pleas, the following Writ Petitions are ADMITTED and are pending for Adjudication:

1. W.P.(MD).No. 19947 of 2018 - S. Dhanasekar Vs. The Secy.- I.B.A. and others:

The main prayer in this W.P. is that IBA is bound by the Union Cabinet’s decision of equal pay status between J.M.G.-Scale -1 and Group “A”

Government Officers‟ initial pay in the matter of OBC creamy layer grouping .

Therefore, for the J.M.G.-Scale 1 starting pay shall be equal to or more than that of Group “A” Govt. officers starting pay.

2. W.P.(MD).No. 21195 of 2018 -All India Canara Bank OBC Employees Welfare Assn.(Regd) Vs The Secy.- I.B.A., and others.

The main prayer is that as per the Union Cabinet‟s decision of equal pay status between J.M.G.-Scale -1 and Group “A” Government Officers‟ initial pay in the matter of OBC creamy layer grouping. all OBC J.M.G.-Scale 1 officers starting pay shall be equal to or more than that of Group “A” Govt. officers starting pay and IBA ought to implement the equal pay notification.

3. W.P.(MD) No.22161 of 2018 – R.Saravanan Vs. The Secy.IBA and 5 others:

The main prayer is that what is applicable to OBC JMG-Scale -1 officer is equally applicable to other JMG-Scale-1 officers also and therefore, as per the Union Cabinet‟s decision of equal pay status between J.M.G.- Scale -1 and Group “A” Government Officers‟ initial pay, J.M.G.-Scale 1 officers starting pay shall be equal to or more than that of Group “A” Govt. officers starting pay and IBA ought to implement the equal pay notification and revision of pension in accordance with the 7th C.P.C. formula.

The AIBOC strongly supported the claim of the Writ petitioner by swearing in their Counter as;

(Para -7) - In the matter of revision of salary and allowances, this time demand has been raised by all the four apex bodies of Trade Unions to ensure relativity with minimum salary in line with Central Govt. Group “A” – officers initial pay.

The Charter of Demand has addressed the need to align our wages on the concept of " Minimum Wages".

The claim made by the writ petitioner is in line with the subject matter of charter of demands under negotiation.

(Para-11). – The present demand is to revise such ratio(pay of officers in relation to sub-staff cadre) as 1:3.11, keeping in line with the minimum salary of Central Government employees as per the minimum wages concept.

(Para-13) – In the 11th Bi-partite settlement negotiation, there has been a demand raised by all the 4 Trade Unions representing officers of the banks to get minimum salary in line with Gr.A officers in the Central Government service.

Apart from the AIBOC's aforesaid supportive affidavit CANARA BANK OFFICERS ASSOCIATION also filed 24 Page supportive affidavit wherein they have insisted that

- Promotion in Banks is also subject to one‟s performance and not one of accelerated or automatic promotion that is prevailing in the Govt. Service, therefore there must be the running scale without stagnation.

- Promotions depend only on business which depends on the presence and business of individual banks and therefore nobody should be allowed to stagnate and running scale should be introduced.

- There cannot be any link to paying capacity of the banks because gross profit of the Banks and the business are increasing year by year due to the contribution of the officers and employees. But, Net Profit is down due to mounting NPA due to several causative factors for which Officers and employees are not responsible.

- Between 1979 and now there is a huge downward trend in the Bank officials salary which has to be rectified now.

- As on 1-11-1992 the Basic Pay of officers of Bank and LIC at entry level were the same. But, as on 1-11-2012, LIC officers were getting 18.58 % higher salary than the bank officers.

- From 1-11-1992 to 1-1-2016 the salary of Central Govt. Group A officers has been increased by 1293.44 % whereas Bank officers salary has been increased by only 708.81 %.

- By virtue of the Ministry‟s equivalence of Pay notification both the J,M,G,- Scale-1 and the Group A –Govt. Officers constitute one class and form a homogeneous class and any inequality or discrimination in their pay is violation of Art 14 and 16 of the constitution.

- Equivalence of Posts is relevant and applicable to all the officers.

- For the Past 22 years, Pension was not up-dated and Pension updation and improvement in family pension for retiree officers.

- when the Code of Wages Act- 2019 covers also the Bank Officers and brings them within the ambit of minimum wages and when the minimum wages for each cadre that is provided by the 7th C.P.C., is implemented by the Government of India and when the Government of India has equated the Banking officer‟s cadre with Group "A" Government service and when the above aspects were also covered in the Charter of demands submitted by the Bank officer‟s Associations to the IBA, the IBA‟s action of utter disregard of Government of India Acts and Notification is arbitrary, illegal and unconstitutional.

- the apex officer‟s associations under the leadership of the AIBOC have put forth in their charter of demands wherein it is clearly stated on behalf of bank officers that as most of the recommendations of the 7th Central Pay Commission (7th C.P.C.in short), were fully accepted and implemented by the Government of India, the 7th C.P.C. formula gives credentials to the methodology adopted for arriving compensatory package for the various levels as on 1-1-2016 and therefore there cannot be a second opinion to adopt the same 7th C.P.C. formula for the I.B.A. too in officers wage revision.

While at a time the AIBOC and the CBOA filed their supportive Affidavits, IBA FILED THEIR Counter dt. 27-11-2019 in all the above 3 W.P's.

I.B.A., is not a Statutory Body and not amenable to Writ Jurisdiction. IBA has no power or authority of its own either to agree or decide in fixing the salary or retirement benefits as prayed for in the W.P.,

Direction to implement the pay of Group "A" officers in Govt. Service to J.M.G.-Scale-1 as per the Govt.Notification dt.`9-4-2017 and the consequential revision of pension in accordance with the 7th C.P.C. formula etc., is not legally correct and maintainable

REJOINDER TO IBA :

1. Since the year 1962, 10 bipartite settlements were signed by IBA as a party with Bank men Associations. After having signed bi-partite settlements as a party, IBA is estopped (Prevented) from claiming that it is not a party but a mere facilitator.

2. So far more than 30 rounds of Talks were held. In none of the communications IBA conveyed that it is a mere facilitator.

3. Facilitator shall come into picture, only when the parties agree for his role as per the terms of contract or as per the Arbitration Act. No such contract or agreement for the role of facilitator.

4. IBA declared suo-motto adhoc arrears which declaration a facilitator cannot do.

5. IBA cannot be a player and an umpire acting dual roles both in one at the same time.

6. Before the C.L.C., conciliation the IBA is appearing as a party to the settlement and not as a facilitator, A facilitator has no role before the C.L.C., conciliation.

7. The term Bipartite signifies two parties namely Bank men Associations and the IBA and does not contemplate any third party facilitator to make it as tripartite.

8. A facilitator ought to be an independent person. IBA as a party is composed of M.D./C.E.O from banks. IBA by remaining as the party to a dispute cannot be a facilitator.

9. As the IBA takes the plea of facilitator, it cannot dispute the claims of the Writ petitioner. It has no right to question the Direction in W.P to implement the pay of Group "A" officers in Govt. Service to J.M.G.-Scale-1 as per the Govt.Notification dt.`9-4-2017 and the consequential revision of pension in accordance with the 7th C.P.C. formula etc., and no locus-stand to plead that these demands are not legally correct and maintainable.

10. IBA whether a Statutory body or not is bound by the Statute of Code on Wages-2019 Act.

11. IBA whether a party to a settlement or a facilitator is duty bound to act in accordance with the law. Abide by the law of Code on Wages-2019-Act.

12. It is to outwit the implementation of Code on Wages-2019 Act and the equivalence of pay notification by the Ministry of Fiancé, IBA has changed its stand and proclaiming them as a facilitator before the Court of Law even at a time when the Bank officers Associations negotiate with IBA as the opposite party.

Therefore IBA has to maintain their status-quo as a party to the settlement and implement the Ministry's notification of Code on Wages-2019 Act and act in accordance with the law of Code on Wages-2019 Act.

4. W.P.(MD) 21535 of 2019. M.Pounraj Vs. Department of Financial Services, Ministry of Finance, IBA and 3 others.

The main prayer in this W.P. is that after coming into force of the Code on Wages 2019 Act any fixation of salary revision for Bank staff as per the 11the bi-partite settlement that is due from 1-11-2017 **ought to be over and above the minimum wage fixed by the appropriate Government, Ministry of Finance.**

The Ministry of Finance is yet to fix the minimum wages at entry level as per the Code on Wages-2019 Act.

However, the minimum wages for entry level at the lowest cadre in the appropriate Government of Ministry of Finance as per the 7th C.P.C. formula is Rs.18,000/-p.m. as on 1-1-2016.

This Rs.18,000/- p.m. is the pay for the lowest level at entry stage as per the 7th C.P.C. formula and implemented by the Central and the State Governments. Rs. 56,100 is the lowest pay for Group A officers who are equal in cadre to J.M.G.-Scale-1.

In this W.P., parties including the Government have entered their appearance.

While admitting the above W.P., the Hon‟ble Lordship observed in the open Court that this W.P. has merit and requires a detailed speaking final order and the following interim order is passed

"Any decision is subject to the outcome of W.P. "

This is the first occasion that a writ by an individual namely Mr.Pounraj was discussed and circulated as one of the minutes of bi-partite negotiations.

The Govt. alone is yet to file their counter.

The W.P. are in the Final hearing stage

Now the question before the Bank officers is will there be a Judicious settlement or a settlement through the Judiciary.

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EVENTS OF DECEMBER

General Secretary along with CNT Members Visit to Head office and Joint Conference between CBOA and Management

Circle Level Joint Meeting at Madurai

General Secetary visit to Coimbatore and distribution of Cloths and food materials at old age home

Glimpses of CBOA Promotion Coaching classes conducted throughout the country

Canpals Wishing promotion aspirants at Various Promotion Test Centres

Felicitation of Retirees

Circle Level Joint Meeting at Jaipur

Circle Level Joint Meeting at Trivandrum

Circle Level Joint Meeting at Lucknow

Family tour by Canpals of Bhubaneswar

Canpals of Agra distributing Blankets to the Villagers

Canpals of Warangal distributing food and other essentials at Child Welfare Home

Members meet at Mumbai

Sports meet conducted by Canpals of Bhubaneswar

Members meet at Bareilly Region

Members Meet at Erode

Members Meet at Hyderabad

Members Meet at Jabalpur

Members Meet at Jodhpur

Members meet at Tiripur

Members Meet at Warangal