

PUNJAB NATIONAL BANK
PERSONNEL DIVISION
HEAD OFFICE
5 - PARLIAMENT STREET
NEW DELHI

132

April 3, 1984

TO ALL OFFICES

PERSONNEL DIVISION CIRCULAR NO. 761

SUB: Settlement regarding appointment of workmen who have worked in subordinate cadre on temporary basis.

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We enclose a copy of the settlement dated 30.3.1984 arrived at between the Bank and All India PNB Employees' Federation before the Regional Labour Commissioner (Central) in the course of conciliation proceedings held by him regarding appointment of workmen who have worked in subordinate cadre on temporary basis.

2. A copy of the Settlement should be displayed on the Notice Board of the Office immediately on receipt of this circular and it should remain on the Notice Board upto 30.6.1984 and a confirmation to this effect be sent to the respective Regional Managers in the proforma given overleaf at the earliest so as to reach them by 25th April, 1984 positively.

3. It has been decided to stop temporary appointments in the subordinate cadre, including remote areas, with immediate effect. It should also be clearly understood that appointment on lump-sum payment or on casual basis is also strictly prohibited. Incumbents Incharge who violate these instructions will render themselves liable to disciplinary action, in accordance with the PNB Officer Employees (Discipline & Appeal) Regulations, 1977.


(S.N. GUPTA)
DY. GENERAL MANAGER (P)

ENCL: AS ABOVE

MEMORANDUM OF SETTLEMENT ARRIVED ON-30.3.1984 BETWEEN THE MANAGEMENT OF PUNJAB NATIONAL BANK AND ALL INDIA PUNJAB NATIONAL BANK EMPLOYEES FEDERATION BEFORE SHRI DP SRIVASTAVA, REGIONAL LABOUR COMMISSIONER, OFFICE OF THE CHIEF LABOUR COMMISSIONER (CENTRAL), GOVERNMENT OF INDIA, MINISTRY OF LABOUR, SHRAM SHAKTI BHAVAN, RAFI MARG, NEW DELHI REGARDING APPOINTMENT OF TEMPORARY WORKMEN WHO HAVE WORKED IN SUBORDINATE CADRE

Name of the parties:

Representing Employer

- 1) Shri A. Roy Choudhary,
Chief-Personnel,
Punjab National Bank,
Personnel Division,
Head Office,
New Delhi.
- 2) Shri V.S. Vasan,
Chief-Sel.&Trg.,
Punjab National Bank,
Personnel Division,
Head Office,
New Delhi.
- 3) Shri C.K.D. Gowda,
Manager-Personnel,
Punjab National Bank,
Personnel Division,
Head Office,
New Delhi.
- 4) Shri KK Gupta,
Manager-Indl.Relations,
Punjab National Bank,
Personnel Division,
Head Office,
New Delhi.

Representing Employees

- 1) Shri PR Bhatia,
President,
All India PNB Employees
Federation,
Post Bag No.10005,
PNB House, Sir P.M.Road,
Bombay.
- 2) Shri DP Chadha,
General Secretary,
All India PNB Employees
Federation,
Post Bag No.10005,
PNB House, Sir P.M. Road,
Bombay.
- 3) Shri CS Ramaswamy,
Assistant Secretary,
All India PNB Employees
Federation,
Post Bag No.10005,
PNB House, Sir P.M.Road,
Bombay.
- 4) Shri KR Nagpal,
Assistant Secretary,
All India PNB Employees
Federation,
Post Bag No.10005,
PNB House, Sir P.M.Road,
Bombay.

SHORT RECITAL OF THE CASE

WHEREAS the General Secretary, All India Punjab National Bank Employees' Federation raised an industrial dispute regarding employment of temporary employees in the subordinate cadre at Punjab National Bank. The union demanded that the employees who have worked as a temporary employee in the bank should be given employment and absorbed in the bank's service. In support of this demand the union pleaded that a Settlement was signed on 1st August 1977 before the Dy. Chief Labour Commissioner (Central), New Delhi wherein the workmen who have worked for more than 240 days were absorbed in the bank's service on permanent basis. But some workmen were left who had worked for a period less than 240 days on temporary basis and accordingly the union pressed that they should also be considered on merit and given employment in the bank as the bank is already having a number of vacancies in subordinate cadre.

AND WHEREAS the parties held prolonged discussions on 29th and 30th March, 1984 and placed various pleadings/arguments and references of Sastry Award, Opsai Award, Bipartite Settlements and rulings of the various courts. The parties

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agreed to the suggestion of the Regional Labour Commissioner (Central) that the matter is required to be examined with a liberal view instead of screening the issues in the arena of the Industrial Law. The suggestions were accepted by the parties and they worked out a number of via-media to settle the demand. Finally the parties have mutually agreed and arrived at the Settlement mentioned below during the course of conciliation proceedings before the Regional Labour Commissioner (Central), New Delhi. 136

TERMS OF SETTLEMENT

1. It is agreed that:

- (a) All temporary workmen in subordinate cadre who have worked on or after 1.1.1966 will be considered for employment in the service of the bank in the subordinate cadre provided they meet the eligibility criteria laid down under bank's rules for appointment in the subordinate cadre.
- (b) Such temporary employees shall submit application to the bank as per the proforma attached as Annexure 'A' to the Settlement latest by 30.6.1984. Those who fail to apply within the stipulated period shall not be considered for employment in the bank.
- (c) After verification of the details submitted by the employees they shall be interviewed by a Committee constituted by the bank.
- (d) Those selected for appointment will be appointed as probationers on starting salary applicable to subordinate cadre.
- (e) All those selected for appointment will be empanelled on the basis of the length of their temporary service and shall be absorbed in the order of their ranking in sanctioned vacancies in the Zone subject to statutory requirement regarding reservation for SC and ST and also for Ex-servicemen etc.
- (f) The following categories of employees will not be covered under the Settlement:
 - i) Those who have worked on temporary basis prior to 1.1.1966.
 - ii) Those who do not meet the eligibility criteria laid down under the bank's rules for appointment in subordinate cadre.
 - iii) Those who have worked on casual basis on lump sum payment.
 - iv) Those who fail to produce clean discharge certificate from their employers if they are employed elsewhere.
- (g) The bank shall take steps for absorption of those approved for appointment as far as possible by 31.12.1984. If for any reasons some candidates are not appointed before the said date the panel shall not lapse and they shall be considered for appointment in the service of the bank in the next available vacancies.

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(h) This is in full and final settlement of all claims and disputes for the past period in respect of temporary workmen in subordinate cadre covered by this Settlement relating to their termination and other benefits under the provisions of Industrial Law applicable, if any.

No workmen or his representative or union shall raise any industrial dispute or any claim in any shape or form in view of the above Settlement before any authority or a court.

(i) This Settlement has been entered into having regard to the peculiar circumstances and in the interest of maintaining cordial industrial relations and it shall not be cited as precedent, at any level/forum.

2. If any doubt or difficulty arises regarding interpretation of any provision of this Settlement, the matter shall be taken up only at the level of Head Office, Personnel Division, Punjab National Bank and All India Punjab National Bank Employees Federation for discussion and Settlement.

SIGNATURES OF THE PARTIES

Representing Employer

- Sd/- 30/3
- 1. (A.ROY CHOUDHARY)
- Sd/-
- 2. (V.S. VASAN)
- Sd/-
- 3. (C.K.D. SOWDA)
- Sd/-
- 4. (K.K. GUPTA)

Representing Employees

- Sd/-
- 1. (P.R. BHATIA)
- Sd/-
- 2. (D.P. CHADHA)
- Sd/-
- 3. (C.S. RAMASWAMY)
- Sd/-
- 4. (K.R. NAGPAL)

WITNESSES

Sd/-
1. (ARUN VERMA)
Personnel Officer,
Punjab National Bank,
Personnel Division,
Head Office,
New Delhi.

Sd/-
2. (B.K. SABHARWAL)
Accountant,
Punjab National Bank,
Personnel Division,
Head Office,
New Delhi.

Sd/-
1. (T.P. GHORA I)
Assistant Secretary,
All India PNB Employees
Federation,
Post Bag No.10005,
PNB House, Sir P.M. Road,
Bombay.

Sd/-
2. (N.K. SHENOY)
Treasurer,
All India PNB Employees
Federation,
Post Bag No.10005,
PNB House, Sir P.M. Road,
Bombay.

Dated: March 30, 1984

Sd/- 30/3/84
(D.P. SRIVASTAVA)
REGIONAL LABOUR COMMISSIONER (C),
NEW DELHI.

/TRUE COPY/

DATE:

The Regional Manager,
Punjab National Bank,

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Dear Sir,

Please refer to Personnel Division Circular
No. 761 dated 3rd April, 1984.

In terms of Clause 1 of the Settlement enclosed therewith, I request that I may be considered for appointment in the service of the Bank. I have worked as temporary employee in the subordinate cadre for _____ days for which wages were paid. The details of temporary service put in by me and my bio-data is as under:-

1. Name :
2. Father's Name :
3. Age & Date of birth :
4. Present address :
5. Permanent address :
6. Educational qualifications with documentary proof. :
7. Particulars of employment (other than Punjab National Bank) from 1.1.1966 to the date of application :
8. Details of temporary service put in by me are as under:-

Month	Year	No. of days of temporary service	B.O./P.O.
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DECLARATION: I solemnly declare and affirm that the particulars given above are true to the best of my knowledge and nothing material has been concealed.

I hereby declare that I shall be bound by the terms and conditions in the Settlement under reference and undertake that I shall have no claim with the Bank by way of dues, reinstatement or any other claim whatsoever in respect of temporary service.

Yours faithfully,

(SIGNATURE)
(NAME)

FOR USE OF REGIONAL OFFICE:

1. Date on which claim received:
2. Particulars verified:
3. Eligible/Not eligible for appointment:

ACCOUNTANT

MANAGER (STAFF)

PUNJAB NATIONAL BANK
BRANCH OFFICE/PAY OFFICE/
DEPARTMENT

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Date:

The Regional Manager,
Region,
_____.

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workmen who have worked in subordinate
cadre on temporary basis.
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We acknowledge Personnel Division Circular
No. 761 dated 3rd April, 1984 and confirm having
displayed a copy of the Settlement dated 30.3.1984 on
Notice Board of the Branch/Office _____.

I also confirm having noted that appointments in
subordinate cadre on temporary basis or on daily wages/
on payment of fixed amount are not to be made.

(*)
MANAGER/OFFICER INCHARGE
Branch Office/Pay Office

*Please give full name of the signatory.