

F O R M 'H'
(See Rule 58)

MEMORANDUM OF SETTLEMENT ARRIVED AT BETWEEN THE MANAGEMENT OF PUNJAB NATIONAL BANK AND ALL INDIA PUNJAB NATIONAL BANK EMPLOYEES' FEDERATION UNDER SECTION 12(3) OF INDUSTRIAL DISPUTES ACT, 1947 REGARDING POLICY AND PROCEDURE CONCERNING PROMOTION OF CLERKS AND SPECIAL ASSISTANTS AS OFFICERS AND DIRECT RECRUITMENT OF OFFICERS AND RELATED MATTERS.

NAMES OF THE PARTIES

Representing Employer

- S/Shri
1. C.H.D. GOWDA
AGM (PERSONNEL)
 2. B.P. SHARMA
CHIEF (PERSONNEL)

Representing Employees

- S/Shri
1. P.N. TIWARI,
PRESIDENT, AIPNBEF
 2. DALJIT SINGH
VICE PRESIDENT, AIPNBEF
 3. P.R. MEHTA
GEN. SECRETARY, AIPNBEF
 4. R MOUNTBATTEN,
ASSTT. SECRETARY, AIPNBEF


SHORT RECITAL OF THE CASE

WHEREAS Punjab National Bank (hereinafter called the Bank) and All India Punjab National Bank Employees' Federation (hereinafter called the Federation) had signed settlements on 7th March, 1978 and on 17th July, 1990 regarding procedure and policy concerning promotion of Clerks and Special Assistants as Officers and direct recruitment of Officers and related matters in the course of conciliation

Proceedings before the Chief Labour Commissioner (Central) and Regional Labour Commissioner (Central), New Delhi respectively.

AND WHEREAS the aforesaid settlement has been in operation for quite some time during which period certain procedural clarifications were agreed and implemented.

AND WHEREAS the bank vide its letter dtd. 21st October, 1998, informed the Regional Labour Commissioner (Central), New Delhi that the Govt. of India, Ministry of Finance (Banking Division) vide its letter No. 1/19/97-SCT (B) dtd. 11th November, 1997 have issued certain guidelines with regard to withdrawal of instructions providing for lower qualifying marks for SC/ST candidates in the matter of promotions having regard to the judgement of Hon'ble Supreme Court in the matter of S. Vinod Kumar versus Union of India [JT 1996 (8) SC PP. 643] which has necessitated revision of the aforementioned settlement signed during the course of conciliation proceedings and requested the Regional Labour Commissioner (Central) to intervene and resolve the matter.

 AND WHEREAS the Regional Labour Commissioner (Central) intervened and held prolonged discussions with the parties

on 26th October 1998 and 29th October 1998 and during the course of conciliation proceedings, the parties placed their pleadings/arguments/ submissions in detail and finally with the persuasion of the Regional Labour Commissioner (Central) the parties agreed to a mutual understanding to resolve the dispute by reviewing and revising the terms of settlement dated 17th July, 1990.

NOW, THEREFORE, the parties have mutually arrived at a settlement described below during the course of conciliation proceedings before the Regional Labour Commissioner (Central) New Delhi with his good offices and he having found it reasonable and fair.

TERMS OF SETTLEMENT

1. ASSESSMENT AND NOTIFICATION OF VACANCIES

The number of vacancies for the post of officers in JMG Scale-I, other than Technical Officers, shall be estimated by the management every year (January to December), in advance, before the process of filling up starts. The Head Office of the bank will assess the anticipated vacancies Zone-wise which shall be notified to the Federation. Any variation in the notified vacancies till the selection process starts, shall also be intimated to the Federation. Thereafter also, keeping in view the manpower requirements,

the bank can make variation to the extent of 10% of the anticipated vacancies at the time of actual filling up of the vacancies.

2. The notified vacancies with revision, if any, will be filled up in the following manner:

a) 20% by direct recruitment from outside as officers and/or Management Trainees. This will not include Technical Officers such as SSI Officers, Agricultural Officers, Law Officers, Economists, Financial Analysts, Personnel Officers, Engineers, Architects, Statisticians, Publicity Officers, Textile Inspection Officers, etc. etc.

b) 30% from the senior clerks, including Special Assistants, through the process of seniority-cum-absence of demerit and interview; seniority being determined on area-wise basis according to their priority marks, as per procedure laid down under settlement dated 1st November, 1988, regarding posting of Clerks as Spl. Assistants, read with modifications thereto subject to following conditions: *2* *2*

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i) Clerks who have been posted as Special Assistants shall reckon higher in seniority to the Clerks who have not so far been posted as Special Assistants. Seniority of Special Assistants will be reckoned on the basis of their date of posting as Special Assistants. In case of equality of length of service as Special Assistant, the employee with higher priority marks as on the date of posting as Special Assistant will be reckoned senior; priority marks referred to above mean marks as laid down in Settlement dated 1.11.88 referred to above, read with modifications effected from time to time.

ii) After the cases of all the eligible Special Assistants, as per their seniority, have been considered for promotion as Officers in JMG Scale-I through the process of seniority-cum-absence of demerit and interview, Clerks who are at least Matriculate will be considered to meet the shortfall on the basis of their seniority-cum-absence of demerit and interview, seniority being determined on area wise basis according to their priority marks. *S*

c) 50% on the basis of written test and interview from the employees in the clerical cadre, including Special Assistants, who are at least Matriculate and have put in at least 4 years service in the Clerical cadre and have a minimum of 8 priority marks - Priority marks referred to above mean marks as laid down in Settlement dated 1.11.88 read with modifications effected from time to time and to be calculated on the date provided therein. For calculating 4 years of service eligibility, the service put in as on the last date fixed for the receipt of applications shall be taken into account.

Provided that from amongst above, 15% of the notified vacancies will be filled up from Special Assistants having minimum eligibility as laid down for the Clerks through written test and interview. The remaining 35% vacancies shall be filled up from Clerks who fulfill the eligibility criteria as laid down above. However, if adequate number is not available from the Special Assistants category for filling up the 15% vacancies through the process of written test and interview, the shortfall will be met out of Clerks to be promoted through the process of written test and interview and the total employees to be promoted through this process shall be maintained at 50%. *S* *T*

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3.

a) An employee who was punished for gross misconduct shall not be eligible for being considered for promotion during a period of two years succeeding the date of imposing the punishment.

b) An employee under suspension or against whom departmental enquiry for gross misconduct is pending or who has been charge sheeted for gross misconduct, can sit in the written test and interview but shall not be eligible for promotion till he is exonerated of the charge. If ultimately he is found to be not guilty of gross misconduct and has been approved for promotion, the bank shall promote the said employee from the date the said decision has been given by the Disciplinary Authority. In case of punishment being awarded for gross misconduct, he shall not be promoted and will not be eligible for being considered for promotion and officiating for 2 years from the date of punishment.

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c) An employee who is certified by the Medical Officer of the Bank or a Medical Officer not below the rank of Civil Surgeon to be permanently disabled physically or mentally for supervisory duties and responsibilities shall not be eligible for promotion. *✓* *of*

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4. PROCEDURE FOR SELECTION.

a) Eligible employees under Clause 2(b) above, will be called for interview in the order of their seniority. The number of eligible employees called for interview, shall not exceed three times the number of vacancies sought to be filled up under Clause 2(b). However, if adequate number of SC/ST candidates are not available, within the original zone of consideration i.e. 3 times the number of vacancies for filling up the reserved vacancies, the eligible SC/ST candidates down the seniority list upto 5 times the number of vacancies may also be considered for selection. For example if 30 candidates are to be called for filling up 10 vacancies, SC/ST candidates appearing at Sr. No. 31 to 50 in the seniority list may also be called for interview and considered for selection, provided adequate number of SC/ST candidates are not available from the candidates appearing from Sr. No. 1 to 30.

blw b) The candidates approved after the interview shall be kept in a panel prepared in the order of their inter-se-seniority and posting shall be made

accordingly, subject however to procedure for filling up vacancies reserved for SC/ST candidates.

- c) The employees eligible for promotion under Clause 2(c) above, shall be subjected to written test comprising of two papers of 100 marks each. One paper will cover knowledge of banking routine, Deposit Mobilization Schemes, Customers Service, Priority Sector, Special Credit Schemes, Conventional Loans and Loan Documentation and Practice & Law of Banking and the other paper will cover Economics, General Knowledge and Accountancy. However, the Special Assistants shall be subjected to written test, comprising of only one paper of 100 marks covering banking routine, Depbsit Mobilization Schemes, Customers Service, Priority Sector, Special Credit Schemes, Conventional Loan and Loan Documentation and Practice & Law of Banking. The qualifying marks would be 40 in each paper.
- d) *hlm* The candidates qualifying in the written test shall be listed on the basis of their ranking in the written test. From amongst them, employees not exceeding 3 times the number of vacancies to be filled up from each category under Clause 2(c) ✓
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shall be called for interview on the basis
their ranking in the written test. Marks fo
interview shall be awarded under the following
heads:-

I) Viva Voce - 50 marks

(General Knowledge and knowledge
of Banking Law & Practice,
Personality & Expression)

(The candidates will be required
to secure minimum 15 marks out
of 50 to qualify for inclusion
in the merit list.)

II) Qualification - 25 marks

i) For Graduation - 6

ii) For Post Graduation - 2

(Admissible one PG Degree
only)

iii) For Commerce at Inter/ - 2

Graduation/Post Graduation
level.

iv) For CAIIB Part-I - 6

v) For CAIIB Part-II - 9

vi) For ICWA/CA - 6

Maximum marks under this head ndt to exceed 25. *al*

III) SERVICE

One mark for each completed year of service upto 10 years of service and 1½ marks for each completed year of service beyond 10 years with a maximum of 25. Leave without pay and period of unauthorized absence shall be deducted from total length of service only in such cases where increments have also been deferred for such period of leave on loss of pay and/or unauthorized absence.

- e) The candidates approved after the interview under Clause 2(c) shall be kept in a panel prepared in the order of merit. Merit shall be reckoned on the basis of aggregate marks obtained in written test and interview referred to above and postings shall be made accordingly.

5. PANEL

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The Bank may keep a panel of approved candidates in each of the above categories to the extent of 10% of the notified vacancies to fill up the additional vacancies and vacancies arising out of refusal/reversion etc. This panel

shall be valid for the calendar year only and shall lap automatically at the end of the year, unless extended by mutual consent.. It shall also be open for the bank to hold another test in the same calendar year, if considered necessary. after notifying the vacancies to the Federation.

6. METHOD OF POSTING

The candidates selected under Clause 2(b) from the senior clerks including Special Assistants through the process of seniority-cum-absence of demerit and interview will be posted within the concerned area/group, agreed to by and between the parties for this purpose. The candidates coming through the process of selectivity, i.e., written test and interview under Clause 2(c) will be required to give in their application the choice of posting in 3 States, other than the State where they are working, in order of preference, which will be kept in view by the Bank while making postings. Such choice, will however, be not binding on the management.

7. FITMENT ON PROMOTION

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All Clerks and Special Assistants coming through the process of selection by way of test and interview, as well as through seniority will be fitted in grade applicable to officers in JMG Scale-I in the manner agreed to between the parties from time to time. *g* *d*

8. CONSEQUENCES ARISING OUT OF REFUSAL OF PROMOTION

- a) i) On refusal to officiate or to except promotion or failure to report at the place of posting within the given time as Officer in JMG Scale-I, the employee shall be debarred from promotion/officiating for one year from the date of refusal. On his refusal second time, he shall be debarred for further period of two years from the date of such refusal. After his third refusal, he shall not be considered for promotion till such time he himself volunteers to accept promotion. However, he shall not be entitled to volunteer himself to accept promotion before expiry of 2 years from the date of his third refusal.

- ii) An employee who fails to attend the interview under Clause 2(b) above without valid reason, shall also be debarred from officiating/promotion as officer in JMG Scale-I for a period of one year from the date of said interview.

- b) In case of reversion on request from JMG Scale-I to clerical cadre, the reverted employee shall be debarred from officiating/posting as Officer for a period of one year from the date of reversion.

GENERAL

- a) It is agreed that this settlement is subject to such changes as the Government of India might find it necessary to make for promotion from clerical cadre to the officer cadre and direct recruitment of officers for the public sector banks.
- b) Ex-servicemen employed in the bank shall be entitled to the benefit of their past service in Defence Services for computing minimum length of service under Clause 2(c) above in the ratio of 5:1 subject to a maximum of two years after they have rendered at least three years of confirmed service in the Bank, provided he has not availed of this benefit before, either for promotion from sub staff cadre to clerical cadre or for posting on a post carrying Spl. Allowance. It is further agreed that the benefits to be made available to ex-servicemen in relation to their past service in

Defence Services, shall be same as advised, as policy by the Govt. of India for implementation by Public Sector Banks from time to time and the same shall be implemented by the bank after intimation to the Federation.

- c) It is further agreed that reservations or relaxation/concession, if any, for Scheduled Caste and Scheduled Tribe employees in such promotions, shall be the same as advised as a policy by the Government of India for implementation by the Public Sector Banks from time to time and the same shall be implemented by the Bank after intimation to the Federation.

10. SPECIAL ASSISTANT

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Management agrees to continue to fix the number of Special Assistants on the basis of one Special Assistant for every 11 workmen in clerical cadre excluding Special Assistants to be computed on the basis of clerical strength as on 31st December of each preceding year, as agreed to between the parties in accordance with the Conciliation Settlement dtd. 7th March, 1978 read with the subsequent Settlement *Handwritten mark*

dated 1st November, 1988 and the clarification/modification mutually agreed to between the parties during the course of Industrial Relations Machinery Meeting or otherwise.

11. Both the parties agree to submit separately a report on implementation of the settlement so as to reach the Regional Labour Commissioner (Central), New Delhi, latest by 30.11.1998, failing which it shall be presumed that the settlement has been fully implemented.

12. OPERATION OF SETTLEMENT

This Settlement shall come into force w.e.f. 29.10.1998 and shall be binding on the parties for three years, from 29.10.1998 to 29.10.2001 and shall continue to be binding even thereafter until either party gives to the other party two months notice, in writing, of intention to terminate this Settlement.

13. REMOVAL OF DOUBTS AND DIFFICULTIES

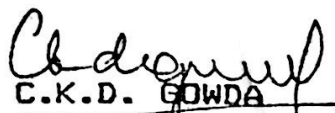
If any doubt regarding interpretation of any provision of this Settlement or difficulty in implementation thereof


arises, the matter shall be taken up only at the level of Head Office, Personnel Division and All India PNB Employees' Federation, for discussion and settlement.

Signed by the parties on this 29th day of October 1998 at New Delhi


FOR PUNJAB NATIONAL BANK

FOR ALL INDIA PUNJAB NATIONAL BANK EMPLOYEES' FEDERATION

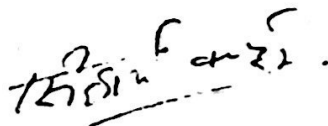
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C.K.D. GOWDA
AGM (PERSONNEL)

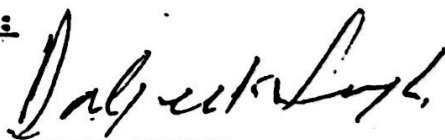
1. 
P.N. TIWARI, 29/10/98
PRESIDENT, AIPNBEF

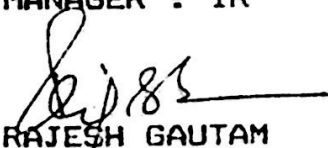
2. 
B.P. SHARMA 29/10
CHIEF (PERSONNEL)

2. 
P.R. MEHTA, 29/10/98
GEN. SECRETARY, AIPNBEF

WITNESSES:

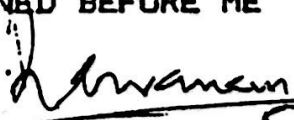
1. 
SIDHARTH KAPOOR
MANAGER : IR

1. 
DALJEET SINGH
VICE PRESIDENT, AIPNBEF

2. 
RAJESH GAUTAM
MANAGER : IR

2. 
R MOUNTBATTEN
ASSTT. SECRETARY, AIPNBEF

SIGNED BEFORE ME


(R SHANTICHARAN) 29/10
REGIONAL LABOUR COMMISSIONER (CENTRAL)
NEW DELHI

केन्द्रीय श्रमायुक्त (केन्द्रीय)
Regional Labour Commissioner (Central)
नई दिल्ली