

MEMORANDUM OF SETTLEMENT SIGNED AT MUMBAI ON 08<sup>th</sup> FEBRUARY, 2023 BETWEEN THE MANAGEMENT OF BANK OF INDIA AND THE REPRESENTATIVES OF THE FEDERATION OF BANK OF INDIA STAFF UNIONS FOR PROMOTION OF SUBORDINATE STAFF TO CLERICAL CADRE (UNDER SECTION 2(p) AND SECTION 18 (1) OF THE INDUSTRIAL DISPUTES ACT, 1947 READ WITH RULE NO. 58 OF THE INDUSTRIAL DISPUTES (CENTRAL) RULES, 1957.

**PARTIES TO THE SETTLEMENT**

REPRESENTING THE MANAGEMENT OF BANK OF INDIA	REPRESENTING THE FEDERATION OF BANK OF INDIA STAFF UNIONS
1. Shri A.K. Pathak Chief General Manager – HR	1. Shri A.M.Pereira President
2. Shri Nakula Behera General Manager – HR	2. Shri Suresh Bobhate Vice President
3. Ms. Rajalaxmi Padhi Assistant General Manager – HR	3. Shri Bikker Bahadur Vice President
4. Shri Ravindra Sarang Senior Manager – Promotion Division	4. Shri Dinesh Jha Lallan General Secretary
5. Shri Mayur Mane Senior Manager- IR	5. Shri P.C. Sridhar Deputy General Secretary
6. Shri Madhu Kochubabu Senior Manager- IR	6. Shri Anil Kumar Dubey Deputy General Secretary
	7. Shri Naveen Modi Deputy General Secretary
	8. Shri Girish Dave Assistant General Secretary

**SHORT RECITAL**

A Memorandum of Settlement was signed between the Management of Bank of India and the Federation of Bank of India Staff Unions on 17.11.2017 on the principle of “merit-cum-seniority” in the process of promotion from Subordinate Staff Cadre to Clerical Cadre in the bank.

In order to align the scheme of promotion under this channel with changing needs, the parties to the settlement hereby agree to modify certain provisions of the settlement dated 17.11.2017 on promotion from Subordinate Cadre to Clerical Cadre with the following terms and conditions.

**TERMS OF SETTLEMENT**

This Settlement arrived at by and between the parties is in supersession of the Settlement dated 17.11.2017 in respect of the promotion process from Subordinate cadre to Clerical Cadre on the principle of ‘Merit – cum - Seniority’. The Scheme of promotion from Subordinate Staff Cadre to Clerical Cadre is laid down as below:

**1. ELIGIBILITY**

The members of Subordinate Staff who fulfill the following eligibility norms only can apply for promotion to Clerical Cadre.

- (a) Graduates of Recognised University or equivalent qualification recognized by the appropriate Government – ONE year in terms of length of service (including probation period) in the Bank.



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- (b) S.S.C. or other equivalent examination of Government Recognised Examination Boards – 15 years in terms of length of service (including probation period) in the Bank.

### EXPLANATION – 1

Wherever in the foregoing clause a minimum period of service has been stipulated as one of the conditions of eligibility for applying for promotion, such service shall mean the actual completed year(s) of service as a full-time permanent Subordinate Staff in Bank of India. Notwithstanding that, erstwhile members of part-time Subordinate Staff will be given pro-rata weightage in the service put in by them as 1/3, 1/2 and 3/4 scale wages as the case may be.

### EXPLANATION – 2

The date relevant for the purpose of determining the qualification and total years of service shall be the date of notice.

### EXPLANATION – 3

Ex-servicemen re-employed in the Bank in Sub-staff Cadre and who have passed SSC Examination will, in addition to their services in the Bank, be given weightage for their service in the Armed Forces, as under:-

- |   |   |         |
|---|---|---------|
| a) Service above 5 years but below 10 years | - | 1 year  |
| b) Service of 10 years and above            | - | 2 years |

This weightage will be available to them only after putting in 3 years of service in the Bank.

An Ex-serviceman shall be allowed the above weightage for promotion, if he/she has not exercised the option in the matter of selection and assignment of duties of special pay carrying posts for unspecified period. The Ex-serviceman should exercise the option at the time of first available opportunity and option once exercised will be final and irrevocable, whether or not the Ex-serviceman is successful in the exercise.

### EXPLANATION – 4

#### For Computation of Length of Service

- i) For the purpose of eligibility in terms of length of service, only the completed years of service of the subordinate staff, computed from the date of entry therein shall be taken into account, including the service during the period of probation.
- ii) Leave of absence on loss of pay will not be reckoned for computing length of service, unless specifically directed by the leave sanctioning Authority.
- iii) Period of suspension will not be reckoned for the purpose of computation of the length of service, unless the alleged act of misconduct for which the employee was suspended, has not been proved in the departmental inquiry, if held, in terms of Industry level Bipartite Settlement and concluded before initiation of promotion process.

iv) The period of sabbatical leave will not be reckoned for the purpose of computation of length of service.

The period of deputation to other institutions will be reckoned for the purpose of computation of length of service.



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## 2. VACANCIES

- (a) The number of vacancies will be determined as per manpower planning approved by the board and the vacancies to be filled in by way of promotion from Subordinate Staff Cadre to Clerical cadre would be discussed and finalized by the parties to the settlement. The number of vacancies that are to be filled in by way of promotion will be mentioned Zone-wise in the notice inviting applications for promotion. The endeavour will be made to hold the promotion process every year.
- (b) A member of Subordinate Staff who fulfills the eligibility norms and desirous of applying for promotion shall submit his/her application in the prescribed format, either online or otherwise, for the vacancies to be filled in the Zone where he/she is posted.
- (c) For the specific purpose of promotions from Subordinate staff cadre to Clerical cadre, existing administrative set-up of Zones will be taken as basis excepting Head Office, Mumbai North Zone, Mumbai South Zone and Navi Mumbai Zone which will be deemed to be a single Administrative Zone for the limited purpose of promotion from Subordinate Staff Cadre to Clerical Cadre in terms of this Memorandum of Settlement.

## 3. SELECTION PROCESS

The maximum prescribed marks for promotion shall be 100 and procedure to be followed shall be as under:

### Skill Test : (100 Marks)

All the candidates who have applied and undergone training of 6 days shall appear for a Skill Test. In the Skill Test, the candidate's ability to open the Computer System, enter a voucher pertaining to a transaction of Cash / Transfer / Clearing, generate a statement of account, to do day to day clerical work, open an account and to close the System successfully, shall be tested. To qualify in the Skill Test, the candidates belonging to SC/ST category should secure minimum 45.00 marks and the other category candidates should secure minimum 50.00 marks.

## 4. MERIT LIST

A Zone-wise Merit List will be prepared which shall be a combined / common list comprising candidates belonging to all categories and shall be drawn in the following manner :-

- (a) A list of candidates qualified in skill test as per their merit ranking shall be prepared on the basis of marks obtained by the candidates in the said skill test.
- (b) Where two or more candidates have obtained equal total number of marks, they shall be listed in accordance with their seniority as full-time Subordinate Staff in the Bank.



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- (c) Further, candidates with equal number of total marks as also equal seniority (as aforesaid) will be listed in accordance with their dates of birth i.e. the senior in age will be listed above the junior in age.
- (d) It is clarified that ranking in the Merit List does not by itself mean that a candidate is selected for promotion. He/She will be considered selected when he/she will be issued letter of offer for promotion by the Bank.

## 5. POSTINGS

Initial posting of the candidates who are selected for promotion shall be made in any of the Branch/Office in the Zone, other than the Branch/Office from where he/ she is promoted. Endeavour shall be made to post the candidate, as far as possible, in a branch in the same/ adjoining district from where the candidate has been promoted.

## 6. WAITING LIST

A zone-wise Merit List prepared in pursuance of para 4 shall remain as "**Waiting List**" to the extent of maximum 10% of the declared vacancies and shall be in force for a period of nine months from the effective date of relevant promotion or until the date of notice issued for the next promotion process, whichever is earlier and the candidates on the Waiting List according to their merit will be offered Promotion, if any vacancy arises in a particular Zone, due to Non-acceptance / Refusal of Promotion, Reversion or Resignation (or otherwise ceasing to be in service) of the candidates selected for Promotion.

## 7. DISPLAY OF MARKS

The Final Marks of all the candidates will be displayed after completion of entire process of promotion.

## 8. GENERAL GUIDELINES

- (i) An employee on promotion to the Clerical Cadre shall be on probation for a period of six months and he/she may be confirmed in the Clerical Cadre subject to his/her work, conduct and attendance being found satisfactory. If his/her work, conduct or attendance is not found to be satisfactory anytime during the probationary period, the Management may, in its discretion, by an order in writing –
- (a) extend his/her initial probationary period of six months by such further period or periods as may be deemed necessary by giving him/her due notice in writing in advance. However, the total period of probation will not exceed nine months;

(OR)

- (b) revert him/her anytime before expiry of the period of probation including extended period of probation to the Subordinate Cadre on the same Basic Pay which he/she was drawing immediately prior to promotion and will be deemed to have continued in Subordinate Cadre till the date of reversion.



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- (ii) A member of Subordinate Staff promoted to Clerical Cadre will be allowed to have a lien as a Sepoy/ Safai Karamchari – cum - Sepoy only in the Subordinate Cadre during the entire period of probation. The lien shall cease on his/her confirmation as a Clerk in the Bank.

Note : The non-acceptance of posting will be deemed as non-acceptance of promotion.

- (iii) An employee, who does not accept the offer of promotion or who is reverted at his/her request to Subordinate Staff Cadre after accepting the promotion, shall not be eligible to apply for the next immediate promotion process or one year whichever is earlier. However, where an employee is reverted at the instance of the Bank (not at his/her request), he/she will be eligible to apply for the next promotion process.
- (iv) In case, from the date of notice of a particular promotion process to release of the final waiting list, existing administrative Zones are bifurcated/ merged/ realigned, the vacancy(ies) identified for the erstwhile zone(s) shall be apportioned among the new/ merged zones by Head Office.

#### 9. PROVISION IN CASE OF DISCIPLINARY ACTION

- (a) A member of Subordinate Staff, who has been punished for Minor or Gross Misconduct under the provisions of Bipartite Settlements, shall be allowed to apply for promotion. However, the Management shall hold the promotion of such employee in abeyance as enumerated herein below under advice to him/her, provided he/she is qualified for promotion as per para 4 above :-
- i) for a period of SIX MONTHS from the date of punishment where the punishment awarded is under Minor Misconduct;
- ii) for a period of ONE YEAR from the date of punishment where the punishment awarded is under Gross Misconduct.

NOTE : The promotion of such candidates, against whom the disciplinary action has been taken, would be effective from the date of expiry of the period of holding promotion in abeyance viz. six months or one year, as the case may be.

- (b) Further, in the case of an employee selected for promotion and against whom -

- (i) disciplinary action has already been initiated for Gross/ Minor Misconduct by way of issuing (i) Charge-Sheet or (ii) Show Cause Notice under clause 12 (e) or 12 (f) of Bipartite Settlement dated 10.04.2002;

OR

- (ii) steps have been taken by the Bank to prosecute him/her by lodging an F.I.R. for criminal offences;



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The Management, in above circumstances, shall keep in abeyance the promotion of such employee till the disciplinary proceedings / prosecution is over. The employee shall be informed accordingly about withholding of his/her promotion and shall not be allowed to take part in the subsequent promotion process till disciplinary proceedings/ prosecution is over.

- (c) Ultimately, if the employee is found not guilty and/or if he/she is not punished or if it is decided not to go in appeal against the acquittal and not to initiate disciplinary action for the same charges, the Management will promote such employee notionally from the date of his/her promotion which was kept in abeyance. However the employee, so promoted notionally, would not be entitled for salary and other benefits as applicable to Clerical Cadre for the period for which his/her promotion was kept in abeyance. However, the said period shall be counted for the purpose of reckoning his/her inter-se seniority only.
- (d) But if the employee is found guilty and punishment (other than Compulsory Retirement / Discharge / Dismissal) for Gross Misconduct or under Minor Misconduct is awarded, he/she shall be promoted after expiry of –
- (i) SIX MONTHS from the date of the promotion of the employee was held in abeyance or from the date succeeding the date of punishment, whichever is later, where the punishment awarded is under Minor Misconduct;

OR

- (ii) ONE YEAR from the date the promotion of the employee was held in abeyance or from the date succeeding the date of punishment, whichever is later, where the punishment awarded is under Gross Misconduct.








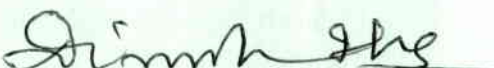

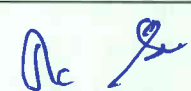
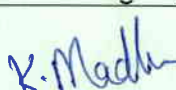
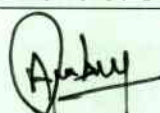
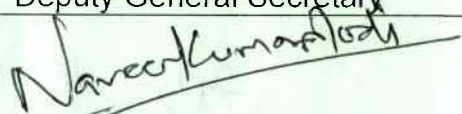

10. The Parties to this Settlement further agree that if any doubt, difficulty or dispute arises regarding the interpretation of any of the provisions of this Settlement or any other matter arising out of it or connected therewith, it shall be taken up only at the level of the Management and the Federation for discussions and settlement thereof.
11. This Settlement shall be binding on the parties for three (03) years from 8<sup>th</sup> February 2023. The terms and conditions in this Settlement which is arrived at under the provisions of the Industrial Disputes Act, 1947 and the rules made thereunder shall continue to govern and bind the parties even thereafter until the Settlement is terminated by either party giving to the other a statutory notice as prescribed in law for the time being in force.
12. The parties to the settlement further agree that copies of this memorandum of settlement shall be jointly forwarded to the Authorities concerned as specified in the Industrial Disputes Act, 1947.

Dated at Mumbai, this 08<sup>th</sup> Day of February, Two Thousand Twenty Three.




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SIGNATURE OF THE PARTIES


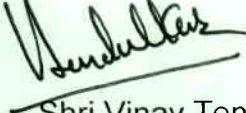
For and on behalf of Bank of India	For and on behalf of Federation of Bank of India Staff Unions
1.  Shri A.K. Pathak Chief General Manager (HR)	1.  Shri A.M. Pereira President
2.  Shri Nakula Behera General Manager (HR)	2.  Shri Suresh Bobhate Vice President
3.  Ms. Rajalaxmi Padhi Assistant General Manager (HR)	3.  Shri Bikker Bahadur Vice President
4.  Shri Ravindra Sarang Senior Manager – Promotion Division	4.  Shri Dinesh Jha Lallan General Secretary
5.  Shri Mayur Mane 178497 Senior Manager (IR)	5.  Shri P.C. Sridhar Deputy General Secretary
6.  Shri Madhu Kochubabu Senior Manager (IR)	6.  Shri Anil Kumar Dubey Deputy General Secretary
	7.  Shri Naveen Modi Deputy General Secretary
	8.  Shri Girish Dave Assistant General Secretary

WITNESSES

  
Shri Saurabh Mathur  
Senior Manager (IR)

1)

  
Shri C.P. Chandrasekaran

2)	 Shri Amit Warang Officer- Transfer & Placement Divn.	2)	 Shri Vinay Tendulkar
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- C.C.: 1) The Assistant Labour Commissioner (Central),  
 Government of India, Ministry of Finance,  
 Office of the Dy. Chief Labour Commissioner (Central),  
 (West Zone),  
 Shram Raksha Bhavan, First Floor,  
 Opp. Priyadarshini, Shiv Shruti Road,  
 Eastern Express Highway, Sion,  
Mumbai - 400 022.
- 2) The Regional Labour Commissioner (Central),  
 Government of India, Ministry of Finance,  
 Office of the Dy. Chief Labour Commissioner (Central),  
 (West Zone),  
 Shram Raksha Bhavan, First Floor,  
 Opp. Priyadarshini, Shiv Shruti Road,  
 Eastern Express Highway, Sion,  
Mumbai - 400 022.
- 3) The Chief Labour Commissioner (Central),  
 Government of India, Ministry of Labour,  
 Shram Shakti Bhavan, Rafi Marg,  
New Delhi - 110 001.
- 4) The Secretary to the Government of India,  
 Ministry of Labour,  
 Shram Shakti Bhavan, Rafi Marg,  
New Delhi - 110 001.



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