

MEMORANDUM OF SETTLEMENT SIGNED AT MUMBAI ON 08th 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 C.P.Chandrasekaran 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 Anil Kumar Dubey Deputy General Secretary
6. Shri Madhu Kochubabu Senior Manager- IR	6. Shri Naveen Modi Deputy General Secretary
	7. Shri Vinay Tendulkar Assistant 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 25.06.2019 incorporating the principle of “seniority-cum-merit” 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 25.06.2019 on promotion from Subordinate Cadre to Clerical Cadre. Accordingly, the terms and conditions are laid down afresh.

TERMS OF SETTLEMENT

This Settlement arrived at by and between the parties is in supersession of the settlement dated 25th June, 2019 in respect of the promotion process from Subordinate cadre to Clerical Cadre on the principle of ‘Seniority – cum – Merit’. 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:



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Subordinate staff member who has completed three years in terms of length of service (including probation period) as Full-Time Subordinate Staff in Bank of India and has passed minimum 8th Standard examination from a Government recognized School/Board or an equivalent qualification recognized by the Appropriate Government. The period spent on Part-time Scale wages /services will be counted on pro-rata basis for reckoning the required minimum length of service.

EXPLANATION - 1

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

EXPLANATION - 2

Ex-servicemen re-employed in the Bank in Sub-staff Cadre 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 would be taken into consideration while determining their eligibility and also marks for service (para 3 below). This weightage will be available to them only after putting in 3 years of service in the Bank.

An Ex-servicemen 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-servicemen 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-servicemen is successful in the exercise.

EXPLANATION - 3

Graduates for the purpose of qualification shall mean and include "Graduates of Recognized University or equivalent qualification recognized by the appropriate Government".

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.



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

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 as specified in the Notice, 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, 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 to Clerical Cadre in terms of this Memorandum of Settlement.

3. SELECTION PROCESS

The maximum prescribed marks for promotion shall be 100 and shall be apportioned, as under :-

(a)	Written test/Online test	40 marks
(b)	Skill test	40 marks
(c)	Length of Service	subject to a maximum of 20 marks
	For one to eight years of completed service- NIL mark	
	Thereafter, two marks for each completed year of service up to and inclusive of fourteen years	
	Thereafter, three marks for each completed years of service	
	Total	100 marks

(A) Written/ Online Test (40 Marks)

All eligible candidates shall have to appear for an Objective Type Written/ Online Test, which shall be held on the following basis:

Paper No.	Title	Max. Marks	Minimum marks required for passing subject-wise
I	English (Basic Grammar)	8	2
II	Clerical Aptitude (Matching names and numbers)	20	5



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III	Arithmetic / Numerical Computation	12	3
Total		40	10

A candidate will have to secure minimum marks, as stipulated subject-wise in the above table, to become eligible for being reckoned in consideration zone. However, to qualify for the skill test, a candidate will have to secure minimum aggregate marks in the written/ online test which are prescribed as under:-

For candidates belonging to SC/ST Category - 14.00 marks
For Others - 16.00 marks

Note:

There shall be no negative marking for wrong answers. In order to qualify for skill test, an employee shall have to obtain minimum passing marks as laid down above in each of the three papers and in addition to that he / she shall have to obtain the minimum aggregate marks required for qualifying for taking skill test i.e. 14 marks or 16 marks, as the case may be.

- (i) All candidates who qualify in the written/ online test shall be listed in order of merit determined on the basis of total number of marks obtained under the heads – Service and Written/ Online Test for imparting training in Computer Awareness;
- (ii) The number of candidates short listed (as mentioned in (i) above) for skill test shall **not exceed twice the number** of vacancies notified zone-wise.
- (iii) The candidates so short listed shall be imparted training in Computer Awareness at Zonal Centres / other places for a period of 6 days.
- (iv) Skill test will be conducted thereafter.

(B) Skill Test: (40 Marks)

All the candidates who have undergone training 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, ability to do day to day clerical work, opening of 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 19.00 marks and in case of other candidates they should secure minimum 21.00 marks.

4. MERIT LIST

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

- (a) A Zone-wise merit list of successful candidates who qualified in skill test shall be prepared on the basis of total marks obtained by the candidates under the heads "Service", "Written/ Online Test" and "Skill Test".
- (b) Where two or more candidates have obtained equal aggregate 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 date of birth, i.e. senior in age will be ranked above the junior in age.
- (d) A letter of offer for promotion will be given to the candidate in order of his/ her ranking in the merit list.
- (e) 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 Branches/Offices 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

The 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 subject to a minimum of ONE in each Zone 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, 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 shall not exceed nine months;
 - (OR)
 - (b) revert him / her any time before expiry of the period of probation including extended period of probation to the Subordinate Cadre on the Basic Pay which he / she was drawing immediately prior to promotion and will be deemed to have continued in Subordinate



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Cadre till the date of reversion. However, the annual/ stagnation increment falling during the intervening period would notionally be released as if he or she was continuing in the subordinate cadre.

- (II) A member of Subordinate Staff promoted to Clerical Cadre will be allowed to have a lien as Sepoy / Safai Karmachari-cum-Sepoy (not drawing any Special Pay carrying post) 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 offered posting will be deemed as non-acceptance of promotion.

- (III) An employee, who does not accept/ refuses 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 as mentioned herein above in para 9(a).

- (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;



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OR

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

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.






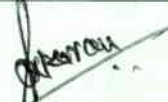


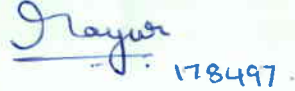
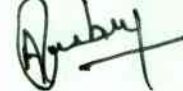

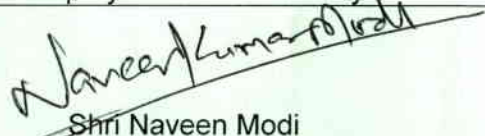


- (c) Ultimately, if the employee is found not guilty and/or if he/she is not punished or if it is decided not to go in appeal against the acquittal and not to initiate disciplinary action for the same charges, the Management will promote such employee notionally from the date of his / her promotion 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 awarded is other than Compulsory Retirement / Discharge / Dismissal / Removal for Gross misconduct or minor misconduct, he / she shall be promoted after expiry of –
- (i) SIX MONTHS from the date of the promotion of the employee was kept 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 kept in abeyance or from the date succeeding the date of punishment, whichever is later, where the punishment awarded is under Gross Misconduct.
11. 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.
12. This Settlement shall be binding on the parties for three (03) years from 8th 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.
13. 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 08th day of February, Two Thousand and 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 C.P. Chandrasekaran 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 Anil Kumar Dubey Deputy General Secretary
6.  Shri Madhu Kochubabu Senior Manager (IR)	6.  Shri Naveen Modi Deputy General Secretary
	7.  Shri Vinay Tendulkar Assistant General Secretary
	8.  Shri Girish Dave Assistant General Secretary

WITNESSES


1)  Shri Saurabh Mathur Senior Manager (IR)	1)  Shri Bikker Bahadur
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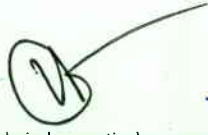
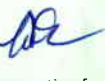
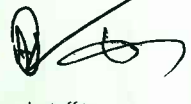

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2)	 Shri Amit Warang Officer- Transfer & Placement Divn.	2)	 Shri P.C. Sridhar
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- C.C.: 1) The Assistant Labour Commissioner (Central),
 Government of India, Ministry of Finance,
 Office of the Dy.Chief 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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