



Work is Worship

STATE BANK OF INDIA OFFICERS' ASSOCIATION (LUCKNOW CIRCLE)

Registered Under Trade Union Act 1926 Registration No. 9488 (U.P.)
(Affiliated to ALL INDIA STATE BANK OFFICERS' FEDERATION)
8th Floor, State Bank of India, Administrative Building, SBI LHO, Moti Mahal Marg, Hazratganj, Lucknow - 226 001

CIRCULAR NO. 07

DATE : - 29.01.2020

To All Comrades,

We reproduce hereunder the text of AISBOF Circular No. 21 dated 28.01.2020 the contents of which are self-explanatory for information of the members.

(PAWAN KUMAR)
GENERAL SECRETARY

Re: UFBU Strike call on 31st `January 20 & 1st February'20
Letter served to SMGS-IV & SMGS-V Officers

We have sent a communication to the Dy. Managing Director (HR) & Corporate Development Officer, State Bank of India, on the captioned subject.

A copy is enclosed for information.

Yours comradely,

Sd/-

(Soumya Datta)

General Secretary

No.6032/09/20

Date: 28.01.2020

The Dy. Managing Director (HR)
& Corporate Development Officer
State Bank of India, Corporate Centre,
Madam Cama Road,
Mumbai 400021

Dear Sir,

Re: UFBU Strike call on 31st `January 20 & 1st February'20
Letter served to SMGS-IV & SMGS-V Officers

We are dismayed to find and therefore deem it fit to draw your attention to the incidence of letters being issued to the Scale- IV and Scale- V officers of the bank by various circles, instructing them to desist from participating in the strike called by UFBU on 31st Jan'20 and 1st Feb'20.

02. Instruction/request for employees "not joining" the strike necessarily implies that the Bank management has taken cognizance of the strike called and thereby admits the right of officers/employees to go on strike. It also implies that all the officers/ employees of the Bank have a right to join the strike. Therefore, it is prima facie and in effect a fiat being imposed on a section of officers and restricting them from exercising their free will and thought

process at the very outset on a perfectly valid and legal option available to them, notwithstanding their willingness to do it.

03. Insofar as various instructions issued to the branches for the purpose of informing the customers are concerned, we do not have anything to say; as the said instruction do not in any way seek to curtail the right of the officers/employees to go on strike and to peacefully participate therein. The communication contains further instructions to prohibit officers of certain grades/scales to desist from strike. Thus, the communication tramples upon the basic constitutional rights of the concerned officers, who have a right to participate in strike. The justifiability of strike has also not been adjudicated and/or ad-judged by any competent forum of law and as such it is not desired that the management would proceed to take action as expressed in the said communication by treating the strike to be unjustified. Such unilateral action and/or decision to establish the unjustifiability of the strike is uncalled for and is highly provocative.

04. In the communication made, the management has dealt with two types of situations, namely strike and agitation. Sir, you may kindly appreciate that the aforesaid situations are different and may not be co-existent. Your good office may also appreciate that the contents of the communication is based on the subject of the strike, and not any agitation. The instructions therein also amounts to Unfair Labour Practice as understood within the meaning of the Industrial Disputes Act, 1947, on the part of the employer in relation to the Bank management; without appreciating that every member of a trade union has a right to participate in the strike called by the union; and that the right of peaceful demonstration cannot be taken away by alluring other members of the trade union or employees who are not members of the striking union so as to break the strike and frustrate the lawful purpose sought to be achieved by calling the strike. Although synopsis of the consequences and/or prices to be awarded to the non-participating employees in strike have been mentioned by way of Bank's, IBA's and Government of India's guidelines, there is no pinpoint reference to any of such guidelines with regard to strike/dharna/disruption of work in public sector banks.

05. Please take note that the expectation expressed about SMGS-IV and SMGS-V officers not becoming members of the associations of which officers in Scale- I, Scale- II and Scale- III are also members, is not in conformity with the provisions of the Trade Union Act, 1926; rather this amounts to a undesirable intention to create division amongst officers in general. More importantly, the said provision does not constitute a part of the service conditions of the officers in their respective contracts of employment.

06. It is worthwhile to point out that Section 36AD of the Banking Regulation Act, 1949 does not prohibit a strike; rather the legality of strike is covered by a special statute, namely the Industrial Disputes Act, 1947. In any event, the reference to Section 36AD (1) (a) (b) (c) of the Banking Regulation Act, 1949 does not create any embargo or imposition of prohibitory conditions for strike.

07. As any progressive employer would know, there has to be a proper forum and mechanism for expressing grievance in any organization. Our various affiliates provide this forum to channelize such collective expressions of discontent and feedback to the management. The call for strike is essentially part of such lawful process of collective bargaining on behalf of all officers. It is a legally valid tool in settlement of Industrial disputes. Insisting or maintaining that the call for strike is unjustified at the threshold, and unilaterally describing the same to be unjustified is not in consonance with the spirit of Industrial relations. Every member of a recognized trade union, irrespective of his grade or scale has a right to participate in their capacity as a member.

We, therefore, once again urge upon your good office to initiate suitable direction to the circles to rescind such letters issued to SMGS-IV and SMGS-V officials at the earliest.

Yours sincerely,

Sd/-

(Soumya Datta)
General Secretary