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**STANDING COMMITTEE ON LABOUR**

**(2011-12)**

**(FIFTEENTH LOK SABHA)**

**`ABSORPTION/REGULARIZATION OF TEMPORARY  
DRIVERS OF ALLAHABAD BANK.'**

**THIRTY FIRST REPORT**



**LOK SABHA SECRETARIAT**

**NEW DELHI**

**August, 2012/Shravana, 1934 (Saka)**

**THIRTY FIRST REPORT**  
**STANDING COMMITTEE ON LABOUR**  
**(2011-12)**

**(FIFTEENTH LOK SABHA)**

***Presented to Lok Sabha on 09.08.2012***

***Laid in Rajya Sabha on 09.08.2012***



***LOK SABHA SECRETARIAT***  
***NEW DELHI***

**August, 2012/Shravana, 1934 (Saka)**

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**COMPOSITION OF THE STANDING COMMITTEE ON LABOUR**  
**(2011-12)**

**SHRI HEMANAND BISWAL      -      CHAIRMAN**

2. Shri Raj Babbar
  3. Shri Dara Singh Chauhan
  4. Dr. Virendra Kumar
  - \*\*5. Shri Pakauri Lal
  6. Shri Narahari Mahato
  7. Shri Hari Manjhi
  8. Shri P. Balram Naik
  9. Smt. Mausam Noor
  10. Shri Jayaram Pangi
  11. Shri Sanjay Dina Patil
  12. Shri S. Pakkirappa
  13. Shri Mahendra Kumar Roy
  14. Ms. J. Shantha
  15. Shri Bhausahab Rajaram Wakchaure
  - \*16. Shri Konakalla Narayana Rao
  - \*\*\*\*17. Shri T.K.S. Elangovan
  18. Vacant
  19. Vacant
  20. Vacant
  21. Vacant
  - RAJYA SABHA**
  22. Shri D. Bandyopadhyay
  23. Shri Mohd. Ali Khan
  24. Shri Aayanur Manjunatha
  25. Dr. E. M. Sudarsana Natchiappan
  - \*\*\*26. Shri Rudra Narayan Pany
  27. Smt. Renubala Pradhan
  28. Shri Ranbir Singh Parjapati
  29. Shri Rajaram
  - \*\*\*30. Shri Praveen Rashtrapal
  31. Shri G. N. Ratanpuri
  - \*\*\*\*\* 32. Shri Thaawar Chand Gehlot
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- \* Nominated *w.e.f* 25<sup>th</sup> November, 2011.
- \*\* Ceased to be Member of the Committee consequent upon his nomination to Standing Committee on Coal & Steel *w.e.f.* 3<sup>rd</sup> January, 2012.
- \*\*\* Retired *w.e.f.* 02.04.2012 and 03.04.2012 respectively.
- \*\*\*\* Nominated *w.e.f.* 12<sup>th</sup> April, 2012.
- \*\*\*\*\*Nominated *w.e.f.* 4<sup>th</sup> May, 2012.

### **SECRETARIAT**

- |    |                        |   |                     |
|----|------------------------|---|---------------------|
| 1. | Shri Devender Singh    | - | Joint Secretary     |
| 2. | Shri P.V.L.N. Murthy   | - | Director            |
| 3. | Shri Ashok Sajwan      | - | Additional Director |
| 4. | Smt. Archana Srivastva | - | Executive Officer   |

## **INTRODUCTION**

I, the Chairman of the Standing Committee on Labour (2011-12) having been authorized by the Committee to submit the Report on their behalf, do present this Thirty First Report on 'Absorption/regularization of temporary Drivers of Allahabad Bank.'

2. The Committee took up the subject 'Deployment of Contract/Casual workers/Sanitation workers for perennial nature of jobs in Government/PSU offices/establishments including at Railway Stations' for detailed examination. Since, the contractual arrangements are widespread and the workers so engaged are being denied their legitimate statutory rights, the Committee decided to examine various organisations/undertakings/establishments under the Government of India.

3. The plight of temporary drivers of Allahabad Bank came to the notice of the Committee when some representatives of the Allahabad Bank Drivers' Association met the Members of the Committee and narrated their grievances during their Study Visit to Kolkata in June, 2010. They also submitted a representation detailing their grievances and problems for the consideration of the Committee.

4. The Committee called for a factual note from the Allahabad Bank. The Committee took oral evidence of the representatives of the Allahabad Bank along with the Deputy Labour Commissioner (Central) on 14th July,

2011. The Committee then heard the representatives of Allahabad Bank on 31st December, 2011.

5. The Committee wish to express their thanks to the representatives of the Allahabad Bank for placing before them their views and also for providing detailed written notes and information solicited by the Committee and for the cooperation extended to them.

6. The Committee considered the draft Report on 20th July, 2012 and made certain suggestions and observations. The revised draft Report was considered and adopted at their sitting held on 30th July, 2012.

7. For facility of reference and convenience, the Observations/Recommendations have been printed in bold type in the body of the Report.

***New Delhi,  
7th August, 2012,  
16 Shravana, 1934 (Saka)***

***(HEMANAND BISWAL)  
CHAIRMAN,  
STANDING COMMITTEE ON LABOUR***

**REPORT****Part-I****INTRODUCTORY**

One of the main functions assigned to the Departmentally Related Standing Committee on Labour, constituted under Rule 331C of the Rules of Procedure and Conduct of Business in Lok Sabha is to consider the Annual Reports of the Ministries/Departments and make reports thereon. The Committee have under their jurisdiction the Ministry of Labour and Employment and the Ministry of Textiles. The main responsibility of the Ministry of Labour and Employment is to protect and safeguard the interests of workers in general and those who constitute the poor, deprived and disadvantaged sections of the society, in particular with due regard to creating healthy work environment for higher production, promotion of social security and welfare of the labour force. The Ministry is responsible for administration of as many as 44 Labour Acts. The jurisdiction of the Committee on Labour is therefore co-extensive with the works allocated to the Ministries of Labour and Employment and Textiles. Thus the Committee, have the mandate to oversee the various issues concerning the labour in regard to their conditions of work, health,



safety, welfare and social security. The Committee at their sitting held on 22nd September, 2011, selected the subject 'Deployment of Contract/Casual workers/Sanitation workers for perennial nature of jobs in Government/PSU offices/establishments including at Railway Stations'.

2. Concerned over the reports of plightful working conditions of jute workers engaged by the jute Mills, the Committee undertook a study visit to Kolkata on 16-17 June, 2010 to oversee the implementation of social security schemes for the welfare of workers of Jute Mills. During the study visit, some representatives of the Allahabad Bank Drivers' Association met the Chairman and Members of the Committee. They narrated their grievances and submitted a representation for the consideration of the Committee and prayed for their intervention.

3. The Drivers' Association in their representation stated as follows:

(i) Drivers attached with the Executives of the Allahabad Bank are working for last 20-25 years in a temporary capacity on a salary of Rs.5000/- p.m.

- (ii) Drivers perform duties for 16-20 hrs. a day and are also called on holidays by the Executives for which they are paid only Rs.500/- a month, additionally.
- (iii) Drivers are not entitled for any casual leave/medical leave.
- (iv) No medical benefits/facilities are given to them.
- (v) They are not covered under any social security scheme.
- (vi) Provident Fund and other benefits are also not given to them by the Bank.
- (vii) Even after rendering 15-25 years of service, their services have not been regularized till date and their long and continuous service shows that they are performing perennial nature of job.
- (viii) They are always at the mercy, whims and fancies of the Executives of the Bank.
- (ix) With such a meagre salary, it is difficult for them and their families to survive and they have to undergo a lot of hardships.

(x) In the absence of any Identity card they are often subjected to police scrutiny and avoidable harassment with the result they reach home late at night.

4. The Allahabad Bank founded on April 24, 1865 and nationalized on 19th July, 1969, has approximately 22,000 employees in various capacities. The Bank was requested to furnish a factual note in the matter. While furnishing the reply, the Allahabad Bank, also informed that they have increased remuneration of these temporary drivers from Rs.5000/- to Rs.6000/- p.m. and they are also paid Rs.40/- per day if they perform duty beyond 8 hours. The Committee recorded the oral evidence of the representatives of the Allahabad Bank on 14th July, 2011. The Minutes of the sitting are reproduced at **Annexure-I**.

5. Asked about regularization/absorption of these drivers, the representatives of Allahabad Bank deposed during evidence as under:

"The personal drivers forming an Association in the name of Allahabad Bank Drivers Association fought a protracted legal battle with the Bank for their absorption by filing a writ petition, contempt petition before the High Court of Calcutta. Having lost their cases in the High Court, the said Drivers Association filed a SLP before the hon. Supreme Court, which was finally dismissed as withdrawn"

6. They further informed that in its meeting held on 26th June, the Banks' Board accorded its approval for absorption of personal drivers of Executives who are in continuous engagement for five years or more as on 31st March, 2010, in the regular service, in the cadre of subordinate staff, with the direction that the matter be informed to the Ministry of Finance, Government of India. Accordingly, the Ministry of Finance was informed on 14th August, 2010 and on being called for a joint discussion, conciliation proceedings before the Deputy Chief Labour Commissioner (Central) on 17th June, 2011, the representatives of the management headed by General Manager (HR) and the Union representatives held a threadbare discussion on this issue before the Deputy Chief Labour Commissioner (Central). It was further submitted that "finally, a tripartite settlement was signed by the representatives of the management and the Union on 17th June, 2011 in conciliation proceedings in the presence of the Deputy Chief Labour Commissioner (Central) under Section 12 (3) of the Industrial Disputes Act of 1947. In terms of the said settlement, Bank will consider, appointing in the service of the Bank, only such personal drivers engaged with the Executives for driving Bank's own vehicle and existing as on the date of settlement and as per the settlement, those who have completed minimum 5 years of continuous engagement as personal drivers, subject to the condition *inter-alia* that

they fulfill the educational qualification prescribed by the Bank for appointment of subordinate cadre in the Bank. The settlement also provides that the process of appointment of such eligible personal drivers will be completed within a period of four months from 17th June, 2011. Accordingly, the Bank invited applications from the eligible personal drivers in a prescribed format through the Executives, who have engaged them, to be submitted by 4th July, 2011. It is estimated that around 130 personal drivers will be found eligible to apply for appointment in Bank service.

7. Accordingly, a settlement was arrived on 17th June, 2011 between the Management of Allahabad Bank and All India Allahabad Bank Employees' Co-ordination Committee under Section 12(3) of the Industrial Disputes Act, 1947. The settlement so arrived is reproduced as **Annexure-II.**

8. When asked how All India Allahabad Bank Employees' Co-ordination Committee came into picture when the dispute was primarily between the Management and the Allahabad Bank Drivers' Association, the Allahabad Bank informed that all Memoranda of Settlements (MOS) pertaining to service matters are signed with the representatives of the recognized (majority) Workmen Union of our Bank, which is affiliated to All India

Bank Employees' Association (AIBEA). In our Bank, All India Allahabad Bank Employees' Coordination Committee (AIABECC) is the representative body of AIBEA. Accordingly all settlements are signed with the representatives of AIABECC.

Earlier Memoranda of Settlements (MOS) dated 13th March, 1993 was signed with the aforesaid union under Sections 2 (p) and 18 (1) of Industrial Disputes Act, 1947 in the matter of appointment of personal drivers and the eligible personal drivers were offered appointment in the Bank in terms of the said settlement.

9. The representative further submitted that the majority workmen union has been taking up the cause of the personal drivers for a long time requesting the Management for their appointment in the Bank's service. In each Industrial Relations Machinery (IRM) meeting at the Head Office level, the said Union keeps it as an agenda for discussion with the Management. The Tripartite Settlement signed between the Management and the said majority workmen union of the Bank, under Section 12(3) of Industrial Disputes Act, 1947 during the conciliation proceedings in the presence of the Deputy Chief Labour Commissioner (Central) under the witnesses of the Regional Labour commissioner (Central) and the Assistant Labour Commissioner (Central) is binding on the parties even if

they are not party to the settlement. Thus, the terms of the tripartite settlement will also be applicable to the personal drivers of Executives who fulfill the eligibility criteria in terms of the said settlement. Allahabad Bank Drivers' Association is an outside body not connected to the workmen employed in the Bank and as such, no settlement could have been signed with them.

10. When asked about the reasons for not calling the representatives of the aggrieved Drivers' Association to witness the settlement and raise their points, the Allahabad Bank informed that in our Bank, AIBEA (All India Bank Employees' Association) is the majority workmen union. As such, all settlements are signed with their representatives. Since the Drivers' Association is an outside body not connected to the workmen employed in the Bank, no settlement can be signed by the Bank with them. As there is no employer-employee relationship between the Bank and the personal drivers engaged by the Executives, the Drivers' Association representing them does not have any *locus standi* even to discuss the issue with the Management of the Bank. The Drivers' Association have lost their cases in the Hon'ble High Court and withdrawn their SLP in the Hon'ble Supreme Court.

11. The Dy.CLC (C), Ministry of Labour and Employment who was also a signatory to the Settlement when asked to clarify the position, submitted that till the joint discussion/conciliation proceedings were held, there was no knowledge to the conciliation officer about the existence of the Drivers' Association. Only during the conciliation, it was known that the Drivers Association filed cases in the Hon'ble High Court, Kolkata and that the order of the court was not in their favour. It was also known that the case filed by them in the Apex Court was also dismissed by the Apex Court as withdrawn. When it was enquired with the management about the demand of the Drivers' Association, it was known that the association also wanted absorption/regularization of personal drivers. At that point during the conciliation, the management of the Bank had almost agreed for absorption/ regularization of personal drivers.

12. As per the Settlement, these drivers were considered for regularization as Peon-cum-driver subject to the condition that they hold valid driving licence for driving light and heavy vehicle; they would have passed minimum Class VIII but not passed 10+2 Exam and have rendered continuous service of 5 years as personal drivers.

13. Asked to explain the rationale for the educational qualification prescribed when the drivers were driving Bank's vehicles satisfactorily for



the last 25-26 years, the Bank made the written submission that the requirements prescribed, as aforesaid, are as per the Government guidelines and Recruitment Policy of the Bank and cannot be dispensed with.

14. When asked about the number of Executives eligible for availing bank's car vis-à-vis the number of drivers who have represented for regularization, the Bank intimated that the number of Executives in the rank of Assistant General Manager and above in the Bank is around 220. However, some of the cars provided to the Executives are driven by regular Peon-cum-Drivers of the Bank. About 130/135 number of applications of eligible personal drivers are estimated to be received.

15. Asked to explain the difference in emoluments of a regular driver and the drivers engaged by the Executives after considering all the paraphernalia attached to both the categories and the annual burden in case all the temporary drivers are absorbed, the Bank informed that

"Executives of the Bank are being reimbursed the following maximum amounts for engaging personal drivers:

Monthly remuneration :Rs.6000/- (in Metro areas),

Rs.5750/- (in other areas)

Out of the pocket expenses for odd hour duty:Rs.60/- per day.

Car cleaning charges : Rs.300 per month

Festive Season Ex-gratia:Rs.6000/5750 per year

Non-official uniform:Rs.500/-per year

Winter Pullover: Rs.400/- per year

Monthly emolument of Peon-cum-Drivers on appointment

in the Bank's service in Metro areas, is as follows:

Basic Pay (initial)	:	Rs.5850/-
Dearness Allowance (variable)	:	Rs.3854/-
HRA	:	Rs.730/-
Special Allowance	:	Rs.1450/-
<b>Total</b>	:	<b>Rs.11884/-</b>

In case about 135 personal drivers are appointed in the Bank's service, the annual additional burden on the Bank on account of their salary bill will be approximately Rs.57 lacs."

16. When asked whether any fresh directions were called from the Ministry of Finance for regularization of these drivers, the Bank informed that the decision to appoint the personal drivers of Executives was taken by the Bank's Board on the strength of the autonomy granted to the Public Sector Banks by Government of India, Ministry of Finance, in the

matter of framing HR policies relating to promotion, recruitment, etc. However, the matter was informed to the Ministry of Finance on 14.08.2010.

17. On the question of the procedure followed for circulation/furnishing of application forms to these drivers and to ensure that each driver got the form, the Bank submitted that the application forms were distributed through the Executives who engaged the personal drivers.

18. As Regards the date of reckoning the eligibility of 5 years as on 31st March, 2010 when the Tripartite Settlement was made in June 2011, the Bank informed that the eligibility date was fixed 'as on 31st March, 2010' in terms of the Board Resolution dated 26.06.2010.

19. Regarding availability of list of drivers attached to the Executives, the Bank informed that the personal drivers are engaged by the Executives and not by the Bank. They are required to report for duty to the Executives. Bank does not maintain their attendance. Hence, Bank does not maintain any list of personal drivers.

20. On 31st December, 2011, during their study visit the Committee again heard the representatives of Allahabad Bank in Kolkata about the regularization of the drivers. The Committee were informed that '115

temporary drivers have been regularized on the terms of Tripartite settlement dated 17.06.2011'. It was also submitted that six candidates were not found eligible in terms of the said settlement. Four out of six were debarred for want of minimum stipulated educational qualification, one driver could not submit documents in support of his educational qualification and another had not completed five years of engagement as a personal driver.

21. When asked whether these were the only persons left due to non-completion of five years, the Bank informed that those who did not complete minimum 5 years of continuous engagement as personal driver of Bank's Executives as on 31st March, 2010 were not eligible to apply for appointment as peon-cum-driver in terms of the Tripartite Settlement dated 17.06.2011. Shri Mumtaj was the only person who applied without fulfilling the above criteria.

22. Regarding the particulars of drivers engaged by the Executives who have not completed five years alongwith the date of their engagement, the Bank informed that since the personal drivers are engaged by the Executives of the Bank, no such list is available with us.

**Part-II****OBSERVATIONS/RECOMMENDATIONS**

**23. The Committee find that the temporary drivers attached to the Executives of the Allahabad Bank are being continuously engaged over last 15 to 25 years. These drivers have been driving the Bank owned cars, maintaining the log-books but are not on the pay-roll of the Bank and get a consolidated amount through the Executives they are attached with. The Committee note that these drivers do not get any of the statutory dues and benefits available to the regular employees of the Bank, besides they do not enjoy any statutory social security. The Committee observe that engagement of drivers for such a long period spanning over 15 to 25 years indicates beyond any manner of doubt that they are performing a perennial nature of job. The Committee deplore any such contractual arrangement whereby perennial nature of jobs are outsourced just to evade employer-employee relationship and to deny statutory**

**protections and safeguards to persons so employed. The Committee are, therefore, of the considered view that if the Executives of the Bank avail facility of Bank owned vehicles and other concomitant benefits on a regular basis, then it is also incumbent upon the Bank to bring these chauffeurs in the regular employment of the Bank.**

**24. The Committee note that a dispute was raised before the Chief Labour Commissioner (Central) by the All India Allahabad Bank Employees' Coordination Committee in June, 2011 against the management of Allahabad Bank in the matter of absorption of personal/temporary drivers. After the conciliation proceedings, a Memorandum of Settlement was signed between the Management and the Coordination Committee on 17.06.2011. The Committee, however, note that the conciliation proceedings were conducted without the participation of affected Drivers' Association. Resultantly, the main issue of age and**

**educational qualification etc. were given consideration while overlooking more relevant aspects like driving skills, dedication and long duration of service etc. The Committee, therefore, feel that in such cases a humanitarian view need to be taken and therefore, recommend that the Allahabad Bank review their decision and extend relaxation to those uncovered drivers under the present settlement.**

**25. The Committee find that the All India Allahabad Bank Employees' Coordination Committee raised an industrial dispute during June, 2011 with the CLC (C). After conciliation proceedings, a Tripartite Settlement was signed amongst the Management of the Bank, All India Allahabad Bank Employees' Coordination Committee and the Dy. CLC(C) on 17th June, 2011. However, the cut off date for completion of minimum five years of continuous engagement was set as 31st March, 2010. The Committee**

feel that the cut-off-date should have been the year of settlement i.e. 31st March, 2011. Had it been so, some more drivers could have been covered. They, therefore, desire that the cut-off-date be revised to meet the end of justice.

26. The Committee are, however, happy to note that pursuant to their examination, the Allahabad Bank have regularized 115 out of 121 temporary drivers who had applied for regularization after fulfilling the eligibility criteria with effect from 01.09.2011. The Committee find that the remaining drivers, were reportedly ineligible for want of requisite educational qualification. The Committee find little justification to withhold their regularization for want of prescribed educational qualification when the Executives of the Bank found their services satisfactory for over such a long period of time. Having due consideration to their age, long and unblemished service record and the



**fact that at such a ripe age they would have bleak prospects of getting alternative employment, the Committee recommend that the condition of educational qualification be relaxed in case of these drivers as a onetime measure and they may also be considered for regularization on humanitarian ground.**

**27. The Committee find that the application forms were handed over to the prospective drivers through the Executives with whom they were attached. Such a mechanism does not inspire confidence and the Committee apprehend due to some chance slip some drivers might have been denied a fair chance to apply for regularisation. The Committee, therefore, recommend that all such temporary drivers, fulfilling the criteria, be issued application forms and considered for regularization.**

**28. The Committee note that besides 121 drivers who had completed 5 years of regular service as on 31st March, 2010, there were 117 more drivers who had not completed 5 years of service as on 31st March, 2010. The Committee are dismayed to note that though the Bank has the information regarding number of drivers attached with the Executives, it could not have the names of the drivers and the date of their engagement. They, therefore, desire that a detailed database of all the drivers engaged by the Executives of Allahabad Bank be maintained and also furnished to them.**

**29. The Committee further find that the Allahabad Bank have a policy of providing Bank owned vehicle to their Executives for which it bears the cost of petrol, maintenance and other attendant costs besides giving a fixed amount of Rs.6000/- to their Executives for hiring drivers. The Committee were also informed that the disbursement of this amount is available only to those**

**Executives hiring the drivers and not for self driven vehicles. The Committee are of the view that since driving is a perennial nature of job, they, recommend that henceforth, after absorption/ regularization of the present drivers who have completed 5 years of continuous service, a transparent policy may be framed for recruitment of regular drivers to avoid/prevent further dispute/litigation in the matter. They desire to be apprised of the action taken in the matter.**

**30. The Committee also sought information from some leading Nationalised Banks regarding engagement of drivers for their Executives who were entitled for vehicle. After perusing the replies so received, the Committee find that more or less the same procedure of hiring drivers is prevalent in almost all the Banks, though their wages are higher as compared to Allahabad Bank. The Committee, therefore, desire that necessary instructions be issued by**

**the Ministry of Finance, (Department of Financial Services)  
to all the Nationalised Banks for framing a uniform policy  
and transparent guidelines for recruitment of regular drivers  
in the Banks and also for regularization of drivers engaged  
continuously for five years and above.**

*New Delhi,*

*HEMANAND BISWAL,*

**7th August, 2012,**

**16 Shravana, 1934 (Saka)**

**CHAIRMAN,**

**STANDING COMMITTEE ON LABOUR**

**ANNEXURE-I****MINUTES OF THE SITTING OF THE STANDING COMMITTEE ON LABOUR HELD ON 14TH JULY, 2011.**

**The Committee met from 1430 hrs. to 1700 hrs in Committee Room No.62, Parliament House, New Delhi to**  
**PRESENT**

**Shri Hemanand Biswal – CHAIRMAN**

**MEMBERS**  
**LOK SABHA**

2. Shri K. M. Anandan,
3. Shri Shafiqur Rahman Barq
4. Dr. Kakoli Ghosh Dastidar
5. Shri Kaushalendra Kumar
6. Shri P. Lingam
7. Shri Hari Manjhi
8. Shri P.R. Natarajan
9. Shri S.Pakkirappa
10. Shri Ramkishun
11. Shri Mahendra Kumar Roy
12. Shri Chandu Lal Sahu
13. Dr. Virendra Kumar

**RAJYA SABHA**

14. Shri Rudra Narayan Pany
15. Smt. Renubala Pradhan
16. Shri Rajaram
17. Shri G.N. Ratanpuri
18. Shri Ranbir Singh Parjapati
19. Shri Mohd. Ali Khan

**SECRETARIAT**

- |    |                   |   |                     |
|----|-------------------|---|---------------------|
| 1. | Shri B. S. Dahiya | - | Director            |
| 2. | Shri Ashok Sajwan | - | Additional Director |

**REPRESENTATIVES OF ALLAHABAD BANK DRIVERS' ASSOCIATION**

<b>Sl. No.</b>	<b>Name of the Officer</b>	<b>Designation</b>
<b>1.</b>	<b>Shri Nemai Ghosh</b>	<b>President</b>
<b>2.</b>	<b>Shri Manik Choudhury</b>	<b>Vice President</b>
<b>3.</b>	<b>Shri Debabrata Das</b>	
<b>4.</b>	<b>Shri Deep Kumar Chettri</b>	<b>General Secretary</b>
<b>5.</b>	<b>Shri Tapan Roy</b>	<b>President, Allahabad Bank Retirees Congress</b>
<b>6.</b>	<b>Shri Subhash Bose</b>	<b>In-charge Amnesty International</b>

**REPRESENTATIVES OF ALLAHABAD BANK**

<b>Sl. No.</b>	<b>Name of the Officer</b>	<b>Designation</b>
<b>1.</b>	<b>Shri J.P. Dua</b>	<b>Chairman and Managing Director</b>
<b>2.</b>	<b>Shri D.Sarkar</b>	<b>Executive Director</b>

<b>3.</b>	<b>Shri V.S. Krishna Kumar</b>	<b>General Manager (HR)</b>
<b>4.</b>	<b>Shri P.S. Chakraborty</b>	<b>Assistant General Manager</b>

### **REPRESENTATIVES OF MINISTRY OF LABOUR AND EMPLOYMENT**

<b>Sl.No.</b>	<b>Name of the Officer</b>	<b>Designation</b>
<b>1.</b>	<b>Shri V. Murali</b>	<b>Deputy Chief Labour Commissioner (Central)</b>
<b>2.</b>	<b>Shri S.K. Chand</b>	<b>Regional Labour Commissioner (Central)</b>

2. At the outset, the Chairman welcomed the representatives of the Allahabad Bank's Drivers' Association to the sitting of the Committee convened to hear their grievances for regularization/absorption in Allahabad Bank.

3. The concerns and questions raised by the members centered mainly on

- (i) regularisation of their services in Allahabad Bank as Drivers.

- (ii) They have cited two cases where the drivers are suffering from medical problems but since they are not the employees of the Bank, the Bank did nothing for them. They informed that they are paid Rs.6000/- p.m. consolidated and Rs.60/- per day as overtime allowance which has a cap of Rs.500/- a month.

4. Thereafter, the Dy. CLC(C) was called for

{The witnesses then withdrew}

A copy of the verbatim proceedings of the sitting was kept for record.

***The Committee then adjourned.***



**MINUTES OF THE SITTING OF THE COMMITTEE**

The Committee sat on 20 July, 2012 from 1130 hrs. to 1230 hrs. in the Committee Room 'E', Parliament House Annexe, New Delhi.

**PRESENT**

**Shri Hemanand Biswal – CHAIRMAN**

**MEMBERS****LOK SABHA**

2. Shri Raj Babbar
3. Dr. Virendra Kumar
4. Shri Narahari Mahato
5. Shri Hari Manjhi
6. Shri P. Balram Naik
7. Smt. Mausam Noor
8. Shri Jayaram Pangi
9. Shri Sanjay Dina Patil
10. Shri Mahendra Kumar Roy
11. Shri Konakalla Narayana Rao

**RAJYA SABHA**

12. Shri Mohd. Ali Khan
13. Dr. E.M. Sudarsana Natchiappan
14. Smt. Renubala Pradhan
15. Shri Ranbir Singh Parjapati
16. Shri Rajaram
17. Shri G.N. Ratanpuri
18. Shri Thaawar Chand Gehlot

## **SECRETARIAT**

- |    |                       |   |                     |
|----|-----------------------|---|---------------------|
| 1. | Shri Devender Singh   | - | Joint Secretary     |
| 2. | Shri P.V.L.N.Murthy   | - | Director            |
| 3. | Shri Ashok Sajwan     | - | Additional Director |
| 4. | Smt. Bharti S. Tuteja | - | Deputy Secretary    |

2. At the outset, the Chairman welcomed the Members and apprised them about the draft Report on 'Absorption/regularization of temporary drivers of Allahabad Bank.'

3. After detailed deliberation, the Chairman directed decided that the suggestions made by the Members be incorporated in the draft report and the same may be considered again for adoption during the next sitting to be held on 30th July, 2012.

**The Committee then adjourned.**

## **MINUTES OF THE SITTING OF THE COMMITTEE**

The Committee sat on 30 July, 2012 from 1130 hrs. to 1200 hrs. in the Room No.116, Parliament House Annexe, New Delhi.

### **PRESENT**

**Shri Hemanand Biswal – CHAIRMAN**

### **MEMBERS**

#### **LOK SABHA**

2. Shri Raj Babbar
3. Dr. Virendra Kumar
4. Shri Narahari Mahato
5. Shri Hari Manjhi
6. Shri P. Balram Naik
7. Shri Sanjay Dina Patil
8. Shri Mahendra Kumar Roy

#### **RAJYA SABHA**

9. Shri Mohd. Ali Khan
10. Shri Aayanur Manjunatha
11. Dr. E.M. Sudarsana Natchiappan
12. Smt. Renubala Pradhan
13. Shri Ranbir Singh Parjapati
14. Shri G.N. Ratanpuri
15. Shri Thaawar Chand Gehlot

### **SECRETARIAT**

- |                          |   |                     |
|--------------------------|---|---------------------|
| 1. Shri P.V.L.N.Murthy   | - | Director            |
| 2. Shri Ashok Sajwan     | - | Additional Director |
| 3. Smt. Bharti S. Tuteja | - | Deputy Secretary    |

2. At the outset, the Chairman welcomed the Members and apprised them about the revised draft Report on 'Absorption/regularization of temporary drivers of Allahabad Bank.'

3. The Committee took up the revised draft Report for consideration. After some discussion, the Committee adopted the Report without any modification.

4. The Committee then authorized the Chairman to present the Report to both the Houses of Parliament.

**The Committee then adjourned.**

FORM 'H'

MEMORANDUM OF SETTLEMENT ARRIVED AT BETWEEN  
THE MANAGEMENT OF ALLAHABAD BANK AND ALL INDIA  
ALLAHABAD BANK EMPLOYEES' CO-ORDINATION COMMITTEE  
(AFFILIATED TO ALL INDIA BANK EMPLOYEES' ASSOCIATION)  
UNDER SECTION (3) OF THE INDUSTRIAL DISPUTES ACT, 1947 IN  
THE MATTER OF APPOINTMENT OF PERSONAL DRIVERS OF  
EXECUTIVES OF ALLAHABAD BANK AS PEON-CUM-DRIVER IN THE  
SUBORDINATE CADRE IN THE BANK.

NAME OF PARTIES

REPRESENTING  
BANK

REPRESENTING ALL ALLAHABAD  
INDIA ALLAHABAD BANK  
EMPLOYEES' CO-  
ORDINATION  
COMMITTEE

S/SHRI

1. V.S. Krishna Kumar  
General Manager (HR)

2. P.S. Chakraborty  
Assistant General Manager (HR)

3. B. Abhiram  
Chief Manager (HR)

S/SHRI

1. Dhananjay Tewari  
President  
2. Mahesh Kumar  
Sharma  
Vice president

3. Gour Das  
General Secretary

4. Anjan Bose  
Deputy General  
Secretary

5. Y.P Singh  
Deputy General  
Secretary

6. R.M. Vyas  
Asstt. General  
Secretary

7. P.K. Chakravorty  
Asstt. General  
Secretary

8. Deepak Sharma  
Asstt. General  
Secretary

#### SHORT RECITAL OF THE CASE

WHEREAS, Allahabad Bank (hereinafter referred to as the Bank) and All India Allahabad Bank Employees' Co-ordination Committee (hereinafter referred as the "Employees' Co-ordination Committee") had signed a Settlement dated 13.03.1993 in the matter of appointment of some Personal Drivers of the Executives of the Bank as a one-time exercise in full and final settlement of the issue. The Settlement outlived its utility with the appointment of the eligible Personal Drivers of the Executives of the Bank as "Peon-cum-Driver" in the service of the Bank.

2. AND WHEREAS, thereafter, the Employees' Co-ordination Committee raised an issue with the Bank and demanded that as was done by way of Settlement dated 13.03.1993, the bank should absorb and regularize all the personal drivers of the Executives of the Bank in the service of the bank and also undertook the agitational programme including call for an All India Strike on 26th June, 2006 on the said issue besides certain other issues.

3. AND WHEREAS, as a consequence of the above agitational programme called by the Employees' Co-ordination Committee, a Small Committee Meeting was convened at the Head Office of the Bank on 19.06.2006 and the matter was discussed.

4. AND WHEREAS, this issue was further discussed between the parties in the meeting of Negotiating Committee held on 24.04.2007 at the Head Office of the Bank.

5. AND WHEREAS, this issue was once again discussed between the parties in the meeting of the Negotiating Committee held on 04.09.2008.

6. AND WHEREAS, this issue was further discussed between the parties in the meetings of Negotiating Committee held on 17.09.2009 and 18.01.2001. However, despite protracted discussion over a period of

about five years between the parties, the same could not be resolved amicably between them.

7. AND WHEREAS, in the interregnum Allahabad Bank Drivers' Association, claiming itself to be representing its members, who are personal drivers of Executives of the Bank, filed a Writ Petition before the Hon'ble High Court of Calcutta, inter-alia, seeking regularization of the personal drivers of the Executives of the Bank in the service of the Bank. The said Writ Petition No.17180 of 1998 was dismissed by the Ld Single Judge by his judgement & order dated 08.07.2004. Writ Appeal No. 2373 of 2004 filed before the Division bench of the Hon'ble High Court of Calcutta also came to be dismissed by the Hon'ble High Court by judgement and order dated 25.02.2009. The said Drivers Association filed an SLP before the Hon'ble Supreme Court of India, which was dismissed as withdrawn vide order dated 10.07.2009.

8. AND WHEREAS, it is in the above background, the Employees' Co-ordination Committee has raised the present Industrial Dispute for absorption and regularization of all the personal drivers of the Executives of the Bank.

9. AND WHEREAS, the Bank took a stand that the Personal Drivers of the Executives are the drivers engaged by the Executives of the Bank



in their personal capacity and they are neither the employees of the Bank nor they can claim so and this stand of the Bank stood upheld by the High Court of Calcutta in the judgement referred to above.

10. AND WHEREAS, the Employees' Co-ordination Committee sought the intervention of the good office of the Chief Labour Commissioner (Central), New Delhi to impress upon the Management for resolving the matter amicably between the parties.

11. AND WHEREAS, the Management requested the Chief Labour Commissioner (Central), New Delhi, to intervene in resolving the issue on mutually agreed and/ or acceptable terms and conditions, which are found just, fair and reasonable by the Conciliation Officer in the peculiar facts and circumstances of the present case.

12. AND WHEREAS, the Deputy Chief Labour Commissioner (Central), New Delhi, held protracted discussions with both the parties and held conciliation proceedings on 17.06.2011.

13. NOW, therefore, the parties have arrived at the settlement described below, during the course of conciliation proceedings before the Deputy Chief Labour Commissioner (Central), New Delhi, with his good office and he having found it just, fair and reasonable.

## TERMS OF SETTLEMENT

I. That the Bank will consider appointing in the service of the Bank only such Personal Drivers engaged by the Executives for driving Bank's own vehicles and existing as on date of this settlement and who have completed minimum 5 years of continuous engagement as Personal Driver as on 31st March, 2010, as "Peon-cum-Driver", subject to the condition that:-

(a) they fulfill the educational qualification prescribed by the Bank for appointment in "sub-ordinate cadre" in the Bank and

(b) they hold valid driving license for driving light and heavy vehicle, provided that if any candidate does not hold valid driving license for driving heavy vehicle, he will obtain the same within six months from the date of his appointment.

II. The Bank will invite applications only from such Personal Drivers of Executive, who are eligible as per the conditions prescribed in para I above.

III. The applications so received from the eligible Personal Drivers of the Executives of the Bank will be processed and examined with regard to the eligibility criteria prescribed in para I above and they shall be

appointed as "Peon-cum-driver" in the service of the Bank. They will be entitled to the applicable service benefits from the date of their such appointment in terms of this settlement.

IV. That consequent upon appointment of such Personal Drivers as "Peon-cum-driver" in the service of Bank, as mentioned in para III above, the Bank Shall be free to utilize their services as per its requirement and exigencies and not necessarily at the place of their present engagement/choice.

V. That the terms and conditions of this settlement between the parties are in satisfaction of all claims of the Personal Drivers, who will be appointed pursuant to this settlement, against the Bank of any nature monetary or otherwise.

VI. That this settlement has been arrived between the parties in the peculiar facts and circumstances of the case as a one-time exercise in full and final settlement of the issue and the same shall not be quoted as precedence in future against the Bank.

VII. It is agreed that no further demand/ issue beyond the terms of this settlement will be raised with the Bank in connection with the

appointment of the personal drivers of Executives who will be appointed in terms of this settlement.

VIII. Both the parties agree that the settlement shall be effective from the date of signing of this settlement and the process of appointment of the personal drivers of the Executive, who are eligible in terms of this settlement, will be completed within a period of four months from this date.

IX. That if any doubt or difficulty arises regarding interpretation of any of the terms of settlement, the matter shall be taken up only at the level of Head Office of the Bank and the Employees' Co-ordination Committee for mutual discussion and clarification.

X. The parties will report implementation of this settlement to the Deputy Chief Labour Commissioner (Central), New Delhi and Conciliation Officer under ID ACT, 1947 within 30 days after completion of the process of appointment as per para VIII of this settlement.

Signed by the parties on this 17th day of June, 2011 at New Delhi.

**For & on behalf of Allahabad Bank**

**For & on behalf of All India  
Allahabad Bank Employees'  
Co-ordination Committee**

- |                        |                          |
|------------------------|--------------------------|
| 1. (V.S. Krisna Kumar) | 1. (Dhananjay Tewari)    |
| 2. (P.S. Chakraborty)  | 2. (Mahesh Kumar Sharma) |
| 3. (B.Abhiram)         | 3. (Gour Das)            |
|                        | 4. (Anjam Bose)          |
|                        | 5. (Y.P. Singh)          |
|                        | 6. (R.M. Vyas)           |
|                        | 7. (P.K. Chakravorty)    |
|                        | 8. (Deepak Sharma)       |

**WITNESSESS:**

1. (S.K. Chand)  
RLC(C), Headquarters.
2. (P.K. Vashisht)  
ALC (C), Headquarters
3. (Anil Kumar)  
Manager, SC/ST Cell  
Allahabad Bank,  
Zonal Officer, New Delhi

(V.MURALI)

DEPUTY CHIEF LABOUR COMMISSIONER (CENTRAL) AND  
CONCILIATION OFFICER UNDER ID ACT, 1047