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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 196/2016 & CM No. 10766/2016

PUNJAB NATIONAL BANK

..... Appellant

Through: Mr.Jagat Arora, Adv. with Mr.Rajat Arora, Adv.

Versus

THE STATE (NCT OF DELHI) & ORS

..... Respondents

Through: Mr.Santosh Kr. Tripathi, ASC, GNCTD for R-1/GNCTD.

Mr.Vinay Kr. Garg, Sr.Adv. with Mr.Dhigendra Sharma & Mr.Ajay Kr. Singh, Adv. for R-2.

Mr.Ashok Bhalla, Advocate for R-4.

+ LPA 237/2016 & CM Nos. 13335/2016, 13338/2016

ALL INDIA PUNJAB NATIONAL BANK SCHEDULED CASTE & SCHEDULED TRIBE EMPLOYEES WELFARE ASSOCIATION (REGD)

..... Appellant

Through: Mr. Ashok Bhalla, Advocate.

Versus

THE STATE (NCT OF DELHI) & ORS

..... Respondents

Through: Mr. Santosh Kr. Tripathi, ASC, GNCTD for R-1/GNCTD.

Mr. Jagat Arora & Mr. Rajat Arora, Adv. for R-2 & 3.

Mr.Vinay Kr. Garg, Sr. Advocate with Mr.Dhigendra Sharma & Mr. Ajay Kr.Singh, Advocates for R-4.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

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ORDER
01.03.2017

1. These two appeals arise out of the order of the learned Single Judge dated 27.01.2016 in W.P.(C) No.1437/2015.
2. LPA No.196/2016 has been filed by the Punjab National Bank/respondent No.2 in the writ petition whereas LPA No.237/2016 has been filed by the respondent No.4 in the writ petition/All India Punjab National Bank Scheduled Caste and Scheduled Tribe Employees' Welfare Association registered on 22.07.2013.
3. We have heard the learned counsel for the parties in both the appeals.
4. W.P.(C) No.1437/2015 was filed by All India Punjab National Bank Scheduled Caste and Scheduled Tribe Employees' Welfare Association registered on 25.11.1976 challenging the order of the Punjab National Bank dated 30.01.2015 whereby it was decided by the Bank to hold quarterly meetings with the All India Punjab National Bank Scheduled Caste and Scheduled Tribe Employees' Welfare Association (for short 'Association') registered on 22.07.2013 on the basis of the order of the Registrar of Societies, Government of NCT of Delhi dated 07.01.2015 stating that the Association registered on 22.07.2013 is the genuine Association as per the records.
5. The learned Single Judge opined that the writ petition is not the appropriate remedy for resolution of the dispute raised. However, the learned Single Judge was of the view that there is no need to relegate the parties to a civil suit and accordingly disposed of the writ petition with the

following directions:-

"15. In the circumstances, the petition is disposed of with the following directions:

(i) the respondents no.2&3 PNB to within one month of today take a decision whether it is willing to, while dealing with an association of Scheduled Caste and Scheduled Tribe employees, deal with office bearers of such an association who are retired or desires to deal with those office bearers only who are still serving the respondents no.2&3 PNB and to communicate the said decision to the petitioner as well as the respondent no.4 AIPNBSC&STEW A;

(ii) the respondents no.2&3 PNB to within three months lay down the procedure for holding of an election on all India basis to determine which of the two i.e. whether the petitioner or the respondent no.4 AIPNBSC&STEW A have the allegiance of maximum number of Scheduled Caste and Scheduled Tribe employees of the respondents no.2&3 PNB;

(iii) the respondents no.2&3 PNB to hold election within a further period of three months;

(iv) it is clarified that the petitioner shall hereafter describe itself as All India PNBSC&STEW A (registered vide No.8350 dated 25th November, 1976) and the respondent no.4 AIPNBSC&STEW A shall hereafter describe itself as AIPNBSC&STEW A (registered vide No.S/510/2013 dated 22nd July, 2013) and shall contest the election also in the said name only;

(v) the monies lying deposited in the bank account aforesaid shall be kept in a maximum interest bearing fixed deposit for a period of one year and the said

account shall be operated by the office bearers of whichever of the two associations is found to have the allegiance of maximum number of Scheduled Caste and Scheduled Tribe employees of the respondents no.2&3 PNB;

(vi) Whichsoever association is found to be having the allegiance of majority of the Scheduled Caste and Scheduled Tribe employees shall be the association which shall represent the affairs of the Scheduled Caste and Scheduled Tribe employees of the respondent no.2&3 PNB and vis-a-vis the management of the respondents no.2&3 PNB. "

6. Aggrieved by the same, these two appeals have been filed by the Bank as well as the Association registered on 22.07.2013/respondent No.4 in the writ petition.

7. Though the impugned order is sought to be assailed in the appeals on various grounds, we have taken note of the fact that the Ministry of Finance, Department of Financial Services (Welfare) has issued a clarification vide letter dated 22.08.2013 addressed to all the Public Sector Banks and Financial Institutions regarding eligibility of SC/ST Bank Employees' Welfare Association to represent in the quarterly meetings at Central and Zonal/Circle Level of the Banks etc. The said letter dated 22.08.2013 which has been placed on record by the appellant in LPA No.237/2016 along with its rejoinder affidavit dated 25.02.2017 reads as under:-

"File No.10/16/2011-Welfare/SCT-(B)
Ministry of Finance
Department of Financial Services
(Welfare)

Jeevan Deep Building,
Parliament Street, New Delhi,
Dated : 22 August, 2013

To,

CEOs of all PSBs/FIs/PSICs
CGM (HR), RBI, Mumbai,
Secretary, IBA Mumbai,

Subject:- Quarterly meetings with SC/ST/OBC
Employees Welfare Associations at Central and
Zonal/Circle level in PSBs/FIs/PSICs.

Sir,

I am directed to refer to the subject cited above and to say that clarifications are being sought from some quarters regarding eligibility of SC/ST Bank Employees Welfare Associations to be called for quarterly meetings at National/Zonal/Circle level by the respective banks etc.

2. It is reiterated that quarterly meetings with Bank's Chief Executive both at National and Zonal/Circle Office level (where rosters are maintained) may be held with one Association only representing the interest of SC/ST Employees which enjoys the majority following (may be ascertained by check-off facility of employees of these categories at national level, in case there is more than one association.

3. In view of foregoing, where meetings are held at Zonal level, the Zonal Unit of the majority Association which has the support of majority SC/ST Employees (Welfare Association of the Bank) as a whole (Central level) should be invited for the meetings. However, in

case there is no central (Bank level) majority association, the association of Circle level which claims the majority status, may be requested to submit the list of members and whichever association has the largest numbers may be recognized as representative association.

4. Similar procedure may be adopted in respect of OBC Bank Employees Welfare Associations while calling for half-yearly meetings.

5. It may also be ensured that such meetings are held regularly, preferably in the first month of the respective quarter. Hindi Version will follow."

8. As is evident from the said letter, the Association which represents the interests of SC/ST employees and enjoys the majority, which has to be ascertained by 'check-off facility', is entitled to participate in the quarterly meetings of the Bank. The learned counsel for the appellant in LPA 237/2016 submits that both the appeals, therefore, may be disposed of in terms of the clarification of the Ministry of Finance in its letter dated 22.08.2013. The learned Senior Counsel appearing for the Association registered on 25.11.1976, i.e., the writ petitioner has not disputed the said clarification issued by the Ministry of Finance.

9. We have taken note of the fact that even as per direction (ii) issued by the learned Single Judge while disposing of W.P.(C) No.1437/2015 (para-15(ii) of the order under appeal), the Bank has to lay down the procedure for holding of an election on All India basis to determine which of the two Associations, i.e., petitioner or respondent No.4 has the allegiance of maximum number of SC and ST employees of the Bank.

10. Now that it has been clarified by the Ministry of Finance that the majority has to be ascertained by 'check-off facility', there is no need for holding of an election. Instead, we direct that the Punjab National Bank/appellant in LPA No.196/2016 shall ascertain as to whether the Association registered on 25.11.1976 or the Association registered on 22.07.2013 enjoys the majority by following 'check-off facility' of SC/ST employees in terms of the clarification dated 22.08.2013 issued by the Ministry of Finance. Such exercise shall be completed within eight weeks from today and whichever Association has the support of majority should be invited for the quarterly meetings of the Bank.

11. The appeal is accordingly disposed of with the above directions.

12. The order of the learned Single Judge dated 27.01.2016 as well as the order of the Punjab National Bank dated 30.01.2015 (order impugned in the writ petition) shall stand set aside.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

MARCH 01, 2017

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