



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Writ Petition No.31476 of 2007

State Bank of India,
Scheduled Caste/Tribes Employees Welfare Association,
Reg.No.74/80 (Chennai Circle).
Rep by its General Secretary,
No.84, Rajaji Salai, Chennai-600 001

..Petitioner

Vs

1.State Bank of India,
Rep. By its Chairman,
Corporate Centre,
State Bank Bhavan,
Mumbai 400 021.

2.State Bank of India,
Rep. By Chief General Manager,
Local Head Office,
Circle Top House,
No.16, College Road, Chennai-600 006

..Respondents

Prayer : Writ Petition filed praying to issue a writ of Certiorarified Mandamus calling for the records relating to the order of the respondents dated 01.09.2007 and quash the same and consequently direct the respondents to nominate officers in the level of General Manager as Liaison Officer for S.C./S.T in the Local Head Office of the respondent/Bank at Chennai.

For Petitioner : Mr.Balan Haridas

For Respondents : M/s.Rajnish Pathiyil

ORDER

The petitioner association is a registered association registered under the Societies Registration Act bearing Registration No.74/80. It is averred in the writ petition that the Government of India introduced the liaison mechanism for redressing the grievances of the SC/ST employees working in the Government Department/Public Sector Enterprises by means of issuing instructions and brochures under Article 335 of the



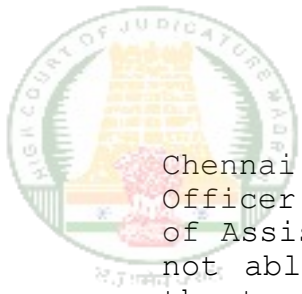
Constitution of India. The Liaison mechanism consists of conducting structured quarterly meeting. The writ petitioner submits that if the Assistant General Managers are appointed as Liaison Officer at Local Head Office level, no useful purpose will be served. The Liaison officers appointed under the Brochure should be able to effectively interact with the Higher Officials of the Bank, only then the very intent and purpose of the system will be achieved.

2. The petitioner association has been making representation continuously to the Chairman, Parliamentary Committee for SC/ST, to give instructions to all the public sector banks. The petitioner also made a representation on 24.04.2006 bringing the notice of the Bank about the communication sent from the Ministry of Finance (Banking Division) regarding the appointment/nomination of officers in the cadre of above the rank of General Manager in the Head Office.

3. It is submitted that the State Bank of India has 14 circles, the Chennai circle is the Local Head Office and there are local head offices in all the 14 circles. Grievances such as allotting office room accommodation, representation of seven members at the structured quarterly meeting at the zonal office etc are not being resolved and the liaison mechanism to be effective, the Brochure should be implemented in its true spirits.

4. The action of the bank in appointing only Assistant General Manager as Chief Liaison Officer, in the Local Head Office is not in consonance with the object of the Liaison Mechanism. The petitioner submits that the order of the respondents amounts to total non application of mind and they are suffering as a result of the ineffective liaison mechanism constituted by the Bank. Therefore, the above writ petition is filed seeking to quash the order dated 01.09.2007 and for a direction to the respondents to nominate officers in the level of General Manager as Chief Liaison Officer in the Local Head Office of the respondent Bank at Chennai.

5. The respondents filed counter affidavit. It is stated in paragraph 11, that in compliance with the directive of Government of India, the respondents' bank had nominated Chief Liaison Officer for SC/STs and OBCs for the Bank in the grade of General Manager with effect from 17.07.2006 at respondents' Bank, Corporate Centre Mumbai, which is the Corporate Centre of the respondents' bank. It is further submitted that the respondent bank is having 14 circles apart from the corporate centre which is the Head office of the respondent bank. The Liaison officer at Circle level is always in the cadre of Assistant General Manager and no association for SC/ST except



Chennai Circle has any issue in the appointment of Liaison Officer. To substantiate their claim that the Liaison Officer of Assistant General Manager grade posted in Chennai circle is not able to redress or take up their issues effectively with the top management of the Bank, the petitioner association has not quoted any single incident to corroborate their allegation. On the contrary, since 1997, there were many structure meetings which has been held at the Head Office Level and various issues have been resolved amicably and it would demonstrate that the Liaison Officer posted at Circle level who is of Assistant General Manager cadre has been effectively taking up the matter and trying to resolve the cause depending upon the merits involved in each issue.

6. It is also submitted that appointment of the Chief Liaison Officer at Head Office level and at Circle level was never an issue raised by either the Commission for SCs/STs or by the Ministry of Finance or by the Associations dealing issues relating to SCs/STs at other circles of the bank or at least by the National Federation for SBI SC/ST employees which is the umbrella organisation in which the petitioner association is affiliated with.

7. The Ministry of Finance through a Committee headed by Director and Chief Liaison Officer of the Ministry for Schedule Caste/Schedule Tribe and the other members comprised of the Under Secretary and other officials conduct random inspections and such inspection conducted at Mumbai Circle, Hyderabad Circle and at Bhuvaneshwar Circle and the monitoring agencies are substantially satisfied with the appointment of Liaison Officer for SC/ST/OBC in respondent bank except the petitioner association.

8. The respondents submit that the brochure has been completely complied and the Bank has acted in compliance with the Notification and the prayer sought for by the petitioner cannot be implemented keeping in view of the directions of the Ministry.

9. Heard both sides and perused the records.

10. The impugned order would go to show that the respondents already complied with the directions of this court passed in W.P.No.21386 of 2007 dated 25.08.2007. The said writ petition was filed by the same petitioner association seeking to consider the representation dated 24.04.2006, which representation sought for demand for the appointment of Chief Liaison Officer for SCs/STs and OBCs of the level of above the rank of General Manager at the Head Offices. After considering the representation, as directed by this court, the respondents



passed the order stating they have already complied with the directives of the Government of India. The relevant portion of the impugned order is as follows:-

" 4. In terms of the extant instructions of the Government of India, all the Public Sector Banks may nominate Officers of the level of General Manager or above as Chief Liaison Officer for SCs/STs and OBCs at Head Office. In compliance with the directives of Government of India, our Bank has nominated the Chief Liaison Officer for SCs/STs and OBCs for the Bank of the level of General Manager with effective from 17.07.2006 at out Corporate Centre, Mumbai, which is Head Office for our Bank. As such directives of the Government of India has already been complied with."

11. Chapter -11 of the Brochure on Reservation for Scheduled Castes/Scheduled Tribes and other Backward Classes in Posts/Services in public sector banks and financial institutions deals with Appointment of Liaison Officer, their duties and responsibilities etc. As per 11.1(i) of the said brochure, the banks shall appoint Liaison Officers in their Head Office as well as in their regional zonal offices for dealing with matters relating to representation of SC/ST in different cadres. 11.1.(ii) says that the Liaison officer appoint at Head Office level should be an officer of the rank of Deputy General Manager or above so that he can advise the top management, to safeguard the interest of the SC/ST employees.

12. A reading of the impugned order would make it clear that the respondents Bank has nominated the Chief Liaison Officer for SCs/STs and OBCs at Head Office of the level of General Manager at Corporate Centre, Mumbai, which is Head office for the Bank. The prayer of the petitioner association is for a direction to the respondents to nominate officers in the level of General Manager as Liaison Officer for SC/ST in the Local Head Office of the respondent/Bank at Chennai. The main grievance of the petitioner association is that if the Liaison Officer is below the rank of the General Manager, they cannot effectively represent the members of the SC/ST employees. Therefore, to safeguard the interest of the SC/ST employees and for redressing the grievances of the SC/ST employees, Liaison Officers are appointed and therefore, for the liaison mechanism to be effective, the officer of the rank of General Manager is necessary so that the chosen officer can advise the top management effectively.



13. 11.1 (i) of Chapter 11 of the Brochure would make it clear that the Banks shall appoint Liaison Officers in their Head Office as well as in their Regional/Zonal Offices for dealing with matters relating to representation of SC/ST in different cadres. 11.1(ii) of the Brochure further make it clear that while selecting an officer for appointment as a Liaison Officer, it has to be ensured that he is of sufficient seniority. The Liaison Officer appointed at Head Office level should be an officer of the rank of Deputy General Manager or above so that he can advise the top management as regards the steps required to safeguard the interest of the SC/ST employees.

14. The directives of the Government of India is to nominate Officers of above the rank of General Manager as Chief Liaison Officer for SCs/STs and OBCs at Head Office. The petitioner association, by representation dated 20.10.2005 to the Chairman, Parliamentary Committee for SC/STs, sought for revamping Liaison Mechanism at various levels of the Bank's administration by appointing an officer of Dy.General Manager rank as Liaison Officer in accordance with the spirit of the provisions of the IBA Brochure on SC/ST employees. In response to the above, the Under Secretary to the Government of India issued an Office Memorandum dated 7th March, 2006 mentioning that fresh instructions have been issued to all the Public Sector Banks/FIs to appoint Chief Liaison Officer for SCs/STs & OBCs at the level of above the rank of General Manager at Head Office.

15. Thereafter, the Under Secretary to the Government of India, Ministry of Finance, Department of Economic Affairs, Banking Division, New Delhi, published a Memorandum approved by the Additional Secretary, that an Officer of sufficiently high rank and seniority should be nominated as Chief Liaison Officer for SCs,STs, and OBCs and that public sector banks/FIs may nominate officers of the level of above the rank of General Manager as Chief Liaison Officer for SCs,STs and OBCs, respectively.

16. In view of the above, the Writ Petition is allowed. The respondent Bank is directed to nominate officers of the level of General Manager or above the rank of Deputy General Manager as Chief Liaison Officer for SC/ST in the Local Head Office of the respondent Bank at Chennai by following the directives of the Government of India and as per the guidelines stipulated in the Brochure. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy// Sub Assistant Registrar



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To

1.The Chairman, State Bank of India,
Corporate Centre,
State Bank Bhavan,
Mumbai 400 021.

2.The Chief General Manager, State Bank of India,
Local Head Office,
Circle Top House,
No.16, College Road,
Chennai-600 006

+1 cc to Mr.M/s.Rajnish Pathiyil, Advocate Sr.NO. 50385
W.P.No.31476 of 2007

PA(CO)
A.SK(25.10.2021)