

STATE BANK OF INDIA OFFICERS' ASSOCIATION

(BENGAL CIRCLE)

(Registered under Trade Unions Act 1926-Regd. No. 6908)

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IP No. 500077

Circular No. 107/2018

Date : 20.08.2018

To All Members (Please Circulate)

We reproduce hereunder the Circular No. 88 dated 20.08.2018 issued by the General Secretary, All India State Bank Officers' Federation, the contents of which are self-explicit.

With revolutionary greetings,

Soumya Datta
(General Secretary)

To all our Affiliates / Members:

'CONTEMPLATED'/'PENDING' DISCIPLINARY PROCEEDINGS

It had come to our notice that many circles had not understood the concept of **Contemplation/Pending** Disciplinary Proceedings. As a result, the promotions of many officers were kept in sealed cover, even when there was no contemplation of Disciplinary Proceedings. Many a times even if there was only an Explanation or an IRF, circles used to put the Officers Promotion Results in sealed covers. This had deprived many Officers of their Promotions. In Ahmedabad Circle alone in the MCG, there were about 40 sealed covers pending for many years. This is also the case in many other circles. From the Federation, we had taken up the issue with the Corporate Centre very seriously and followed it up with a letter and also during the follow up meeting held on 9th August, 2018. We had also asked for such pending cases from all our circle affiliates vide our letter No. No.7151/81/18 dated 10.07.2018.

2. We are happy to announce that the Bank has issued a detailed Circular No. CDO/P&HRD-PM/36/2018-19 dated 18th August, 2018 (enclosed) clarifying threadbare the entire gamut of issues involved. We thank the Management for acting so swiftly based on our request.

3. We request all our affiliates and members to be guided accordingly, and **to ensure that no such wrongful cases of sealed covers exist in present and future also.**

With greetings,

(Y.SUDARSHAN)
GENERAL SECRETARY

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Department: P&HRD
Sl.No.: 644/2018 - 19
Circular No.: CDO/P&HRD-PM/36/2018 - 19
Date: Sat 18 Aug 2018

All Branches/Offices/CC Establishments of
State Bank of India

Madam / Dear Sir,

'CONTEMPLATED' or 'PENDING' DISCIPLINARY ACTION: CLARIFICATIONS

In terms of the Bank's extant instructions on the disciplinary proceedings, the disciplinary action is deemed to be contemplated when:

- The officer has been placed under suspension, OR
- The Disciplinary Authority (DA) passes an order to initiate disciplinary proceedings, OR
- CBI or any other agency has filed a charge-sheet in court for the purpose of commencing trial, OR
- The Bank has permitted/has taken a decision to permit CBI/other investigating agencies to prosecute the official.

Further, disciplinary action shall be deemed to be pending when:

- A charge-sheet is served on the officer, OR
 - The criminal trial against the official has commenced in a court of law.
2. Only under the above given circumstances shall disciplinary action be deemed as Contemplated or Pending. However, it is observed that the operating functionaries very often find it difficult to interpret the scope of the said provisions correctly. Therefore, in order to bring in objectivity as well as operational consistency across the Bank in this regard, it is being clarified as under:

Sr. No.	Stage of the Disciplinary Process	Disciplinary Action Deemed to be Contemplated or Pending: (Yes or No)
1.	Investigation is underway or Investigation Report received	No Since the DA has not considered the facts of the case at this point.
2.	Initial Reference Format (IRF) Preparation	No Since the DA has not considered the facts of the case at this point.

Soumya Datta
General Secretary
Mobile : 9830044737

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3.	Internal Advisory Committee's (IAC) View	Non-Vigilance: No Vigilance: No	Since the DA has not considered the facts of the case at this point.
4.	CVO's View	Non-Vigilance: No Vigilance: No	Since the DA has not considered the facts of the case at this point.
5.	DA's View	Non-Vigilance: Yes. Contemplated Vigilance: Yes. Contemplated	<ul style="list-style-type: none"> • Since the DA has taken a view to initiate disciplinary action against the individual officials mentioned in the Initial Reference Format (IRF). However, if the DA decides not to take disciplinary action against one or more of the officials, the disciplinary action will not be deemed as Contemplated against such officials. • The date on which the DA takes a view to initiate disciplinary proceedings-will be the date of the disciplinary action deemed as Contemplated. However, at this point, the DA's decision to initiate disciplinary proceedings will immediately be communicated to the officer concerned through a letter on the undernoted format. <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>To,</p> <p>Mr./Mrs ¼ ¼ ¼ ¼ ¼ ¼ ¼ ¼ ¼ ¼.,</p> <p>Subject: ¼ ¼ ¼ ¼ ¼ ¼ ¼ ¼ ¼ ¼.</p> <p>We have to advise that in the above matter, after examining the facts of the case, it has been decided on ¼ ¼ ¼ ¼. to initiate disciplinary action against you. Please acknowledge receipt and await for further advices.</p> <p>Yours faithfully,</p> <p>(DESIGNATION)</p> <p>DISCIPLINARY AUTHORITY</p> </div> <ul style="list-style-type: none"> • In case, the DA decides to drop the proceedings or not pursue the matter at this stage or decides to give Admn Warning, the disciplinary action will end and the same shall

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		not be deemed as Contemplated.
6.	<p>Classification of Penalty Proceedings by DA viz. Minor/Major</p> <p>Or in case of Administrative Warning, No Action or Exoneration:</p>	<p>At this stage, the DA examines the case on the basis of the lapses observed against an officer, official's submissions thereto and the controllers' comments and takes a decision regarding the nature of penalty proceedings to be initiated or otherwise.</p> <p>(i) If the DA decides to issue Administrative Warning or go for No Action or Exoneration, the disciplinary action will cease to be deemed as 'Contemplated'.</p> <p>(ii) If the DA decides to initiate Minor/Major Penalty Proceedings, the case will continue to be deemed as Contemplated till the service of the SIL or Chargesheet. Once SIL or Chargesheet is served upon the officer, the disciplinary action will be deemed as Pending, not as Contemplated.</p> <p>(iii) If the DA, after examining the reply to SIL, decides to issue Administrative Warning or go for No Action or Exoneration, the case will cease to be deemed as Pending against the officer. However, in a situation:</p> <p>(a) Where the DA has decided to issue Administrative Warning or go for No Action or Exoneration, prior to an officer being considered for promotion, no issue will arise for disciplinary action to be deemed as Pending against the officer.</p> <p>(b) Where the DA has decided to issue Administrative Warning or go for No Action or Exoneration, after the disciplinary action has already been deemed as Pending, and the officer is being considered for promotion, disciplinary action against the officer will cease to be deemed as Pending.</p> <p>(iv) If the DA, after examining the reply to Chargesheet, decides to impose a minor penalty or institute an inquiry, the case against the officer will continue to be deemed as Pending.</p>
7.	ADMINISTRATIVE CASES:	<ul style="list-style-type: none"> The administrative cases e.g. false RFIA compliance, insubordination, misbehaviour or unauthorised absence etc. normally do not go through the stages of IAC/ CVO/ DA for categorization as Vigilance or Non-vigilance.

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Classification of penalty proceedings by DA viz. Major/ Minor/ Administrative Warning or No Action/ Exoneration	<ul style="list-style-type: none">• In these cases, the DA examines the lapses observed, official's submissions thereto and controllers' comments and takes a decision regarding the nature of penalty proceedings.• If the DA decides to issue Administrative Warning or No Action, or Exoneration at this stage, disciplinary action shall not be treated as deemed or Contemplated.• If the DA takes a decision to initiate Major or Minor Penalty proceedings against an official in such cases, the disciplinary action will be deemed to be Contemplated till the service of SIL or Chargesheet. Once the SIL/Chargesheet is served, the disciplinary action will be deemed as Pending.• In all such cases, other instructions for deeming a disciplinary action as Contemplated, Pending or otherwise will be the same as mentioned in the preceding paras regarding vigilance or non-vigilance cases.
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3. In this context it is also to be ensured without exception that:
 - a. The Disciplinary Authority's decision at each stage is forwarded urgently to the respective HR Department for further action.
 - b. The cases of the officers under the proceedings deemed as Contemplated or Pending are reviewed on a quarterly frequency to ward off undue delays and keep the same limited to the barest minimum.
4. Please arrange to bring the contents of this communication to the knowledge of all concerned for meticulous compliance.

Yours faithfully,

(PRASHANT KUMAR)
Dy. Managing Director (HR) &
Corporate Development Officer