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स्टेट बैंक ऑफ इण्डिया ऑफिसर्स एसोसियेशन
State Bank of India Officers' Association (Patna Circle)

All Letters to be
Addressed to the
General Secretary

Regd. No. 1872 of 1975
(REGISTERED UNDER TRADE UNION ACT - 1926)

State Bank Building
West Gandhi Maidan
Patna - 800 001

CIRCULAR NO. 33/2010

DATE : 10.11.2010

TO,
ALL MEMBERS

We reproduce hereunder the text of **AISBOF Circular No. 111 dated 09.11.2010** on the captioned subject, the contents of which are self-explicit.

With warm greetings,

(ANIRUDH AKHAURI)
GENERAL SECRETARY

OUR UNITY : ZINDABAD-ZINDABAD
S.B.I.O.A. : ZINDABAD-ZINDABAD

**LAND MARK JUDGEMENT IN SUPREME COURT
RULE 68(3)(III) OF SBIOSR, PERSONAL HEARING TO OFFICERS**

Affiliates are requested to take note of the recent judgement of the Hon'ble Supreme Court, which is a milestone in the Domestic Enquiry proceedings.

2. In a landmark judgement, in the case "SBI and others Vs Shri. Ranjit Kumar Chakraborty and another", the Supreme Court held that, whenever Appointing Authority (who is different from the Disciplinary Authority) considers the records in respect of the disciplinary enquiry conducted against a delinquent officer, in accordance with rule 68(3)(iii) of SBIOSR, before passing any order of punishment, the Appointing Authority should give a notice and hear the delinquent official. In other words, whenever a major penalty is to be imposed upon an officer for the proved misconduct, the Appointing Authority must give a personal hearing to the delinquent officer, before imposing any major penalty under rule 68(3)(iii) of SBIOSR.

3. In a similar case of Shri. Kamal Kishore Prasad, the Bank had filed a SLP in the Supreme Court, against the judgement and order of the Hon'ble High Court of Patna which passed an order for personal hearing to the delinquent employee which inflicted punishment, the Hon'ble Supreme Court in the appeal filed by the Bank, has stayed the operation of the impugned judgement of High Court of Patna.

4. In view of Supreme Court judgement, in the case of Shri. Ranjit Kumar Chakraborty, and till such time the case of Kamal Kishore Prasad is finally decided, the Bank has decided, as an interim measure, that the **Appointing Authority while deciding the punishment to the officer for the proved misconduct, must give a personal hearing to the delinquent officer before imposing any major penalty under rule 68(3)(iii) of SBIOSR. Where the Disciplinary authority and the Appointing Authority is the same, the Disciplinary Authority will give the personal hearing to the delinquent officer before imposing any major penalty.**

5. All the affiliates/members, especially, comrades handling disciplinary cases may take note of this development for strict compliance at the respective Circles, as personal hearing is now, mandatory.

With Diwali greetings,

(G.D.NADAF)
GENERAL SECRETARY