



बैंक ऑफ़ बड़ौदा
Bank of Baroda

4

MEMORANDUM OF SETTLEMENT

**(Under Section 2(p) of the Industrial Disputes Act, 1947, read with
Rule 58(4) of the Industrial Disputes (Central) Rules, 1957)**

Between

BANK OF BARODA

and

ALL INDIA BANK OF BARODA EMPLOYEES' FEDERATION

**(Sole Collective Bargaining Agent on behalf
of workmen in Bank of Baroda)**

on

SETTLEMENT ON PROMOTION

FROM

SUBSTAFF TO CLERICAL CADRE- 2012

dated 27.09.2012

Bank of Baroda
Baroda Corporate Centre
C-26, G- Block,
Bandra-Kurla Complex,
Bandra (East)
Mumbai 400 051

NAME OF THE PARTIES

Bank of Baroda -

having its Head Office at Mandvi, Baroda being a Corporation constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970.

Represented by-

Mr. S. K. Das
General Manager (HRM)

Mr. T. K. M. Das
Dy. General Manager (HRM & Administration)

Mr. S. K. Choudhury
Dy. General Manager (HRD & IL)

Mr. Rajkumar Jotsinghani
Asst. General Manager (HRM)

Mr. Pradeep K G Niyogi
Asst. General Manager (HRM)

Mr. K. K. Thakore
Chief Manager (HRM)

&

All India Bank of Baroda Employees' Federation-

Represented by -

Mr. Vinil Saxena
President

Mr. Milind Nadkarni
General Secretary

Mr. Karunesh Shukla
Dy. General Secretary

Mr. K. K. Kotian
Dy. General Secretary

Mr. Maganbhai M. Patel
Dy. General Secretary

Mr. A. R. Suriyanarayanan
Dy. General Secretary

Mr. Amrit Kalas
Treasurer

Mr. Ashok Varma
Joint Secretary

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1.0 SHORT RECITAL:

- 1.1 Bank of Baroda (hereinafter referred to as 'the Bank') and the All India Bank of Baroda Employees' Federation (recognized Union) signed a Settlement dated 10.01.1996 on Policy for promotion from Subordinate cadre to Clerical cadre in India.
- 1.2 The aforesaid 1996 Settlement was to remain effective for a period of -4- years from the date of settlement i.e. 10.01.1996 and thereafter with a proviso for review of policy, if need be, after expiry of four years from the date of settlement.
- 1.3 There has been a sea change in the Banking scenario and competitive environment during the last -16- years. Therefore, a need was felt to 'review' the above Settlement to keep pace with the changing banking scenario to meet the customer expectations, provide adequate planned career growth opportunities to sub-serve legitimate employee aspirations and to enable the bank to meet the present day emerging challenges.
- 1.4 In view of the above, negotiations were held with the representatives of All India Bank of Baroda Employees' Federation (recognized Union) as required under Settlement dated 1st September 1973 on various dates. Accordingly, a Settlement on policy for promotion from Subordinate to Clerical cadre has been arrived at as appearing herein below.

2.0 TERMS OF SETTLEMENT :-

- 2.1 This Settlement shall be called '**Settlement on Policy for promotion from Subordinate to Clerical cadre in India - 2012**' and shall supersede the 1996 Settlement on Promotion Policy' and shall govern only the employees in India on the following:-

- a) *Internal promotions from Subordinate cadre to Clerical cadre.*
b) *Out-of-turn promotions from Subordinate cadre to Clerical cadre.*

3.0 INTERNAL PROMOTIONS FROM SUBORDINATE CADRE TO CLERICAL CADRE :-

3.1 Eligibility :-

Confirmed Full-time/ Part-time employees in Subordinate cadre with the minimum active service mentioned against them as under, shall be eligible to apply for promotion to Clerical cadre.

- A) Full-time confirmed employees/ Part-time confirmed employees in scale wages in the Subordinate cadre who have passed graduation/ post-graduation (after graduation) from a recognized University, while in service of the Bank/at the time of absorption in Bank's service. - No minimum period of service (Exempted from written test)
- B) Full-time confirmed employees in the Subordinate cadre who have passed 12th Standard (10+2) examination conducted by a recognized Board of Central or State Government OR an examination recognized as equivalent to 12th standard (10+2) for the purpose of recruitment in Central Govt. service, while in service of the Bank/at the time of absorption in Bank's service. - No minimum period of service.

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- C) Part-time confirmed employees in scale wages in the Subordinate cadre who have passed 12th Standard (10+2) examination conducted by a recognized Board of Central or State Government OR an examination recognized as equivalent to 12th standard (10+2) for the purpose of recruitment in Central Govt. service, while in service of the Bank/at the time of absorption in Bank's service. Minimum -1- year of active service from the date of appointment as a permanent part-time employee in the Bank.
- D) Full-time confirmed employees in the Subordinate cadre who have passed SSC/ SSLC/ Matric examination conducted by a recognized Board of Central or State Government or an examination recognized as equivalent to SSC/ SSLC/ Matric for the purpose of recruitment of Central Govt. service, while in service of the Bank/at the time of absorption in Bank's service. - Minimum -2- years active service as a Full-time Substaff
- E) Part-time confirmed employees in scale wages in the Subordinate cadre who have passed SSC/ SSLC/ Matric examination conducted by a recognized Board of Central or State Government OR an examination recognized as equivalent to SSC/ SSLC/ Matric for the purpose of recruitment in Central Govt. services, while in service of the Bank/at the time of absorption in Bank's service. - Minimum -3- years active service from the date of appointment as a permanent Part-time employee in the Bank.
- F) Full-time confirmed employees in the Subordinate cadre as on the date of this settlement who have passed examination one standard below SSC/ SSLC/ Matric or who have APPEARED for SSC/ SSLC/ Matric examination but FAILED while in service of the Bank/at the time of absorption in Bank's service. - Minimum -7- years full-time active service.

It is also agreed to delete clause 4(f) of the Tripartite Settlement dated 18.3.2008 related to eligibility of regularized persons in Sub-staff cadre for promotion to Clerical cadre.

Note:

- i. For the purpose of Clause 3.1(F) above, 'One Standard below SSC/ SSLC/ Matric' shall mean a pass in the annual school examination of the standard just below SSC/ SSLC/ Matric (under the education system in vogue) in a School recognized by a Board of Secondary Education of Central or State Government.
- ii. For the purpose of Clause 3.1 (F) above, "appeared for SSC but failed" shall mean that the employee should have appeared in all the papers for SSC/ SSLC/ Matric examination but could not pass.
- iii. "Active service" for the purpose of eligibility shall mean actual service which shall include all kinds of leave and any period of probation, but shall exclude ;
 - a) Period of temporary/ casual employment;
 - b) Any period of absence from service on loss of pay, for which increment is postponed; and
 - c) Period, subject to a maximum of three years, for which increments are stopped or reduced by way of punishment. For this purpose, increments stopped/ reduced shall be treated as the number of years of service and shall be reduced from actual service, subject to a maximum of three years during the period of operation of the punishment only.
 - d) Period of Sabbatical leave.

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A few illustrations for calculation of 'Active Service' are given below :-

Illustration 1 :-

Mr. 'A' is a Full-time confirmed employee in the Subordinate cadre having 7 years of service and his educational qualifications is 'Passed one standard below SSC/ SSLC/ Matriculation. He was imposed a punishment of stoppage of one increment on 10.01.2012. His 'Active Service' shall be counted as 6 years for any promotion exercise to be conducted during the period of operation of the said punishment i.e. 10.01.2012 to 9.1.2013. Since the minimum 'Active service' required to become eligible to participate in the promotion exercise is 7 years, he shall be ineligible during the said period.

Illustration 2 :-

Mr. 'B' is a Full-time confirmed employee in the Subordinate cadre having 10 years of service and his educational qualifications is 'Appeared for SSC but failed'. He availed one year of Leave on Loss of Pay from 1.1.2011 to 31.12.2011 for which his one increment is postponed. For computing his 'Active Service', the total service of 10 years shall be reduced by one year and since his 'active service' after reduction shall be 9 years, he is eligible to participate in the promotion exercise.

Illustration 3 :-

Mr. 'C' is a permanent Part-time employee in the Subordinate cadre having -3- years of service and his educational qualification is SSC (Passed). He was imposed a punishment of 'Stoppage of one increment' on 10.01.2012. For the purpose of computation of 'Active Service' for any promotion exercise, during the period of operation of punishment i.e. from 10.01.2012 to 09.01.2013, 'one year' shall be reduced from his -3- years service and since his 'active service' after reduction shall be -2- years against the minimum requirement of 3 years, he shall be ineligible to participate in the promotion exercise.

Illustration 4 :-

Mr. 'D' is a permanent Part-time employee in the Subordinate cadre having -4- years of service and his educational qualification is SSC (Passed). He was imposed a punishment of 'Stoppage of -2- increments' on 10.01.2012. For the purpose of computation of 'active service' for any promotion exercise during the period of operation of the said punishment i.e. 10.01.2012 to 09.01.2014, 2 years shall be reduced from his -4- years of service and since his 'active service' after reduction from his -4- years of service shall be -2- years against the minimum requirement of -3- years, he shall be ineligible to participate in the promotion exercise.

- 3.2 Candidates who have passed/ failed in the examination equivalent to 12th Standard (10+2)/ SSC/ SSLC/ Matric shall have to submit a certificate from the office of Director General of Education (Central) certifying that the said examination is recognized as equivalent to 12th Standard (10+2)/ SSC/ SSLC/ Matric for the purpose of recruitment in Central Govt. services. Such certificate should be submitted by the candidate along with the application on or before the last date for submission of said application. Applications shall not be accepted/considered without such certificates.

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- 3.3 Following factors with weightage assigned to them have been identified for internal promotion from Sub-staff to Clerical cadre:-

Factors	Weightage	
	For Candidates not exempted from Written Test	For Candidates exempted from Written Test under Clause 3.1 (A)
Written Test	70	N/A
Personal Interview	20	20
Computer Aptitude Test	10	10
TOTAL	100	30

4.0 WRITTEN TEST :-

- 4.1 All eligible candidates except those covered under Clause 3.1(A) above shall have to appear in the written test prescribed by the Bank which shall consist of Test Paper with three parts as indicated below and it shall be for a duration of 2 hours.

PART	SUBJECT	MAX. MARKS	MIN. PASS MARKS
I	English	20	08
II	Arithmetic/ Test of numeric ability	30	12
III	Elementary Banking	20	08
TOTAL		70	28

Note:-

- The candidates shall have an option to write the written test either in Hindi or English except Part-I of the test paper (English) which must be written in English.
- The Bank shall prepare a set of 100 model questions and answers on Elementary Banking and the same shall be circulated among the candidates around 30 days prior to the date of written test. The questions for Part III of the test paper on Elementary Banking shall be selected from the said set of questions.
- The test for English and Arithmetic/ Test of Numeric Ability shall be as per the syllabus prescribed by the Bank and revised from time to time. Model question papers for English and Arithmetic/ Test of Numeric Ability shall also be prepared and circulated for the information of the candidates around 30 days prior to the date of written test.

5.0 ONLINE TEST:

Bank shall switch over from existing mode of conducting written test to the online test (comprising of all objective type questions) for 70 marks out of 100 marks from promotion exercises to be held from 01.04.2013 or afterwards, subject to the availability of sufficient infrastructure for the same.

6.0 COMPUTER APTITUDE TEST * :-

- 6.1 The candidates who secure minimum qualifying marks in Written Test will be subjected to Computer Aptitude Test of 10 marks wherein they have to secure minimum qualifying marks i.e. 04 (40%). In case candidate does not pass the Computer Aptitude Test, he would be provided one more opportunity within a fortnight to reappear in the Computer Aptitude Test. No further opportunity shall be provided for that particular exercise.

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- 6.2 It is agreed that Bank will arrange for hands on training on Computer Literacy, well in time, to all eligible Sub-staff members who apply for promotion. Alternatively, Bank will reimburse the fees (not exceeding Rs1500/-) to eligible Sub-staff members (one time) on their successful completion of Basic Computer Course from any reputed IT training institution before the date of Computer Aptitude Test. For availing this benefit, eligible Sub-staff member has to obtain prior permission of the concerned Branch Head/Office Incharge. He shall have to submit the receipt of fees paid along with copy of Certificate of having successfully completed the Computer course, for seeking reimbursement of the course fee. This is only an enabling provision to prepare the eligible Sub-staff members for appearing in Computer Aptitude Test.

**The Clause 6.0 shall become applicable w.e.f. 01.04.2013. For the promotion exercise/s to be held after the date of this settlement but prior to 01.04.2013, the maximum marks for Computer Aptitude Test (i.e. 10 marks) shall be added to maximum marks for Personal Interview.*

7.0 **PERSONAL INTERVIEW:-**

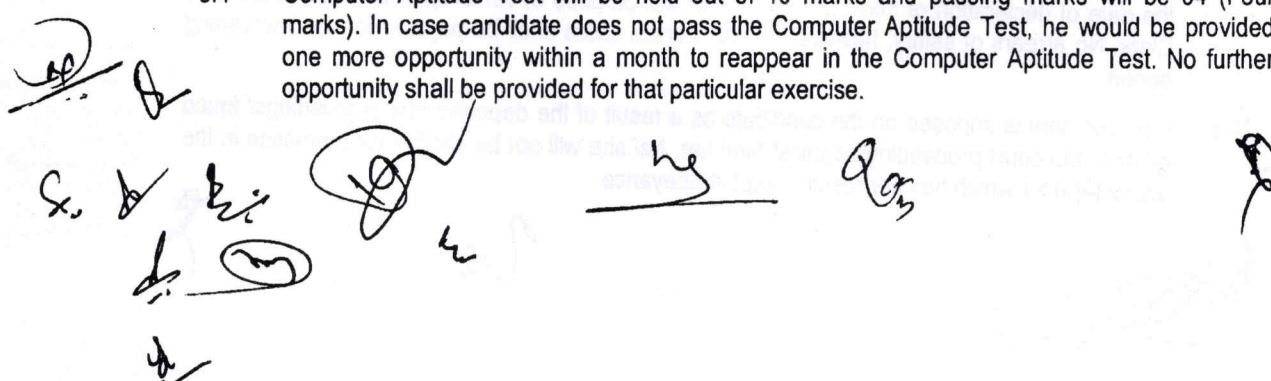
- 7.1 Candidate who secure the minimum qualifying marks in the Written test and Computer Aptitude Test will be required to appear for a Personal Interview of 20 marks and have to secure minimum qualifying marks i.e. 8 (40%).

8.0 **PERSONAL INTERVIEW AND COMPUTER APTITUDE TEST FOR CANDIDATES EXEMPTED FROM WRITTEN TEST UNDER CLAUSE 3.1 (A):-**

- 8.1 Candidates who fall under Clause 3.1(A) are exempted from written test. Such candidates shall intimate to the Bank, the results of their graduation/ post-graduation (after graduation) examination with necessary details, within one month but not beyond three months from the declaration of results. These candidates would be directly interviewed and those who qualify for the same be promoted subject to passing Computer Aptitude Test.
- 8.2 Such exemption from written test shall be extended at the first available promotion exercise. In case, a candidate applies for promotion under this category and could not succeed for promotion to Clerical cadre, he shall not be eligible for exemption from written test in any future promotion exercises.

Further, in case, a candidate is unable to apply for exemption from written test at the first available promotion exercise falling immediately after acquiring the qualifications, as prescribed in Clause 3.1 (A) above due to genuine reasons, he would be eligible to apply for exemption from written test only for the subsequent one promotion exercise to the Clerical cadre.

- 8.3 The interviews of candidates exempted from Written Test will be out of 20 marks. The eligible candidates will have to secure minimum qualifying marks in the Personal Interview i.e. 08 (40%).
- 8.4 Computer Aptitude Test will be held out of 10 marks and passing marks will be 04 (Four marks). In case candidate does not pass the Computer Aptitude Test, he would be provided one more opportunity within a month to reappear in the Computer Aptitude Test. No further opportunity shall be provided for that particular exercise.



9.0 DECLARATION OF PROMOTIONS :-

- 9.1 All candidates who secure minimum pass marks in each 'part of the Written test, Computer Aptitude Test and Personal Interview as per Clause 4.0, 6.0 and 7.0 above shall qualify for promotion and their promotions from Subordinate cadre to Clerical cadre shall be declared provided they are otherwise eligible. Candidates exempted from Written Test shall be required to qualify/ pass in the Personal Interview and Computer Aptitude Test as per Clause 8.0 above.

10.0 RESERVATION OF VACANCIES/ ELIGIBILITY CRITERIA AND OTHER MATTERS RELATING TO PROMOTIONS TO CLERICAL CADRE IN TERMS OF GOVT. POLICY FOR SPECIFIED CATEGORIES SUCH AS SCHEDULED CASTES/ SCHEDULED TRIBES/ EX-SERVICEMEN AND ANY OTHER CATEGORIES SPECIFIED BY THE GOVT.

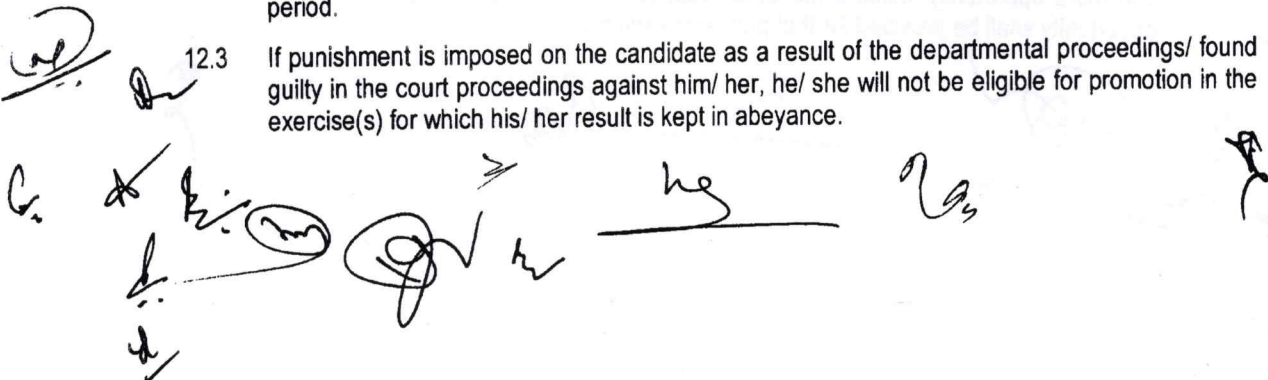
- 10.1 The guidelines/ directives issued by the Govt. of India/ Reserve Bank of India/ Indian Banks' Association from time to time related to any provision under this settlement, relaxation of criteria, reservation of posts, for SC/ST/Ex-servicemen or any other category etc., shall be deemed to be a part of this promotion policy and shall be given effect accordingly. The Federation (recognized Union) shall be advised of the guidelines/ directives received from the Govt. of India/ RBI/Indian Banks' Association, from time to time.

11.0 OUT OF TURN PROMOTIONS :-

- 11.1 The policy regarding out of turn promotion to Clerical cadre of employees who are outstanding sportsmen/ sportswomen, employees who apprehend dacoits/ robbers etc. shall be as may be directed by the Government of India/ Indian Banks' Association, from time to time under a policy guideline/ directive. The Federation (recognized Union) shall be advised of the guidelines/ directives received from Government of India/ RBI /Indian Banks' Association from time to time.
- 11.2 Bank may decide to promote, in its discretion, confirmed Full time employees in the Subordinate cadre, who are otherwise not eligible for promotion under this Settlement, for their excellence in performance. Such promotion shall not exceed -5- in number in any promotion exercise. Parameters for reckoning excellence in performance shall be worked out and decided separately after discussion with the Federation (recognized Union).

12.0 CASES OF DISCIPLINARY ACTION :-

- 12.1 Candidates who are otherwise eligible in terms of the Settlement but are either:
- a) under suspension; or
 - b) in respect of whom a chargesheet has been issued and the disciplinary proceedings are pending; or
 - c) in respect of whom prosecution for a criminal charge is pending
- will be permitted to appear in the promotion exercise but their results shall be kept in abeyance.
- 12.2 If, on the conclusion of the departmental/ court proceedings, the candidate is exonerated, the result kept in abeyance would be declared. If found successful, promotion will take effect from the date of declaration of initial promotions for the purpose of seniority/ fixation of salary as a Clerk. No arrears of salary, however, as per clerical cadre shall be payable for the intervening period.
- 12.3 If punishment is imposed on the candidate as a result of the departmental proceedings/ found guilty in the court proceedings against him/ her, he/ she will not be eligible for promotion in the exercise(s) for which his/ her result is kept in abeyance.



13.0 PROBATION PERIOD:-

- 13.1 Sub- staff on his promotion as Clerk, will be on **six months** probation after expiry of which he will be considered for confirmation as a Clerk subject to his work, conduct and attendance being found satisfactory.

14.0 REFUSAL OF OFFER OF PROMOTION:-

- 14.1 An employee who refuses the offer of promotion shall not be eligible to participate in the next 2 promotion exercises or -2- years whichever is earlier.

15.0 REVERSION TO SUBSTAFF CADRE OF PROMOTEE CLERK:-

- 15.1 A promotee clerk may seek reversion to Substaff cadre within 6 months from the date of his promotion. An employee who accepts promotion to Clerical cadre and thereafter, seeks and if granted reversion to the subordinate cadre, shall also not be eligible to participate in the next 2 promotion exercises or 2 years whichever is earlier.

16.0 SPECIAL PROVISIONS :-

- 16.1 There shall be at least one exercise (Written test, Computer Aptitude Test & Personal Interview) for promotion to Clerical cadre in a calendar year. If for any pressing reason, the promotion exercise cannot be held in a particular year, the Federation (recognized Union) will be informed in writing and the matter will be discussed with the Federation (recognized Union).

- 16.2 A copy of the list of promotions declared by the Bank from Subordinate to Clerical cadre shall be furnished to the Federation (recognized Union) on the same day.

- 16.3 After all the promotions are declared, the Bank shall, within two months thereof, communicate the marks secured in the written test by candidates who participated in the promotion exercise.

17.0 FIXATION OF SALARY OF SUBORDINATE STAFF ON PROMOTION TO CLERICAL CADRE:-

- 17.1 It is agreed that the basic salary of a member of the Subordinate Staff on promotion to Clerical cadre would be fixed in the Clerical scale of pay as per IBA formula/ guidelines as revised from time to time, after discussion with the Federation (recognized Union).

18.0 GENERAL :-

- 18.1 This Settlement supersedes all previous understandings/ agreements/ settlements in respect of matters covered under this settlement.

- 18.2 If any doubt or difficulty arises regarding interpretation of provisions of this settlement, such doubt or difficulty shall be first discussed between the Bank and the Federation (recognized Union), before communication of the same.

19.0 PERIOD OF OPERATION :-

- 19.1 This settlement shall be effective for a period of five years from the date of this Settlement and shall continue to be effective thereafter until it is terminated by either party after following the procedure prescribed for such termination under the Industrial Disputes Act, 1947. However, the parties agree to review this Settlement, if needed.







