



JAMMU CENTRAL CO-OPERATIVE BANK LIMITED

Head Office: Sehkari Bhawan, Rail Head Complex, Jammu

Grams: "CO-OPEARTIVE BANK"

No: 01.A/9783-9810

Date: 10/09/2024

ORDER

Whereas the existing staff of the bank figures 423 consisting 112 persons to have been appointed through proper selection process whileas rest of 311 have been appointed by the Board from time to time; and

whereas the Board approved appointees include the persons that were initially appointed as Peon cum Chowkidars on different dates followed by extension from time-to-time upto the year 2017 beyond which no extension was granted for the reason of not being in place the Board of Directors (BoDs) between November 2017 and 03/12/2018; and

Whereas below mentioned persons were disallowed by the bank w.e.f 08/02/2021

Sr. No	Name with Parentage	Designation	Workplace	Date of Joining	Extension lasted on
1	Mr. Vinod Kumar s/o Mast Ram R/o Khapper Kalakote	Peon cum Chowkidar (Grade)	Kalakote	07/04/2010	25/07/2017
2	Mr. Mohd. Ramzan Parey s/o Mohd. Iqbal R/o Wd. No. 5 Batote	Peon cum Chowkidar (Grade)	Batote	14/01/2010	25/07/2017
3	Mr. Mohd. Abass s/o Ab. Rashid R/o Lachdayaram Kishtwar	Peon cum Chowkidar (Grade)	Kishtwar	10/02/2010	24/08/2017
4	Mr. Imtiyaz Ahmad Wani s/o Mohd. Hussain R/o Bitola Thathri Doda	Peon cum Chowkidar (Grade)	Bhaderwah	28/01/2010	24/08/2017
5	Mr. Naranjan Singh s/o Baldev Singh R/o Sai Kalan Tangali	Peon cum Chowkidar (Grade)	EC Sai Kalan	03/05/2010	24/08/2017
6	Mr. Tariq Ahmad s/o Fateh Mohd. R/o Gool Dachin Ramban	Peon cum Chowkidar (Grade)	Gool	11/07/2011	30/09/2017

7	Mr. Pawan Kumar s/o Hans Raj R/o Salalpur Kathua	Peon cum Chowkidar (Grade)	Salalpur	17/03/2010	24/10/2017
8	Mr. Mohd. Mushtaq s/o Akber Din R/o Kallar Mora	Peon cum Chowkidar (Grade)	Surankote	19/09/2011	23/09/2017
9	Mr. Sumit Kumar s/o Dharam Pal R/o Zeen Bagh Bhaderwah	Peon cum Chowkidar (₹ 100/ day)	Bhaderwah	06/03/2012	24/08/2017
10	Mr. Yaqoob Hussain s/o Hassam Din R/o Kilothran Bhallesa Doda	Peon cum Chowkidar (₹ 100/ day)	Gandoh	06/03/2012	25/06/2017
11	Mr. Farooq Ahmad Naik s/o Gh. Rasool R/o Khari Banihal, Ramban	Peon cum Chowkidar (₹ 100/ day)	Banihal	05/03/2012	24/09/2017
12	Mr. Rajesh Kumar s/o Pair Singh R/o Doda	Peon cum Chowkidar (₹ 100/ day)	Chadwal	07/12/2010	23/08/2017
13	Mr. Som Dutt s/o Baij Nath R/o Ghara Hiranagar	Peon cum Chowkidar (₹ 100/ day)		12/08/2011	24/10/2017

Whereas Registrar Co-operatives J&K under No: RCS/LS/539-42 dated 11/03/2019 advised the bank to defend and file objections in the case titled Imtiaz Ahmad & Others v/s State of J&K and Others; and

Whereas the Hon'ble Court in the matter on 12 March 2019 passed direction that reads, "Meanwhile, it is ordered that in case the petitioners are working, they be paid their salary for the period they have worked".

Whereas Administrative Department in a communication under No. Coop/Legal/16/2019 dated 01/04/2019 advised the bank to file the objections/reply on behalf of official respondents and get the interim direction vacated. It was further advised to place the matter before the Board for consideration.

Whereas in another order, Hon'ble High Court on 05-10-2019 directed" response as well as Compliance of Order dated: 12-03-2019 by or before the next date of hearing."

Whereas the next date of hearing was fixed for 23-12-2019 in which "last and final opportunity of 6 weeks was granted to the respondents to file response in the petition as well as compliance report in terms of order Dt: 12-03-2019 failing which respondent No: 2(MD of the Bank) shall appear in person before the court on the next date of hearing which was fixed for 24-03-2020; and

Whereas Administrative Department of Cooperatives under No. Coop/B&F/10/2018 dated 14/01/2020 advised the bank to place the matter before the Professional Board constituted.

Whereas on 20-07-2020 the Hon'ble Court transferred the petition to Central Administrative Tribunal, (CAT) Jammu Bench for further proceedings. The CAT Jammu returned the file to the Hon'ble High Court Of J&K at Jammu with remarks that reads" this Tribunal does not have jurisdiction in respect of the employees of the JCC Bank". And

Whereas Administrative department under No. Coop/B&F/10/2018 dated 23/09/2020 has asked for placing the matter before the Professional Board for consideration of the subject, "Prayer for Justice and Mercy to Class IV Employees working in Jammu Central Cooperative Bank Ltd. Jammu province for the last more than 10 years on temporary basis for regularization of services as Class IV Employees".

Whereas Hon'ble High Court on 19-04-2023 passed direction which reads, "In the meantime respondent No 2 to 5 are directed to consider the case of the petitioners for release of the unpaid salary of the petitioners for the period they have worked and if there is no other legal impediment". And

Whereas Legal opinion 8-05-2023 was sought from the council of bank with regard to the order passed by the Hon'ble High Court and in response the council opined in detail that reads, "the matter pertains to regularization of the employee as well as release of their unpaid salaries. A contempt petition pretains to same is also pending. So far release of the salary is concerned they are entitled for the same and their case may be considered for the same. However, the question of their regularization that has to be delt legally as they worked for quite long time with the deptt/Bank".

Whereas on 18-11-2023 the Hon'ble High Court passed latest direction that reads "8 months' time is granted to the respondents to consider and decide the claim of the petitioners the release of unpaid wages, if any, due to the petitioners, shall also be considered by the said Board"; and

Whereas complying with the directions, the perks being payable were worked out for an aggregated amount of ₹ 49,65,030 for a period upto 8th February 2021.

Whereas the matter of regularization of the services of afore mentioned persons was placed before the Professional Board of Directors (PBODs) that was not in place from 5-09-2021 to 2-03-2023 for 2 years, from 4-09-2023 to 11-07-2024 for 16 months together and reconstituted on 11/07/2024 in its meeting held on 24-08-2024 for deliberation.

Whereas the PBODs discussed the matter in length and didn't find any scope of regularizing the services of the persons engaged for a period of 89 days subject to extension from time-to-time upto 08/02/2021 beyond which there is a service break for 3 years and 7 months as on date on part of each person. The Board, thus, resolved to disengage in letter all the 13 persons mentioned above with effect from the date they were disallowed by the Board to continue the services in the bank or at their workplaces mentioned against each.

Now, pursuant to the decision of the PBODs of the bank in its meeting held on 24/08/2024 the services of all 13 persons engaged initially for a period of 89 days on different dates and the period of their services extended from time-to-time upto 08/02/2021 are deemed to have been disengaged from the services of the bank with effect from the date they entered into service break on 08/02/2021.

By order of the Board


10.09.2024
Managing Director & CEO

NO: 01.A/9783-9810

Date: 10/09/2024

Copy to:

1. Secretary to Govt. Cooperative Department, Chairperson PBODs JCC Bank.
2. Registrar Cooperative Societies J&K.
3. Executive Manager JCC Bank.
- 4-16. Mr. Vinod Kumar/Mohd. Ramzan Parray/Mohd. Abass/ Imtiyaz Ahmad Wani/Naranjan Singh/Tariq Ahmad/Pawan Kumar/Mohd. Mushtaq/Sumit Kumar/Yaqoob Hussain/Farooq Ahamd Naik/Rajesh Kumar & Som Dutt for information & compliance.
- 17-27. Branch Head Kalakote/Batote/Kishtwar/Bhaderwah/EC Sai Kalan/Gool/Salalpur/Surankote/Gandoh/Banihal & Chadwal for information. They are directed to provide the personal account number of the petitioner/s and alongwith liability, if any, over his/their head.
28. OIC Law Department of the bank for information & follow-up.