

**BANK RESPONSIBLE FOR THEFT IN LOCKER**

In an important decision, the learned National Consumer Commission held that the bank is responsible for the bank locker theft and the bank shall pay compensation for loss on account of being stolen. In compliance of the order, the bank has paid compensation to its 11 customers of Kanpur branch to the tune of Rs. 2.64 crores who were victims of theft

Separately, the Reserve Bank of India (RBI) prepared detailed instructions for the banks in regard to the safe deposit locker/safe custody article facility vide Circular No. DOR.LEG.REC/40/09.07.005/2021-22 dated August 18, 2021 which came into effect from 01.01.2022. The circular under paragraph 7.2 states as follows:

***"7.2 Liability of banks arising from events like fire, theft, burglary, dacoity, robbery, building collapse or in case of fraud committed by the employees of the bank***

*It is the responsibility of banks to take all steps for the safety and security of the premises in which the safe deposit vaults are housed. It has the responsibility to ensure that incidents like fire, theft/ burglary/ robbery, dacoity, building collapse do not occur in the bank's premises due to its own shortcomings, negligence and by any act of omission/commission. As banks cannot claim that they bear no liability towards their customers for loss of contents of the locker, in instances where loss of contents of locker are due to incidents mentioned above or attributable to fraud committed by its employee(s), the banks' liability shall be for an amount equivalent to one hundred times the prevailing annual rent of the safe deposit locker."*

The aforesaid instruction in the circular dated 18.08.2021 prescribes liability of the bank upto 100 times of the prevailing annual rent of the safe deposit locker in instances wherein loss of contents of locker are due to fire, theft, burglary, dacoity, robbery, building collapse or in case of fraud committed by the employees of the bank. Hence, the restricting the liability of the bank on account of failure of due diligence by the bank raises question of safety of safe deposit lockers.

**GRATUITY ACT APPLICABLE ON ANGANWADI EMPLOYEES**

The Hon'ble Supreme court in the matter of *Maniben Maganbhai Bhariya V. District Development Officer Dahod & Ors*<sup>1</sup> held that the honorarium paid to anganwadi employees will be fall within the scope of definition of "wages" as per Payment of Gratuity Act, 1972. Resultantly, the anganwadi employees are entitled to gratuity which is a basic social security measure.

The Hon'ble Apex Court whilst deciding the moot question penned down the important and role of Anganwadi workers (AWW) and Anganwadi helpers (AWH) in our society whereby the Hon'ble Court observed that angawandi workers not only help with war against malnutrition but have played a pivotal and significant role during the pandemic (covid-19), which was the unprecedented health war faced by the nation in responding to the various challenges posed. These frontline women workers are the backbone of the ICDS.

---

<sup>1</sup> 2022 SCC Online SC 507

**CA, CS & CWA AUTHORIZED TO PRACTICE BEFORE TRIBUNALS****UNDER RERA**

The Hon'ble Rajasthan High Court in case of *Sanjay Ghiya v. Union of India*<sup>2</sup> held that the word 'Respondent' is included under section 56 of RERA Act and hence, a professional who is a chartered accountant (CA) or company secretary (CS) or cost accountant (CWA) or a legal practitioner, is authorized to represent case on behalf of his client who is either an applicant or appellant or respondent before quasi-judicial bodies constituted under the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred as **RERA Act** such as the learned Appellate Tribunal or the learned Regulatory Authority or the learned Adjudicating Officer, as the case may be.

The Hon'ble Supreme Court in an orders have a different view wherein it was held that a law professional are only entitled to represent clients and appearance of other degree holders like chartered accountants is unconstitutional.<sup>3</sup>

---

<sup>2</sup> DBCWP No. 18078/2018

<sup>3</sup> *Madras Bar Association Vs Union of India*, Civil Appeal No. 3850/2006, decided on 25.09.2014

### EQUIVALENT TREATMENT OF AGE IN SUPERANNUATION

The Hon'ble Supreme Court in its judgment of *Dr. Jacob Thudipara v. State of Madhya Pradesh*<sup>4</sup> has provided monetary benefits including arrears of salaries and allowances for the intervening period to the appellant who was a teacher working at a 100% private educational institution and was superannuated at the age of 62 years, despite his counterparts were given benefits of enhanced age of superannuation at 65 years. The appellant preferred an appeal against the judgment passed by the Hon'ble Madhya Pradesh High Court.

The Hon'ble Apex Court denied the contention of the respondent which was based upon the principle of "no work no pay". The Hon'ble Court placed reliance on its earlier judgment in the matter of *Dr. R.S. Sohane v. State of M.P.*<sup>5</sup> wherein it was held that the teachers like the appellant are entitled to get the benefit of enhanced age of superannuation of 65 years.

Thenceforth, the Hon'ble Supreme Court quashed and set-aside the judgment of the Hon'ble Madhya Pradesh High Court and allowed the appeal, directing the respondent-state to pay the dues within 6 weeks. Further, the Hon'ble Court observed that on account of delay in filing the appeal, the interest shall not be payable on such arrears.

#### TEAM MAJESTY LEGAL<sup>6</sup>

CHAMBER : 204, E-Block, Rajasthan High Court, Jaipur.  
OFFICE : C-89, 201, Jagraj Marg, Mangalam Apartment, Bapu Nagar, Jaipur  
MOB : 8890077779  
9785461395  
E-MAIL : [mahi@majestylegal.in](mailto:mahi@majestylegal.in)  
[majestylegal9@gmail.com](mailto:majestylegal9@gmail.com)  
WEBSITE : [www.majestylegal.in](http://www.majestylegal.in)

---

<sup>4</sup> Civil Appeal No.2974 of 2022

<sup>5</sup> (2019) 16 SCC 796

<sup>6</sup> Majesty legal is law firm, established by Mahi Yadav and aim of the present article is to provide insights on the recent legal development. The opinions presented in the article are personal in nature and not to be deemed as legal advice.