
	ALL INDIA ALLAHABAD BANK PENSIONERS' & RETIREES' ASSOCIATION (Affiliated to ALL INDIA BANK PENSIONERS AND RETIREES CONFEDERATION) Central Office: 14, India Exchange Place, Kolkata - 700001		
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BHOPAL – 13-10-2016

The General Manager (HR)

Allahabad Bank, Head Office, 2 Netaji Subhas Road
Kolkata – 700001

Subject- Addition in Qualifying Length of Service for Pension Fitment under
Regulation 26 of Allahabad Bank (Employees) Pension Regulations. 1995

It has come to our knowledge that the benefit of Regulation 26 of ABEPR 1995, to add in qualifying service for fitment of pension to the retired officers, who were appointed by the Bank on the posts, for which post-graduate research, or specialist qualification or experience in scientific, technological, or professional fields, was essential, is not being given.

Most of such individual representations by pensioners eligible for the said benefit either had not been replied by the Bank or such requests/ representations of officers had been declined mainly on the stating the following provision of Reg-26 (c), that reads as under -

"Provided further that this concession shall be admissible if the recruitment rules in respect of the said service or post contain specific provision that the service or post is one, which carries benefit of this regulation."

Other reason for refusal of benefit is quoted that the officer was appointed prior to date the "Bank Employees' Pension Regulations, 1995" came into force on 29-09-1995.

In this connection we wish to draw your kind attention towards the order dated 21-9-2016 by Hon'ble High Court of Allahabad Bench at Lucknow in Case No. 1160 of 2012 - Anand Pal Saxena & another Vs Union of India through Secy. Ministry of Finance, New Delhi. In this case the pensioners of Allahabad Bank were the Petitioners & the Petition has been allowed by the said Division Bench. (Copy of Judgment is enclosed herewith).

On the above main two reasons being quoted by the Bank, while declining the benefits to eligible pensioners, the Hon'ble Court in the said order inferred and decided as under-

In regard condition that the then recruitment rules that should have contained the specific provision of carrying benefit of the Regulation 26; the Hon'ble Court has held as under -

QUOTE- (At Page No 18 Last Para of Judgment Enclosed Herewith)

"As the language in Regulation 26 and the second proviso with which we are concerned in the instant proceeding is unambiguous, there is neither any need nor necessity to construe the second proviso. The intention of the framers of the said Regulation is also not in doubt. As noticed supra, the draft regulation as submitted by the respondent bank was modified by the Central Government. The respondent bank accepted the modification and adopted the same. Therefore, there was a conscious decision on the part of the framers and their intention is reflected in the said Regulation. It is not, therefore, a case where any intention can be attributed to the framers of the regulation to give with one hand and take away with another."

In respect of "Admissibility of the Regulation" for the officers joining Bank, prior to the date the Employees' Pension Regulations, 1995 came into force, court has held as under –

QUOTE - (At Page No 21 First Para of Judgment Enclosed Herewith)

"In view of the above said facts, it is clear that the regulation has its application on the entire existing employee whether appointed prior or after the Regulations of 1995 "

Further in following Court Orders the matter of eligibility of benefit to pensioners who were appointed prior to the date, the Pension Regulations 1995 came into force, has been decided in favour of Pensioners-

1. Hon'ble Court of Allahabad Division Bench at Lucknow in judgement and order dated 27.09.2010 passed Writ Petition No.1963 (SB) of 2008 ,held that clause (a), (b) and (c) cannot be read together. Sub Clause (a) (b) form one category and Sub-clause (c) form another category.
2. Hon'ble the Apex Court by order dated 10.10.2014 passed in Special Leave to Appeal (C) No.34278/2010, have confirmed the Judgment mentioned above (At 1).The order of Apex Court on reproductions reads as under :-
"We find no reason to entertain this Special Leave Petition, which is, accordingly, dismissed."
3. Hon'ble High Court of Madras in the case of Thirikooda Rajappan P. vs. Chairman and Managing Director, Vijay Bank, Head Office, Bangalore and others in Writ Petition No.14364/1997 in which after considering the facts and circumstances of the case in Paras 9 and 10, Hon'ble Madras High Court held that Sub-clause (a) & (b) of Regulation-26 of the Pension Regulations form one clause and sub-clause (c) stands separately.
4. Hon'ble High Court of Jaipur in Case No. SBWP No. 97 of 2009 dated 10.1.2014 - Govind Purohit Vs Bank of India, categorically held that Pension Regulation 26 of Pension Regulations 1995, though came into existence in the year 1995, but is equally applicable to those employees who were recruited prior to 1995.


In the light of above court orders, we impress upon to allow the benefit of Regulation 26 under ABEPR 1995 to the officers appointed as Specialist Officers, for which post-graduate research, or specialist qualification or experience in scientific, technological, or professional fields, was made essential in recruitment rules and were appointed prior to the date the ABEPR 1995, came into force.

A good number of Specialist Officers, with specialist qualification or experience in scientific, technological, or professional fields, were appointed by our Bank as C.A. Officers, Law Officers, Personnel Officers, Technical Officers (Field Officers – S.S.I.), Agriculture Field Officers, I.T. Officers (Specialist Qualification in Computer Science/Technology) etc. Most of such officers have retired and are thus eligible for benefit of Reg.26 for fitment of pension.

We therefore impress upon you to please consider the representation submitted by such pensioners to your good office, favourably and we also request you to kindly arrange to issue instructions circular in this matter following the verdicts of the Hon'ble Courts mentioned above.

Thanking You

Sincerely Yours



(S.K.Verma)
General Secretary