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|  | 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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To,
 The Joint General Secretary
 ALL INDIA BANK PENSIONERS & RETIREES CONFEDERATION
 C/o Indian Bank Officers' Association,
 2, Ganesh Chandra Avenue, Kolkata, 7000013,

BHOPAL – 16-09-2016

Subject – Second Option for Pension to Compulsorily Retired Officers.

In 9th Bipartite Settlement, the Joint Note dated 27-4-2010, signed between IBA – Representing Banks & Bank Employees/Officers Associations, clearly indicated that the employees/officers retired up to 27-04-2010 and had not opted for Pension in First Chance will be eligible for second option for pension.

As per para (3) (a) the employees /officers were in service of the bank prior to 29th September 1995 in case of Nationalized Banks/26th March 1996 in case of Associate Banks of State Bank of India and **retired** after that date and prior to the date of this Joint Note dated 27-4-2010, were also covered for the second option for pension.

IBA while issuing the Circular changed the word from "**Retired**" to "**Retired on Superannuation**".

With this change the employees/officers retired after taking VRS under Pension Regulation 29 and those who were Compulsorily retired by the Bank, were excluded while implementation the Joint Note dated 27-4-2010 and were denied of justified option for pension.

Many a cases were filed in different Courts reaching up to Supreme Court of India, finally as decided by the honorable judiciary, IBA and Banks had to include VRS retired employees also for Pension Option, under the said Joint Note.

The Banks had been denying to all those Compulsory Retired officers on the plea that in terms of Joint Note dated 27.04.2010 between IBA and UFBU the officers who were retired compulsorily prior to 27-4-2010 (Joint Note Dated) and had not opted for pension in first chance are not eligible for second option for pension.

Many individuals have filed the Writ Petitions in different High Court seeking justice. The WP against Andhra Bank and Punjab & Sind Bank, had reached up to Supreme Court and had been decided in favor of the Compulsory Retired officers.

The details of WP against Andhra Bank are as under-

1. High Court of A.P.& Telangana Judicature at Hyderabad allowed the WP No. 9069 of 2011 on 22.3-2012 filed by Sreeram Ramamurthy – Petitioner against Andhra Bank.
2. Divisional Bench of Andhra Pradesh High Court disallowed the WA No. 905/2012 filed by Andhra Bank against above order on 08.08.2013.
3. Andhra Bank filed SLP No. 35389/2013 against the decision of Div.Bench, which was dismissed by Supreme Court on 05.09.2014.

Thus first order became absolute & applicable on Andhra Bank.

The details of WP against Punjab & Sind Bank are as under-

1. High Court of Punjab & Haryana at Chandigarh allowed the WP No.4816 of 2012 on 16.07.2015 filed by Surinderjit Singh – Petitioner against Punjab & Sind Bank.
2. Divisional Bench of Punjab & Haryana High Court disallowed the LPA1794 of 2015 filed by Punjab & Sind Bank against above order on 18.12.2015.

3. Punjab & Sind Andhra Bank filed SLP No. 8506 of 2016 against the decision of Div. Bench, which was dismissed by Supreme Court on 13.04.2016.

Thus first order became absolute & applicable on Punjab & Sind Bank.

It is surprising that these banks are taking the Supreme Court Order applicable to the individual only who filed the Writ Petition, and not making applicable to all other similarly placed officers. Whereas the following High Courts have considering the judgments of Supreme Court, High Courts of AP & Chandigarh, as Case Law, allowed the WPs filed by other individuals. The details are as under-

- a. High Court of Madras allowed the W.P. No. 15766 of 2013 filed by D. Kalichelvan Vs Union Bank of India on 01.04.2015
- b. High Court of Punjab and Haryana, allowed the Civil Writ Petition No. 2553/2012, filed by V.K. Vohra Vs Central Bank of India on 22.12.2015.
- c. Madhya Pradesh High Court Double Bench on 20.06.2016 dismissed appeal of Punjab National Bank that was filed by Bank, against the decision dated 10.3.2016, of single Judge in W.P. No. 7993/2012 Ashwani Kumar Sharma Vs Punjab National Bank .

In the light of above All India Allahabad Bank Pensioners & Retirees Association has written a letter to CMD of the Bank, requesting to allow second option for pension to Compulsorily Retired Officers of the Bank.

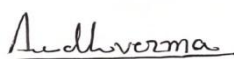
More so there was the denial of Pension by the IBA & Banks to terminated/dismissed workmen employees but Judgment of Hon'ble Supreme Court in Special Leave Petition No.17054/2009 Dated 11.12.2013 in Bank of Baroda vs. S K Kool & Anrs, decided the issue in favor of workmen employees based on provision in Bipartite Settlement.

The IBA & Bank had to include this type of workmen employees also for Pension Payments. IBA advised the Bank by CIR/HR & IR/KU/M1/1004 Dated the 30th June -2015, addressed to CEOs of the Banks to initiate suitable amendments in Regulation 22 of the Bank Employees' Pension Regulations, 1995 as far as workmen employees are concerned .But even after almost 3 years after the judgment by Apex Court the above type of workmen employees has not been given leave encashment and pension by the Banks.

I request you to take up the matter at appropriate level Ministry of Law & Justice, Ministry of Finance (Banking Services Division) advising them the above prevailing position and attitude of Banks/IBA in not honoring the Judgment s of Apex Court of Country that should be made applicable all similarly placed retired officer, on the Constitutional Principle of Equity.

With Regards

Comradely Yours



(S.K.Verma)

Dy. General Secretary – AIBPARC

General Secretary – All India Allahabad Bank Pensioners & Retirees Association

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PS- I will be writing to you separately in an individual case taken up to Ministry of Finance