
	ALL INDIA ALLAHABAD BANK PENSIONERS' & RETIREES' ASSOCIATION (Affiliated to ALL INDIA BANK PENSIONERS AND RETIREES CONFEDERATION) Central Office: 14, India Exchange Place, Kolkata - 700001		
AIBOC	<u>President – T. P. Shrivastava</u> Contact : 9415317259 e-mail: trivenishrivastava@gmail.com	<u>General Secretary - Sudhir Kumar Verma</u> Contact : 9893364334 e-mail: vermasudhir1952@rediffmail.com	AIABPARA

AIABPARA/2016-17/ 05

BHOPAL – 08-10-2016

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

Subject – Second Option for Pension to Compulsorily Retired Officers.

This has reference to our letter dated 16-09-2016 sent by e-mail to you & Copy to- Shri S.R. Sengupta, Flat No. 1-B.Santanu/3, 59 A/1, Bose Pukur Road, Kolkata – 700042.

The letter covered various court orders in favour of Compulsorily Retired Officers, to be entitled for Second Option for Pension under Joint Note Dated 24-04-2010, signed between IBA–Representing Banks & Bank Employees/Officers Associations, while reaching the 9th Bipartite Settlement.

Our above referred letter included following Two Judgments by Supreme Court-

1. Andhra Bank filed SLP No. 35389/2013 against the decision of Div. Bench, which was dismissed by Supreme Court on 05.09.2014. Thus the Order of High Court of A.P. & Telangana, Judicature at Hyderabad, in WP No. 9069 of 2011 on 22.3-2012 filed by Sreeram Ramamurthy – Petitioner, against Andhra Bank, became absolute & applicable on Andhra Bank.
2. Punjab & Sind Bank filed SLP No. 8506 of 2016 against the decision of Div. Bench, which was dismissed by Supreme Court on 13.04.2016. Thus the Order of High Court of Punjab & Haryana at Chandigarh in WP No.4816 of 2012 decided on 16.07.2015 filed by Surinderjit Singh – Petitioner, against Punjab & Sind Bank became absolute & applicable on Punjab & Sind Bank

One of the Compulsorily Retired Officer- Sh. P.S. Duggal, retired from Punjab & Sind Bank, had contacted Sh. S.K.Mishra, activist & President of our Bhopal Zonal Body. Sh. Duggal put up his matter before Sh.Mishra and requested for help by guiding him in the matter, to take it up properly.

He was advised to send his option in terms of Joint Note Dated 27-04-2010. As was expected Bank refused by letter No. PSB/PF/2nd Pen –Opt/2010/8140 dated 18-12-2010 to give chance for Pension Option stating that in your case you have been compulsorily retired from Bank service, as such you are not covered under the categories and not eligible for 2nd pension option.(Copy of Bank's Reply In PDF file attached herewith No.1).

Mr. Mishra is in habit of following up the developments in court cases related to Bank Pensioners, through web-sites of various High Courts & Supreme Court. In the process the developments in Judgment by High Court of Punjab & Haryana at Chandigarh in WP No.4816 of 2012, was also being continuously watched by Sh. S.K.Mishra.

Soon after the Hon'ble Supreme Court of India dismissed the SLP (C) No.8506 of 2016 on 13-04-2016, Mr.Duggal was advised of development and another request letter dated 18-05-2016 was sent to Punjab & Sind Bank quoting and enclosing the copies of Court Orders. It was put forth before the bank, that Hon'ble Supreme Court have decided the matter, hence the Judgment as case law is applicable on Bank as a whole. The request was also declined by the Bank. This time bank quoted that IBA has not issued any circular/instructions to extend any option to compulsorily retired P.F. Optees.(Scan Copy of letter by Sh.Duggal 2(1), 2(2) & Bank's reply is attached in PDF form No. 3).

After receiving the said reply, on line grievance was lodged with Directorate of Public Grievances, Cabinet Secretariat, which was registered with them as No.DPG/B/2016/80682 dated 28-07-2016.Action, was initiated by Directorate of Public Grievances, Govt.of India and on 29-07-2016 the matter was referred by D.P.G. to Secretary (FS) Deptt.of Financial Services under Ministry of Finance. Soft Copies of these two (No.4 & No.5) are attached herewith for your study.

Further the Status report as obtained from the Web- Site of D.P.G. Govt. of India (Attached herewith No.6) reflected that the Secretary (FS) Department of Financial Services(Banking Division) under Ministry of Finance, Govt. of India, had referred the Grievances of Sh. Duggal to Punjab & Sind Bank.

The Bank had replied (Attached at S.No.7) to Deptt.of Financial Services (Banking Division) as under –

Quote-

"In this case bank can release payment only after receiving the guidelines/ circular from IBA, which is not yet received. Further, Judgment of the court of law is applicable on the particular case of sh. Surinder Jit Singh and bank has to abide by it."

After receiving the above reply the case was closed by Ministry/Department (Department of Financial Services (Banking Division)). (Attachment No. 6)

Now the obvious question arises that Bank is replying that option can be given only after receiving guidelines from IBA, whereas the Apex Court of the Country has already decided the matter and some other High Courts have followed it, as case law while disposing similar writ petitions of the retirees. This indicates that Bank is taking the Apex Court order subordinate to IBA and had replied to Ministry of Finance in that fashion.

Much more painful and surprising is the fact that Ministry Of Finance has accepted the reply of the bank that indirectly indicates that even after the Judgment of Apex Court of the country, guidelines from IBA are necessary to the Bank to follow the Supreme Court Judgment.

Even the Govt.of India accepts the supremacy of Apex Court of Country in legal matters, but the Finance Ministry of Govt. of India, ignored the very point

that Bank is not accepting the Judgment of Apex Court, unless IBA issues instructions to the Bank.

Thus indirectly IBA have been given the notional position, even above the Supreme Court, by the Bank and Department of Financial Services (Banking Division) has not shown any reaction on reply of the Bank .

This is heart burning situation & the matter of such supremacy of IBA accepted by Bank, needs to be taken up by AIBPARC not only with Minister of Finance but also to be taken up to the level of PMO and direct letter to Prime Minister seems need of the hour.

Now the main concern to us should be not to allow any body/institution or anyone else to undermine the Constitution Position of Apex Court of our country. Not only as vigilant & vibrant organization, but also being citizen of this country, we must take this very aspect at the highest level with Govt. of India.

We keenly await your action and reply to us in the matter raised **that relates to the HONOUR of Apex Court of the Country**. Once it is established that the judgment of Supreme in any common subject matter are case laws and applicable not only to one Bank, but also on all other banks governed by same "Banking Regulations Act" and enjoy the same status - "Public Sector Banks", fruits will automatically to all similarly placed retirees.

With Regards

Comradely Yours



(S.K.Verma)

Dy. General Secretary – AIBPARC

General Secretary – All India Allahabad Bank Pensioners & Retirees Association

P-11, Priyadarshini Paramount, Behind Ashima Mall, Hoshangabad Road, Bhopal.

Soft Copies as mentioned above & listed below are attached.

1. Letter No.PSB/PF/2nd Pen –Opt/2010/8140 dated 18-12-2010 by Punjab & Sind Bank.
2. Request letter by Sh.Duggal dated 18-05-2016 to Bank referring Court Orders.
3. Bank's Reply letter Dated 18-07-2016/938/16
4. On Line Compliant dated 28-7-16 by Duggal to Directorate of Public Grievances (D.P.G)
5. Reply dated 29-7-16 by DPG to Sh.Duggal.
6. Status report dated 24-8-16 on compliant as reflected on web- site of DPG.
7. Reply by Bank to Ministry of Finance as per status report above dated 24-8-16
8. Request letter by Sh.Duggal to take up the matter through AIBPARC.
9. Order dated 16-7-15 by Single Judge of High Court at Chandigarh
10. Order dated 18-12-15 by Division Judge of High Court at Chandigarh
11. Order dated 13-4-16 by Supreme Court dismissing SLP of Punjab & Sind Bank