



ALL INDIA BANK OFFICERS' CONFEDERATION

(Registered under the Trade Unions Act 1926, Registration No: 3427/Delhi)

State Bank Buildings, St. Mark's Road, Bangalore – 560 001

CIRCULAR NO. 50
04.05.2012

Date:

TO ALL AFFILIATES/MEMBERS:

BANK EMPLOYEES' PENSION REGULATIONS 1995 PAYMENT OF PENSION FOR COMPULSORILY RETIRED EMPLOYEES AND PAYMENT OF COMPASSIONATE ALLOWANCE FOR DISMISSED AND REMOVED EMPLOYEES.

In the wake of implementation of Bank Employees' Pension Regulations 1995, the officers who were compulsorily retired, officers who were dismissed or removed from the service of the Bank, were denied payment of compassionate allowance. Such of the aggrieved officers had approached the Court of Law to seek justice and the courts had given relief to such officers w.e.f.01.11.1993, though the Pension Regulations were made effective from 01.01.1986.

2. Aggrieved by the orders of the Court in this regard the officers had approached the higher bench seeking the benefits from 01.01.1986 only and not from 01.11.1993 the date on which Compulsory Retirement Pension (Regulation No.38) Compassionate Allowance (Regulation No.31), Invalid Pension (Regulation No.30) and Pension on Voluntary Retirement (Regulation No.29) etc. were implemented.

3. The Apex Court of the Country has ordered in the case of W.A. No.2768 of 2002 of Madras High Court, Sri. C.P. Krishnaswamy Vs Punjab National Bank and in the case of dismissed employees, C.A. No.2729 of 2006, United Bank of India Vs Prasanna Kumar Roy and others, and made it emphatically clear that fixing the date of commencement of payment of Pension from 01.11.1993 is arbitrary and volative of Article 14 and 16 of the Constitution of India.

4. We have addressed a letter to the Chairman, IBA to implement the orders of the Apex Court and provide relief to the aggrieved officers. We have annexed copy of the letter which is self explicit.

5. Further developments will be posted to you.

With greetings



(G.D.NADAF)
GENERAL SECRETARY



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State Bank Buildings, St. Mark's Road, Bangalore – 560 001

No.1452/103/12
04.05.2012

Date:

To,
The Chairman,
The Indian Banks' Association,
World Trade Centre Complex,
Centre 1, 6th Floor, Cuffe Parade,
MUMBAI – 400 005.

Dear Sir,

BANK EMPLOYEES' PENSION REGULATIONS 1995
PAYMENT OF PENSION FOR COMPULSORILY RETIRED EMPLOYEES
AND PAYMENT OF COMPASSIONATE ALLOWANCE FOR DISMISSED AND
REMOVED EMPLOYEES.

We wish to bring to your kind notice the fact that originally the Pension Regulations were made effective from 01.01.1986, but the Compulsory Retirement Pension (Regulations No.33), Compassionate Allowance (Regulation 31), Invalid Pension (Regulation 30) and Pension on Voluntary Retirement (Regulation 29) were made applicable only from 01.11.1993. As this created an anomalous situation for the officers who had retired prior to the above Regulations, approached the Court of law and had sought legal remedies and got relief from 01.11.1993. But the officers who retired under Voluntary Retirement Scheme, compulsorily retired officers and also officers who were dismissed / removed from service were not given the pensionary benefits from 01.01.1986.

2. Some of the aggrieved officers of Punjab National Bank and United Bank of India who were compulsorily retired or dismissed /removed from the service had filed writ petitions against the Banks, who had refused to consider pensionary benefit or compassionate allowance as the case may be, from 01.01.1986. Relief was given by the Supreme Court of India to compulsorily retired employees as per W.A. No.2768 of 2002 of Madras High Court in the case of Sri. C.P. Krishnaswamy Vs. Punjab National Bank and Dismissed employees as per C.A. No.2729 of 2006 in the case of United Bank of India Vs Prasanna Kumar Roy and others. The relief given by the Apex Court of the country is w.e.f 01.01.1986.

3. The basic grounds relied upon by the Court in ordering the eligibility date as 01.01.1986, rejecting the differential cut off date of 01.11.1993 for Compulsory Retirement Pension was that the cut off date viz 01.11.1993 was held arbitrary, discriminatory and violative, of Article 14 and 16 of the constitution of India. As a consequence, the grounds are applicable for cases involving dismissals who are eligible for compassionate allowances also.

4. We have enclosed a copy of the judgment in the above case for your reference and perusal. We request you to implement the orders of the Supreme Court by instructing all the Banks suitably.

5. Please expedite and render justice to the aggrieved officers.

Thanking you

Yours faithfully

A handwritten signature in black ink, appearing to read 'G.D. NADAF', is centered on the page. The signature is fluid and cursive, with a prominent initial 'G' and 'D'.

(G.D.NADAF)
GENERAL SECRETARY