



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. 61

DATE: 03.07.2012

TO ALL AFFILIATES/MEMBERS:

**PAYMENT OF GRATUITY TO THE OFFICERS WHO RETIRED
BETWEEN THE PERIOD 01.07.1993 TO 01.11.1994 UNDER
6TH BIPARTITE SETTLEMENT**

The Hon'ble High Court of Karnataka at Bangalore has delivered a landmark Judgement in the case of WA Nos. 1758 – 1785/2003 (S-RES) 2145 – 2174/2003, and has ordered that:

“Payment of Gratuity on revised salary only to persons who retired post 01.11.1994 is arbitrary and illegal as retired employees, all of whom are within the purview of the subject wage negotiations and settlement forms a single class and cannot be fragmented. It is certainly clear that all retiral benefits including pension and gratuity must be given to all employees evenhandedly.

Arrears of Gratuity must be paid to the petitioners within four weeks failing which these dues shall earn interest at the rate of six percent per annum with effect from 23.06.1995.”

2. In the background of this judgement, we have addressed a letter to the Chairman, IBA, urging upto him to instruct all the Banks to honour the orders of the Hon'ble Court and provide relief to all the affected officers.
3. A copy of the letter annexed is self-explicit.
4. Further developments in the matter will be informed to you.

With greetings,



(D.S.RISHABADAS)
GENERAL SECRETARY



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

No.1452/127/12

03.07.2012

To,

The Chairman,

Indian Banks' Association,

Stadium House,

6th Floor, Block No.3,

Veer Nariman Road,

MUMBAI – 400 020.

Dear Sir,

**PAYMENT OF GRATUITY TO THE OFFICERS WHO RETIRED
BETWEEN THE PERIOD 01.07.1993 TO 01.11.1994 UNDER
6TH BIPARTITE SETTLEMENT**

The Hon'ble High Court of Karnataka at Bangalore has delivered a land mark Judgement in favour of the petitioners vide W.A.Nos.1758-1785/2003 (S-RES), and 2145-2174/2003, wherein the Court has ordered that:

“Payment of Gratuity on revised salary only to persons who retired post 01.11.1994 is arbitrary and illegal as retired

employees, all of whom are within the purview of the subject wage negotiations and settlement forms a single class and cannot be fragmented. It is certainly clear that all retiral benefits including pension and gratuity must be given to all employees evenhandedly.

These benefits are meant not only as a recompense for past loyal service, but also as a means to tide over the time when old age makes it practically impossible to earn a living.

We do not live in a utopia where the retired or aged members of society enjoy purchasing power frozen to the date on which they had retired. Ever escalating and increasing prices take their toll on society as a whole, indeed it is relentlessly more cruel to the aged to whom the vicissitudes of failing health are unwanted and unwelcomed company which has to be endured.

Arrears of Gratuity must be paid to the petitioners within four weeks failing which these dues shall earn interest at the rate of six percent per annum with effect from 23.06.1995".

2. In view of this judgement all the officers who retired during the period 01.07.1993 to 31.10.1994 are entitled for payment of Gratuity on the revised salary which was given effect from 01.07.1993.

3. As the judgement has been delivered by the Hon'ble Bench comprising Justice Vikramjith Sen, Chief Justice and Mrs. Justice B.V.Nagarathna, as per the National litigation policy, any further Appeal in the Supreme Court will not be entertained. Therefore, we request you to instruct all the Member Banks to extend the Benefit of differential Gratuity taking into account the revised salary with effect from 01.07.1993.

4. As the number of aggrieved officers is very small, we request you to implement the orders of the Court and instruct the Banks to pay the arrears of Gratuity to all the aggrieved Officers at the earliest.

Please expedite.

Thanking you,

Yours faithfully,



(D.S.RISHABADAS)
GENERAL SECRETARY

