



ALL INDIA BANK RETIREES' FEDERATION

D-1/1, Sector-C, Scheme-71,
Near Kasara Bazar School, Indore – 452 009.

Ref: 2012 /752

Date: 13.04.12

Chairman

Sri S.R.Kulkarni

President

Sri S.M.Deshpande

Vice President

Sri P.S.L.M.Haragopal

Sri D.A.Masdekar

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Sri J.B.Dave

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Sri C.Gopinathan Nair

Sri V.Eswaran

General Secretary

Sri S.C.Jain

Dy. Genl. Secretary

Sri R.S.Desai

Sri D.P.Gupta

Sri S.V.Srinivasan

Sri Debesh Bhattacharya

Organising Secretary

Sri P.P.Karandikar

Sri Kalyan Sengupta

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Sri S.Velayoudam

Sri Anindya K. R. Basu

Treasurer

Sri M.S.Chourey

Special Invitees

Sri Pratap Shukla

Dr.G.S.Jog

Shri C.H.Venkatachalam

General Secretary

All India Bank Employees Association (AIBEA)

Chennai

Dear Comrade,

Judgement of Division Bench of Karnataka High Court - Payment of Benefit under Regulation 29(5) and Payment of Pension based on last Ten months' average Pay drawn.

We wish to draw your kind attention on the recently announced decision of the Division Bench of Hon'ble High Court of Karnataka on 8th March, 2012 dismissing the Writ Appeals filed by the managements of State Bank of Mysore, Vijaya Bank, Canara Bank, Syndicate Bank, Bank of Baroda and Central Bank of India. While dismissing the Writ Appeals, Hon'ble Chief Justice, Justice Vikramjit Sen and Justice B V Nagarathna, have ordered payment of cost of Rs.10,000/- to be payable to each of Petitioners/Ex-employees of State Bank of Mysore for appealing without any merits as the Bank has not amended Pension Regulations, 1995.

2. In this regard, we have received representations from our affiliates. Our affiliates from Associate Banks of State Bank of India, Vijaya Bank and Allahabad Bank have also informed us that the Benefit under Regulation 29(5) has not been extended to those who retired under VRS – 2000, despite advice from Indian Banks Association vide CIR/HR&IR/76/L-43H/G2/2009-10/1134 dated 17.08.2009 and also by your Circular Letter No. 26/26/2009/25 dated 19.08.2009. While Vijaya Bank and Allahabad Bank have filed Civil appeal before Hon'ble Supreme Court, while State Bank of Mysore, we understand, is contemplating filing of Appeal before Supreme Court against the decision of the division bench.

3. In this connection, you will find that the Judgement of Supreme Court in Mohandas Vs Bank of India has already dealt the issues comprehensively and with reasoning, now being raised by Vijaya Bank and Allahabad Bank managements in the SLPs filed in the supreme court apparently with an ulterior motive of delaying inevitable payment. It is nearly two years since the petitions are filed and still appeals have not yet reached to the logical conclusion. It is nothing but deliberate attempt to drag retirees who happen to be senior citizens to avoidable litigation.



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4. Further, we have come to know that State Bank of Mysore has obtained opinion of the Senior Advocate who argued on behalf of the Bank and he has suggested preferring an appeal before Supreme Court. If this happens it will be highly unfortunate and gross injustice to retirees of these banks. We are at a loss to understand as to what legal points managements of these banks are trying to prove despite Supreme Court has pronounced decision directing banks to extend benefit of Regulation of 29 (5) to VRS optees, review petition of banks was subsequently rejected by the court, thereafter IBA advising banks to implement the court order and finally all banks except those mentioned above have implemented the decision. It may also be stated that as per the supreme court decision, it is settled issue that without amending the relevant provisions of the pension regulations by following the laid down procedure benefit of regulation no 29(5) can not be denied to VRS optees.

5. In view of the foregoing, we request your kind indulgence in the matter and please ensure restoration of sanctity and statutory status to Pension Regulations in Associate Banks of State Bank of India, Vijaya Bank and Allahabad Bank. It is also pertinent to note the observation of the Division Bench of Karnataka High Court, which is reproduced for your immediate reference which should be eye opener for the bank managements of these banks

'We mention this for the reason that it appears to us that the extremely scarce time of the Court as well as the Bank's resources have been avoidably and unnecessarily expended on an exercise of futility'.

6. We shall feel highly obliged you will use your good offices and request IBA and government to direct these banks to immediately implement the supreme court order and take appropriate action against the officials who are harassing senior citizens and indulging in criminal waste of the bank resources.

Thanking You

Yours faithfully

(S.C.Jain)
General Secretary