



ALL INDIA CANARA BANK RETIREES' FEDERATION (Regd.)

Affiliated to All India Bank Retirees' Federation (Regd.)

"A.K.Nayak Bhavan", 2nd Floor,

14, Second Line Beach, Chennai – 600 001

Our Ref: 69:2019

September 22, 2019

Sri T.N.Manoharan,
Chairman, Canara Bank,
Head Office, 112, J.C.Road,
BENGALURU – 560002.

Respected Sir,

Sub: Implementation of Supreme Court Judgement dated 13-02-2018 on 50% of Pay as Pension (1616 – 1684 Index issue)

Ref: 1. Our Letter 28:2018 Dated 21.04.2018 to the Chairman of our Bank
2. Our follow-up Letter 30:2018 Dated 21.04.2018 to the ED of our Bank
3. Our follow-up Letter 55:2018 Dated 12.07.2018 to the GM, HR Wing
4. Our follow-up Letter 26:2019 Dated 13.02.2019 to the GM, HR Wing
5. Our follow-up Letter 36:2019 Dated 25.03.2019 to the GM, HR Wing
6. SupremeCourt CP No.209 – 311/2019 & Orders Dated 28.08.2019

We invite your kind reference to our above referred letters, wherein we had requested for payment of certain Pensionary Benefits, having due regard to the Supreme Court's judgement dated 13-02-2018 and also relevant Regulations in the Canara Bank (Employees') Pension Regulations, 1995.

In the earlier structured Grievances Redressal Cell Meetings also, we have voiced Pensioners concerns on mal-implementation of the above Supreme Court Judgement resulting in short payment of pension arrears and sought for initiating curative steps.

In this regard, we wish to bring to your notice that in the matter of Contempt Petition No: 209-311/2019 filed by Sri H G Srinivasa Prasad & Others Vs Sri Rajnish Kumar, Chairman, SBI, the Apex Court while disposing the said petitions sustained our contentions on the subject matter Vide its Order dated 28.08.2019, copy of which is enclosed for your ready reference.

As upheld in the said order, recovery of differential portion of commutation arising out of payment of differential commuted value necessitated on account of retrospective revision of Basic Pension, would commence only after crediting the amount of differential commuted value. As such, recovery already effected towards differential commutation for 15 years from the Pension arrears payable is not only incorrect, but also resulted in pensioners getting lesser amount of pension arrears, besides lesser amount of interest.

In view of the foregoing, we request you to

- 1) refund the amount of differential Commutation wrongly recovered from out of the Pension arrears payable to Family Pensioners/Pensioners who retired between 01-04-1998 and 30-04-2005 along with interest at 9%;

- 2) recover for 15 years differential portion of commutation after crediting differential commuted value of pension to Pensioner's account in terms of the clarificatory orders of the Hon'ble Supreme Court in the matter;
- 3) re-calculate the interest payable from the next date of retirement till the actual date of crediting of pension arrears and
- 4) grant dearness relief to eligible pensioners in terms of Regulation 37 – Appendix II 2 of Canara Bank (Employees') Pension Regulations, 1995.

We request your good self to do the needful expeditiously, keeping in view that most of the beneficiary pensioners are in advanced stage.

Thanking you in anticipation,

Yours Sincerely,



(S V SRINIVASAN)
GENERAL SECRETARY

Encl: Copy of Supreme Court Order with the Record of Proceedings dated 28-08-2019.

IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION

CONTEMPT PETITION (C) NOS.209-311/2019

IN

C.A. Nos. 1919/2018, 1920-1946/2018, 1947-1954/2018, 1965-
1994/2018, 2005-2016/2018, 2043-2057/2018, 2060-2063/2018

(@ C.A. NOS.1919-2087/2018)

AND C.A. NOS.3257-3262/2013

H.G. SRINIVAS PRASAD ETC. ETC.

PETITIONER(S)

VERSUS

RAJNISH KUMAR, CHAIRMAN STATE BANK OF INDIA

RESPONDENT(S)/
ALLEGED CONTEMNOR(S)

O R D E R

1. Heard learned senior counsel for the parties.
2. Two-fold submission has been raised by Mr. Basava Prabhu S. Patil, learned senior counsel appearing on behalf of the petitioners, with respect to non-compliance of the order passed by this Court. He submitted that, firstly, the dearness allowance has not been correctly calculated as per the Pension Regulation No.37 of Pension Regulations, 1995, whereas, as per the respondent, it has been computed as per the bipartite settlement. Second submission raised is that differential amount of the commutation value of the pension on the basis of the correct dearness allowance has not been paid. Commutation value has not been revised. As per the respondents, the petitioners are not entitled in view of the provisions contained in Rule 41 of the Pension

Regulations, 1995.

3. The order passed by the High Court, of which the implementation has been sought is as under:-

“Circular No.1/2001 dated 2.1.2001 insofar as it seeks to amend Regulation 28 and Circular No.10/2001 dated 11.1.2001 are quashed. The petitioners are entitled to increase in their qualifying service by a period not exceeding five years subject to the condition that the total qualifying service rendered by the petitioners shall not in any case exceed 33 years and does not take them beyond the date of superannuation. The respondent-bank are directed to pay pension to the petitioners after applying the same and the orders by the banks insofar as the same deprived the addition of five years qualifying service are quashed. The petitioners are entitled to payment of pension calculated on the basis of actual pay fixed, personal pay, special pay and other allowances and emoluments drawn by them during the last ten months of service as provided under Regulations 35 and 38 of the Pension Regulations together with Dearness Allowance thereon and the respondent-bank shall pay the differential amount of pension and commutation value of pension to the petitioners on that basis, within a period of eight weeks, if not earlier and in the event of failure to make the payment as above, the banks shall be liable to pay interest at the rate of 10% on the said amounts till the date of payment.”

4. After hearing learned counsel for the parties at length, we are of the opinion that dispute as to the basis of dearness allowance cannot be gone into within the contempt jurisdiction. In case, petitioners are aggrieved by the basis of computation of dearness allowance, they are free to agitate the issue in an independent proceeding before an appropriate forum.

5. With respect to the non-payment of the differential

amount of the commuted value of the pension on revision of the dearness allowance, stand has been taken on the strength of Regulation 41 of the Regulations that by now several petitioners have attained the age of 70 years or more the employer would not be able to recover the amount, in case it is paid.

6. We are of the considered opinion that the shelter of Regulation 41 cannot be adopted by the respondent so as to deprive the revised commuted value of the pension taking into consideration the dearness allowance. There is clear and categorical direction that after the retirement of the petitioners they ought to have been paid the correct value of the pension. Precisely, direction has been made to make the revised correct value of commuted pension that would relate back to the date of the retirement. Consequently, the protection taken of Regulation 41, in our opinion, is not available in view of the clear and categorical order passed by the High Court which has been affirmed by this Court. Thus, we have found that the respondents have to make the payment in due compliance of the order. It is assured to us that the payment would be made within four weeks. Let the payment be made, as assured, within four weeks and compliance be reported within six weeks. In case the compliance is not reported by the respondents, they shall be liable for further proceedings under the contempt of Court by this Court.

7. For the delay in making payment, unconditional apology has been tendered. The same is accepted.

8. Accordingly, the contempt petitions are disposed of. Let compliance be reported to this Court.

9. This order is confined to the facts of the case and considering the order passed by the High Court.

10. Pending application(s), if any, shall stand disposed of.

.....J.
[ARUN MISHRA]

.....J.
[M.R. SHAH]

.....J.
[B.R. GAVAI]

NEW DELHI;
AUGUST 28, 2019.

ITEM NO.6

COURT NO.4

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CONTEMPT PETITION (C) NOS.209-311/2019

IN

C.A. Nos. 1919/2018, 1920-1946/2018, 1947-1954/2018, 1965-
1994/2018, 2005-2016/2018, 2043-2057/2018, 2060-2063/2018

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PETITIONER(S)

VERSUS

RAJNISH KUMAR, CHAIRMAN STATE BANK OF INDIA

RESPONDENT(S)/
ALLEGED CONTEMNOR(S)

Date : 28-08-2019 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE M.R. SHAH

HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s) Mr. Basava Prabhu S. Patil, Sr. Adv.
Mr. Shekhar G. Devasa, Adv.
Mr. Manish Tiwari, Adv.
Mr. Luv Kumar, Adv.
For M/s. Devasa & Co.

For Respondent(s) Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Sanjay Kapur, AOR
(Appearance slip not given)

UPON hearing the counsel the Court made the following

O R D E R

The contempt petitions are disposed of in terms of the signed order.

(NARENDRA PRASAD)
COURT MASTER

(JAGDISH CHANDER)
BRANCH OFFICER

(Signed order is placed on the file)