



# ALL INDIA BANK RETIREES' FEDERATION (Regd.)

(Regn. No:G 6601 under the Trade Union Act 1926)

D-1/1, Sector-C, Scheme-71,

Near Kasara Bazar School, Indore – 452 009.

## Chairman

Sri D.A.Masdekar

## President

Sri S.M.Deshpande

## Vice President

Sri J.B.Dave

Sri D.P.Gupta

Sri F.Martis

Sri Anindya Basu

Sri N.Mishra

Sri C.N.Prasad

Sri A.K.Mondal

Sri H.C.Gandhi

Sri K.Vishwanath Naik

Sri O.P.Varma

## General Secretary

Sri S.C.Jain

## Dy. Genl. Secretary

Sri Debesh Bhattacharyya

Sri S.V.Srinivasan

Sri Ashok Patil

Sri A.K.Bansal

## Organising Secretary

Sri Sunil Srivatsav

Sri V.K.M.Varma

Sri C.Gopinathan Nair

Sri M.N.Pandit

Sri Pratap Shukla

Sri S.Velayoudam

Sri Kalyan Sen Gupta

Dr.G.S.Jog

Sri Kishore Gujarati

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Sri Rajendra Prasad

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Sri S.Radhakrishnan

Sri B.Venkat Rao

Sri Rajan Dhargalkar

Sri Suresh Sharma

Sri R.Shirambekar

Sri B.G.Raithatha

Sri Ranjit Bhattacharyya

## Treasurer

Sri M.S.Chourey

Ref:2017/09

Date:24.01.2017

**The Office Bearers/Central Committee Members/ State Body Chiefs  
A.I.B.R.F.**

**Dear Comrades,**

**Re: Proceedings on 24.01.2017 in Dy. CLC Office at  
Mumbai on Representation of AIBRF**

**As advised earlier, AIBRF had submitted the Representation on the  
Issue of non-payment of 100 Dearness Relief to the pensioners who  
Retired prior to November 2002 to CLC in Mumbai some time back  
and date of first hearing was fixed on 24.01.2017.**

**2. First proceedings were held in the office of Dy. CLC, Mumbai on  
the above issue based on the notices dated 29.12.2016 sent to IBA,  
AIBEA & AIBOC.**

**3. In these proceedings, parties present were 6 representatives of  
AIBRF and 2 representatives of AIBOC. However no representative  
on behalf of IBA & AIBEA appeared on this date. But IBA had sent  
written submissions on AIBRF representation. However, AIBEA  
neither sent any representation nor any body appeared in the  
proceedings of 24.01.2017 on its behalf.**

**4. As informed earlier, subsequent to submission of our  
representation on 5.12.2016, we had submitted detailed note on  
the issue with 15 Annexures to Dy. CLC . In the proceedings of 24<sup>th</sup>,  
we made request to the Presiding Officer to take this note on the  
record which was accepted and taken on the record. Thereafter, the  
undersigned made oral submissions lasting for about 1 hour raising  
the following points/ prayers**

**(a) We had drawn attention of the Presiding Officer that 100 per  
cent DR matter not only pertains to those retired between  
1998 to 2002 but all the pensioners who retired prior to  
November 2002 and are not being paid 100 per cent DA and  
are adversely affected. In view of this , we made request to  
include all the pensioners who retired prior to Nov. 2002. Our  
request was agreed and now the our representation got  
suitably modified.**

**(b) Further we had pointed out that DA formula for employees was  
improved in the wage settlement dated 02.06.2005 vide  
clause 7(2) of the settlement. However, the settlements  
provisions were completely silent on DA payable to  
pensioners after this settlement . But the formula adopted  
for payment of DA to the pensioners as per the provisions of  
regulation No 37 & appendix 2 of Pension Regulations,1995**

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has been uniform and identical to those applicable to the employees in all the wage settlements signed prior to 2005. Therefore, in the absence of specific provisions in the settlement of 2005, DA payable to the pensioners should have been the same as per the provisions of clause 7(2) of the settlement dated 02.06.2005. But IBA through administrative decision taken after signing the settlement excluded the pensioners those retired prior to November 2002 from the benefit of 100 DA and granted to those only who retired after Nov, 2002. We raised the issue whether such administrative instruction of IBA in the absence of specific provision in the settlement is legally valid and tenable. Further we made request that IBA should be asked to withdraw such advice given to member banks and issue fresh advice to the member banks to pay benefit of improved DA to the pensioners retired prior to Nov. 2002 which is legal requirement as per the provisions of the settlement.

(c) In next oral submission, we pointed out that to cover up the legal lacuna and to give legal validity to the administrative instruction Of IBA issued in June,2005, Clause No.16(3) was inserted in the wage settlement dated 27.04.2010 incorporating that those retired prior to Nov. 2002 would continue to get tapered DA even after 1.05.2205. We raised the issue whether incorporating such clause giving retrospective effect to the administrative instruction issued 5 years back particularly which is detrimental to the interest of the pensioners is legally valid. We made request that IBA should be asked to delete this clause and advise member banks suitably.

(d) Further we made submission IBA should be asked to implement provisions of clause No. 6 of the pension settlement dated 29.10.1993 which deals with the DA formula for pensioners. This clause stipulates that DA formula for bank pensioners will be as applicable to RBI pensioners. It becomes all the more obligatory for IBA/ member banks to implement it in view of recent decision of Division Bench of Kolkata High Court.

(e) Thereafter attention of the Presiding Officer was drawn on the Record Note dated 25.05.2015 signed by IBA and unions giving present status on various issues of retirees and the commitment to dispose them after completing the cost study. However, after lapse of more than 1 year IBA advised to AIBRF that its managing committee has resolved that in the absence of mandate from member banks it is not ready to consider the Note prepared as per provisions of the Record Note dated 25.05.2015. We raised the issue that how IBA and Unions could enter in to settlement vide Record Note dated 25.5.2015 if IBA was not holding required mandate from member banks as being pleaded by it. It is clear case off after thought strategy to deny retirees their rights. IBA/AIBOC/AIBEA should be asked to explain the reasons for signing the Record Note without required mandate from member banks as being claimed by IBA now. IBA should be

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asked to provide copy of the Note submitted in the Managing Committee of 29.07.2016 to enable us to study it and give our comments on it. We further pleaded that IBA stand that there is no mandate to consider the Note on the retiree issue is after thought and not legally maintainable. IBA should be asked to immediately consider the note and sanction the benefits recommended.

(f) We also pointed out during the submissions that IBA has been taking stand that it can not hold discussion with the representatives of retirees in the absence of mandate from member banks. In this regard we explained that IBA has modified , amended, changed various provisions of the Pension Regulations several times in last 21 years since introduction of pension scheme in banks affecting the pensioners interest directly. In this regard we had drawn attention of the Presiding Officer on the recent judgement of Division of Kolkata High Court where the court ruled as under:

“ It is trite that a settlement signed under Section 2(p) of the Industrial Disputes Act can bind only those who are party to the settlement. The members of the banking associations and the members of the unions who are signatories to such a settlement would be bound by it in the present case. The retired employees' association is admittedly not a party to the Bipartite Settlement which resulted in the joint note. Therefore, the Bipartite Settlement cannot contain provisions which would be to the detriment of retired employees. All the retired employees form a class by themselves vis-à-vis the employees who are working. The circulars or joint notes issued cannot bind the retired employees especially if they are adverse to their interest. By means of the joint note issued on 2<sup>nd</sup> June, 2005 the Bank has excluded the pre-2002 retirees from the benefits of the dearness relief payable to those who have retired after November, 2002.

In view of the above ruling of the High Court, IBA plea of mandate is not legally maintainable and IBA should be asked to hold immediate discussion with AIBRF.

(g) In view of the above submissions, IBA should be asked to advise member banks to pay DA to all the eligible pensioners at 100 percent from 1.05.2005 with arrears and appropriate rate of interest for delayed payment.

Copy of the proceedings prepared by the Presiding Officer on 24.01.2017 is enclosed for your ready reference.

5. Thereafter AIBOC representative made submission on the stand of their organization on this issue and they have supported payment 100 percent DA to pre-2002 retirees.

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6. The meeting concluded after directing the parties to be present on 28.02.2017 at 12.30 PM for further proceedings. Further fresh notices were sent to IBA and AIBEA with the direction to them to be present on the next date failing which action will be initiated against them as per law . Copy of the notice is enclosed for your ready reference.

7. We hope that IBA and AIBEA will attend the next meeting and come out with their stand on various points raised by us as narrated above.

8. We note with pain some retiree organizations are circulating messages on social media that they held conciliatory proceedings on retirees issues at DY. CLC Office in Mumbai on 24,01.2017. We would like to inform that this report is completely far from truth and factual position. In the proceedings of 24.01.2017, only representatives of AIBRF and AIBOC were present and no representative of any other retiree organization was allowed to be present. We do not know what is the motive in circulating such unfounded information, but we caution our membership and retirees at large not to get misled or confused from such information. At this stage we can only say that such attitude is only hammering efforts of AIBRF to forge unity among bank retirees.

9. In the last we would like to mention that it was important day for all of us and the submissions made in the meeting has provided very solid and logical base for resolution of this important issue.

With Revolutionary Greetings.

Yours Sincerely,

( S.C.JAIN )  
GENERAL SECRETARY

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