



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.Velayudam

Sri Kalyan Sen Gupta

Dr.G.S.Jog

Sri Kishore Gujarati

Sri K.K.Gupta

Sri Rajendra Prasad

Sri N.T.Hegde

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:2017/132

Date:28.12.2017

The Under Secretary,
Govt. Of India,
Ministry of Finance,
Department of Financial Services
Jeevan Deep Bldg., Parliament Street,
New Delhi -110001

Sub.:- Benefits under Reg. no. 26 of Pension Regulations, 1995 in Public Sector Banks to the Specialists Officers like Personnel Officers, Industrial Relations Officers, Law Officers, Tech. Officers, Agriculture Officers, C.As etc., recruited beyond the normal upper age limits of 28/30 years then prescribed by the Banks for direct recruitment

Dear Sir,

You are aware that the captioned benefits of addition of notional service, maximum 1/4th of the actual service or 5 years whichever was less, was denied to such employees under one or the other pretext. Many of such employees were forced to take legal recourse before the High Courts and in number of cases the Hon'ble High Courts/Supreme Court have already delivered judgments in favour of the employees. Some Banks have since implemented these orders and extended said benefits only to the concerned Writ Petitioners but denied the same to other similarly placed employees, thereby forcing them also to take legal recourse, a sheer wastage of hard earned saving of the retired senior citizens on the one hand and drainage of public funds/profits of the Banks on the other hand. We quote a few of such cases, decided against the concerned Banks which must be in your knowledge too:-

Sl.	CASE NO.	BEFORE	NAME OF BANK
1.	WP-14364/1997	Madras High Court	Vijaya Bank
	<u>Implemented</u>		
2.	Writ appeal 770/2014	Rajasthan High Court	Bank Of India
	<u>Implemented</u>		
3.	Civil appeal 9371-74/2017	Supreme Court	Bank Of Baroda
	<u>In process (Review Petition of the bank already dismissed.)</u>		
4.	Civil appeal 9370/2017	Supreme Court	Allahabad Bank
	<u>In process</u>		
5.	Civil appeal 17322/2017	Supreme Court	Syndicate Bank
	<u>In process</u>		

Regd. Office: 246, Ellis Bridge Shopping Centre, 2nd Floor, Opposite Town Hall, Ellis Bridge, Ahmedabad - 380006.

Mobile: + 91 89660 19488 E-Mail: sharbat_123@rediffmail.com Website: www.aibrf.com



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Treasurer

Sri M.S.Chourey

The Review Petitions filed by Bank of Baroda and Allahabad Bank have also been dismissed by the Hon'ble Supreme Court. Besides, the State Bank of Hyderabad as also S.B. of Mysore have already been extending the aforesaid benefits.

2. As such, with the decisions of Hon'ble SC, the interpretations and application of Pen. Reg. no. 26 is now beyond any controversy. Some cases might be pending in High Courts but obviously those will also be decided in due course on line with the principles propounded in the Supreme Court's decisions. The interpretation, to put in simple language is that:

"an employee if recruited beyond the upper age limits of 28 years then prescribed by the PSBs for normal direct recruitment, by virtue of their specialized qualifications and/or experience shall be eligible to add notional service to the extent of 1/4th of actual service or 5 years, whichever is less, for the purpose of pension calculations on superannuation only. Of course, the total of such pensionable service can not exceed 33 years, at which one qualifies for full pension."

3. In the light of these developments, in our humble opinion, it is high time that the Ministry intervenes in the matter as it's earlier advices on the subject as contained in communications no.4/8/16/98 – IR dt. 14.10.98 and no. 4/8/7/2005 – IR dt.15.05.2008 to IBA/PSBs have become redundant. Earlier the IBA had also conveyed favourable recommendations vide letter no. PD/GSN/GOVT/G2/532/544 dt. 11.12.2007 addressed to you. Even this Ministry was inclined to review it's earlier stand as per noting of June,2014 in Para 7 & 8 of the Note sheet in department's file no.16/1/5/2009 – IR, after the outcome of Bank of India's appeal no.770/2014. The said appeal was decided vide orders dt. 04.02.15 against the Bank. The BOI has since implemented the orders. It will be appreciated that the Ministry's fresh and categorical advice to the IBA/PSBs as to interpretation/application of Pen. Reg. 26 as per para 2 above will facilitate disposal of pending as well as prospective cases on the subject to the satisfaction of all concerned.

4. We, therefore, request the Ministry kindly to take pragmatic and proactive approach to the matter so that the long pending issue is set at rest, not requiring other similarly placed employees to approach High Courts for orders in their favour. This will save huge expenses for the individual employees as also PSBs on vexatious/multiple litigations, in tune with the National Litigation Policy. Needless to mention that the PSBs are considered "State" under Article 12 of the Constitution of India and hence they are under obligation to protect and ensure the Fundamental Right to equality of their employees/retirees, enshrined under Art. 14 and 16 of the Constitution.

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5. An early action in this regard is solicited as the employees have been suffering since over a decade.

Thanking you,

Yours faithfully,

(S.C.JAIN)
GENERAL SECRETARY

Cc: The Chairman,
Indian Banks' Association

Mumbai. - With a similar request to kindly take up the matter with MOF, GOI.

Yours Sincerely,

(S.C.JAIN)
GENERAL SECRETARY

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