



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

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:2018/051

Date : 03.06.2018

DECISIONS ON FURTHER ACTION PLAN ON SUPREME COURT JUDGEMENT IN THE MATTER OF 100 DA

Core Committee of AIBRF met at Delhi on 2nd & 3rd June, 2018 to discuss , deliberate and analyse unfavourable Supreme Court Judgement dated 16.05.2018 in the matter of 100 per cent DA and to decide future course of action for damage control, removing frustration and disappointment of the affiliates/ membership caused due to this unexpected shocking decision of the court and finally achieving this long pending demand.

Central Office presented detailed note and other relevant documents/ suggestions received in the matter to assist core committee members to take informed and reasoned decision on future course of action.

2. After long and comprehensive deliberations on the subject, core committee too following decisions unanimously in the matter.

(a) The committee noted with deep concern and disappointment the unfavourable, unexpected and shocking Supreme Court Judgment dated 16.05.2018 pronounced in open court after lapse of more than 8 months.

(b) During the discussion based on detailed analysis of the judgement by members of the committee, note prepared by the central office and other notes received from state committee/ members, it was observed that the judgement has several contradictions, ignoring vital facts and record of the court and lack of proper and logical appreciation of the documentary/ oral evidence presented during the arguments on 01.08.2017.

(c) Committee unanimously felt that these contradictions need correction through available legal recourse to ensure justice to the affected members. It was unanimously decided that legal recourse available in the form of Review Petition/ Curative Petition as per the advice of senior council/ legal expert may be explored despite the fact that historical data in the matter of Review Petition indicate that chances of success are very limited. Decision on curative petition may be taken at the appropriate time after the outcome of the Review Petition.

(d) The committee noted that United Bank of India Retired Employees Welfare Association and its General Secretary, Shri Debesh Bhattacharya who were main parties in the SLPs

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Under reference have taken decision at their level to file review petition in Supreme Court for which they have already initiated necessary steps. This committee unanimously decide to support the decision of UBIREWA and assure them to continue to extend all possible further support from AIBRF. In order to meet cost of this legal battle, in the spirit of gesture, solidarity and unity, this committee takes unanimous decision to extend financial assistance of Rs. 1 lakhs to UBIREWA with the assurance to consider further assistance as and when needed.

(e) The committee analysed in detail on the need to file Review Petition by AIBRF and found that no useful purpose will be served at this stage in AIBRF filing review petition in view of the fact that UBIREWA has already decided to file Review Petition as main party, legal position is not very clear on admission of review petition filed by the intervener and multiple review petitions has potential danger of creating confusion. In nutshell, AIBRF decided not to file Review petition, extend support to UBIREWA in their efforts to file such petition, keep watch on developments on legal front and take future course of action on the basis of outcome of Review Petition.

(f) The committee unanimously decided to appreciate efforts made by UBIREWA, comrades from Tamilnadu and other affiliates of AIBRF in pursuing this long legal battle for the cause of large number of retirees and retiree movement in general.

(g) The committee also deliberated in detail AIBRF consistent stand as an apex level organisation of more than 1.80 lakh retirees and reiterated that AIBRF strongly believes in organisational efforts for resolution of its pending demands. It has pursued long action programmes for this purpose in the past and shall continue to pursue in future with more commitments and dedication. Legal option will be exercised as the last tool to resolve the issue in given situation.

(h) The committee took unanimous decision to draw attention of the affiliates/ individuals on the vital fact that main object of forming AIBRF is to handle all India issues of bank retirees and achieve them. Therefore decision on such all India issue should be within the ambit of AIBRF and affiliates / individual members should take any action including legal action in the matter of all India issues only after formal discussion with AIBRF of AIBRF.

(i) The committee also emphasised need to start new action programmes in future to achieve the pending issues at the earliest and during the on-going wage negotiation with active coordination and seeking support of UFBU and other apex level retiree organisations.

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(j) The committee also took notice of contents of several e-mails /what Sapp / SMS messages expressing their anger/ disappointment circulated on the unfavourable court decision in free style manner. While appreciating their emotions and sentiments, committee unanimously decided to make appeal to the membership and all functionaries to exercise restraint in ventilating their views and + show faith in organisation and maintain organisational discipline.

(k) Considering present financial position of AIBRF under pressure due to heavy legal expenses incurred , the Committee made appeal the affiliates to remit levy of Rs. 10 per member as per decision of office bears meeting held at Vijayawada an annual subscription at the earliest.

(l) The committee also felt the need of convening central committee meeting to discuss the issues related to Supreme Court decision and other matters. It was decided to hold the meeting allowing minimum time required to arrange such meetings. The Central Office was requested to identify the host unit, venue and timings of the meeting at the earliest.

(m) The committee has also discussed several other issues and took decision for which several communication will be issued giving details.

Yours Sincerely,

(S.C.JAIN)
GENERAL SECRETARY