



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:2017/22

Date.12.02.2017

Smt. Kalpna Sisiodia
Assistant Labour Commissioner (Central)
Mumbai

Madam,

Re: Proceedings of 24.01.2017

Re: Submissions of IBA

Re: Our Counter Reply

During the proceedings of 24.01.2017 on AIBRF representation on 100 per cent Dearness Relief, Indian Bank Association (IBA), one of the parties to whom notices were issued had submitted its response vide letter no. HR&IR/KSC/85/748/1742 dated 29.12.2016 which was taken on record.

2.We below submit our counter reply on the above submissions of IBA.

(a) In Para 2, IBA has stated that it has entered in to settlement with unions in 1993 to introduce pension scheme in lieu of contributory PF in public sector banks. In this regard we would like to clarify the pension scheme designed in 1993 was not only implemented in public sector banks but in private banks/ foreign banks who were members of IBA.

Further it is stated in Para 2 of IBA letter that the pension scheme of 1993 implemented in public sector banks was designed as per the provisions of the section 19 of the Banking Companies (Acquisition and Transfer of Undertakings) Act,1970. It clearly indicates that the pension scheme of 1993 applicable in public sector banks is statutory in nature and is not merely contract between two parties. It may also be stated in this regard that this pension scheme was notified in the official Gazette of Government of India further confirming that it is statutory in nature.

In view of the above legal position, all the representations of the concerned parties need to be attended and dealt accordingly and IBA can not be allowed to keep issues under carpet in the name of absence of contractual obligation/ mandate.

IBA may please be asked to give their response on the points raised above.

(b) In Para 4 of the letter, IBA has confirmed that provisions of Pension Regulations have been amended from time to time to meet requirement of employees/ pensioners. It indicates that IBA has required mandate from member banks to consider and amend provisions of Pension Regulations from member banks from time to time as per need of the time.

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IBA may be asked to supply copies of the mandates received from member banks which enabled it to negotiate and approve various amendments in the past.

Further, it may be pointed that in settlement dated 27.03.2000 IBA carried out amendment in Regulation No 35 reducing entitlement towards basic pension of those retired between 1998 to 2002 from 50 per cent of last pay drawn to about 43 per cent of last pay drawn (neutralisation at 1616 instead of 1684) destroying basic feature of the pension scheme only for this group of pensioners in highly arbitrary and discriminative manner. On getting adverse legal opinion as stated in the settlement of 2005 , IBA again amended regulation no 35 restoring original position for this group of pensioners after lapse of 5 years and after causing huge financial loss to those retired between 1998 to 2002. It indicates that IBA is in habit of amending highly important provisions pension regulations in arbitrary and discriminative manner at its whims and fancies and without following the laid down procedure of 1970 act referred in Para 2 of IBA letter.

It may be further pointed out that on one side, IBA amended the Regulation No 35 of pension regulations in settlement dated 02.06.2005 correcting the position in respect of entitlement towards basic pension created in 2000 settlement and on another side it created fresh discrimination in the matter of dearness allowance while introducing improved DA formula under settlement dated 02.06.2005.

In view of the facts brought above, there is guanine fear among lakhs of pensioners that IBA in future can carry out any arbitrary and discriminative amendments in the pension regulations which can seriously affect interest/ rights of pensioners adversely for its own reasoning and logic though not permissible under law.

IBA may be asked to give its response on the points raised above and we also approach you with request that necessary checks and controls are prescribed including discussion with the representatives of pensioners to prevent IBA from carrying out amendments in arbitrary manner affecting their rights rights adversely.

(c) In Para5 of the above referred letter, IBA has given DA formulas payable to pensions retired under different blocks of settlement.

In this regard, we wish to invite your attention on the submission made by us under our letter no 2017/01 dated 24.01.2017 wherein we have specifically brought out that provisions of the settlement dated 02.06.2005 is silent as how improved DA formula incorporated under clause No 7(2) of the settlement will be applicable to the pensioners.

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IBA has stated in Para 5 of the letter DA rates payable to those retired between 1.11.1997 to 31.10.2002. We do not find the above rates either in the Appendix- II of the Pension Regulations or in the Settlement dated 02.06.2005. As pointed out in our submission dated 24.01.2017, only in the settlement dated 27.10.2010, almost after lapse of 5 years, clause No 16(3)(i) was incorporated giving the DA rates applicable to those retired prior to 1.11.2002 with retrospective effect from 01.02.2005 with the aim of legalising the decision taken in arbitrary manner in respect of DA payable to the pensioners of this group.

In view of the above IBA may be asked to give their response on the point at what level the decision was not taken for non-payment of improved DA formula as per provisions of settlement dated 02.06.2005 to those retired before November 2002, what was the reason for incorporating clause 16(3) (i) in the settlement dated 27.10.2010 after lapse of 5 years and legality of decision of 2005 in respect of 100 DA.

(d) In response to Para 8 of IBA letter, your kind attention is invited on Annexure 6 submitted on 24.01.2017.

(e) In response to Para 9 of IBA letter, we would like to draw your kind attention the factual position that Indian Banks' Association has been not only actively involved in negotiating and finalising wage settlements for employees including the pension scheme for last several years but also signing the settlements with the Unions which are binding on all parties. Further it has been issuing various communications to member banks giving direction for implementation of various provisions of the settlements. It is also seen that it has jointed various WPs/ SLPs/ Legal cases in different courts/ legal forums including CLC to defend provisions of the settlements signed.

In view of the above, IBA statement " IBA is not employer of workmen/ officers of these banks. Thus, IBA is not a direct party to any industrial dispute including that of the case of All India Bank Retirees' Federation even if said Federation is registered under Trade Union Act,1926" is not maintainable and has been made to escape from its accountability toward AIBRF and its membership

3. We also request you to ask IBA to give point wise reply to the various issues raised by us in our submission No. 2017/01 dated 24.01.2017.

4. We now approach you with the request to issue necessary direction to IBA to ask member banks to pay 100 per cent DA to all those retired before November 2002 with arrears and interest at reasonable rates for delayed period.

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Treasurer

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With Respectful Regards,

Yours Sincerely,

(S.C.JAIN)

GENERAL SECRETARY

Copy to

1. General Secretary, AIBEA
2. The General Secretary, AIBOC

Yours Sincerely,

(S.C.JAIN)

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