

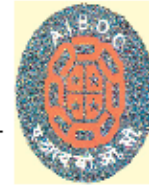
# ALL INDIA NATIONALISED BANK OFFICERS' FEDERATION

(Registered under Trade Unions Act 1926)

(Regn No: 25127/West Bengal)



C/o Bank of India, Parliament St. Branch  
PTI Bldg. 4, Sansad Marg, New Delhi: 110001  
Tel. Nos. 011-23730108 Fax: 23719431  
Email-id: ainbof.sectt@yahoo.com



Ref. No:2012/08/12

Date:19/09/2012

The Secretary,  
Department of Financial Services,  
Ministry of Finance, Govt. of India,  
New Delhi

Respected Sir,

**RE: PENSION OPTION THOSE WHO LEFT THE SERVICE BY TAKING VRS, BY RESIGNATION  
OUR SUBMISSIONS ONCE AGAIN**

Firstly, we convey our sincere thanks to you for your very clear and speaking communication to the Indian Bank Association vide D.O. letter No. DO 10/30/7/2010/IR, dated 25 July 2012. We understand that IBA has with sole intention to delay the captioned pension matter, has sent a letter dated 6<sup>th</sup> August 2012 to the Ministry raising frivolous and unrelated points. We humbly submit that when the Hon'ble Ministry, after giving careful thought & consideration conveyed the decision, the same should be / have been complied with by the IBA.

In above matter our further submissions are as under:

The Principal Document for agreeing to the decision of second pension option to the PSB employees is the Joint Note dated 27.04.2010. The said Note is very clear does not discriminate between the officers / staff who retired on superannuation or by VRS or by any other mode. Actually the pension option was agreed to be extended to all staff who were in service on 29.09.1995 in case of Nationalised Banks/26<sup>th</sup> March 1996 in case of Associate Banks of SBI, and who could not exercise their option and retired in between and / or who could not exercise their option and continued in the service till the date of joint note. The said joint note was duly accepted by the Govt. of India. Hence after approval of the Joint Note by Government, there was no occasion for the IBA to include certain conditions related to the word "retirement" used in the note.

In addition, we may respectfully submit that while calculating the cost factor for sharing of pension burden by the employees and the Banks, the total number of staff working in the banks as on 29.09.1995/26.03.1996 was taken and accordingly the amount of sharing was decided, hence to deny the pension to those officers / staff who left the bank on account of VRS or where VRS scheme is not available, by resignation, (but they were otherwise eligible for pension taking into account their length of service), they can not be refused pension option. This would be totally against the specific understanding and language of Joint Note as well as inclusion of all officers working in the Bank on 29.03.2005/26.03.1996.

The IBA in its letter dated 6<sup>th</sup> August 2012 is known to have raised several issues, which can be replied as under:

The definition of "Retirement" as given in the Bank (Employees) Pension Regulation 1995, was not discussed in the Joint Note nor the same was agreed therein that Pension scheme would be applicable to those who retired from service as per Bank (Employees) Pension Regulation. The IBA's communication dated 10.08.2010 which introduced the word "who retired on superannuation" was against the Joint Note and against the agreed terms. Actually that was a wrong interpretation of the word "retired".

The Joint Note dated 27.04.2010 clearly indicates the categories of employees for extending another option for pension. The Note includes all officers/ employees who were in service on 29/09/1995/26/03/1996 who could not opt for pension earlier and retired during the period from 29.03.1995/26/03/1996 to the date of joint note. Those who retired voluntarily in terms of Regulation 19 (1) of Officers Service Regulations, have not be barred, anywhere in the Joint Note. This discrimination between retired on superannuation and retired under Regulation 19 (1) of Service Regulations is all creation of IBA vide their Circular dated 10.08.2010.

The IBA's objection that in all PSBs Rules under Regulations 19 (1) has not been framed makes no difference

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The IBA’s objection that in all PSBs Rules under Regulations 19 (1) has not been framed makes no difference. the Banks, where Voluntary Retirement Scheme is not in existence, the employees would have retired on

superannuation or taken another route to retire from the service, that would be acceptable for the purpose of word "retirement" mentioned in the Joint Note dated 27.04.2010.

In different Banks, Rules for Voluntary retirement vary say in some banks eligibility is 20 years of service while in others it is 30 years. This too makes no difference. The Officer / Employee if has put on his service, making him eligible for pension, then his option should be considered accordingly.

The concept of VRS is not for award staff, makes no difference, rather cases of VRS optees in Award Staff would be nil. The other mode of retirement from the service (other than retirement on superannuation i.e. resignation) should be accepted as retirement.

The IBA's contention that inclusion of those who retired on VRS will give rise to demands from all who resigned or compulsorily retired after putting in 20 years of service, is irrelevant. The issue was never discussed during the negotiations; There is no record for negotiation between IBA and Banks' Associations. The Staff who, has been compulsorily retired or dismissed from the service on account of some misconduct and have been debarred from terminal benefits, even they have not been debarred from opting for pension as per the Joint Note. There is no mention in this regard.

We humbly submit, IBA has influenced the Banks to overlook the terms of Joint Note and be guided by their Circular dated 10.08.2010, which included all this categorization of retired employees i.e. retired on superannuation and / or otherwise.

The IBA's contention that any interpretation of Joint Note or Change in the contents of Agreement can not be made unilaterally is not correct. Firstly there is no change in interpretation or in contents of the Note. Secondly, the Circular dated 10.08.2010 is required to be modified, not the joint note. There is no need of anybody's concurrence when a decision taken and mentioned in the Joint Note is implemented. This plea that representations from other category of officer may be raised, can not be a cause to deprive the eligible employees. Here we may mention that when a benefit is given to the Employees (for whatsoever reason) that does not require approval from Employees / or their Associations / unions. **This can be given generously in the light of pending litigations/ representations and wider interest of the employees. These kind of decisions create a good image of Bank's Management (IBA) among the employees and the Public at large.** The VRS optees under Special Scheme in 2001 are covered under the Circular Dated 10.08.2010 who not only retired voluntarily but also took handsome amount from the banks, but those who opted VRS under Regulation 19 of Service Regulations are barred. This is clearly discrimination, injustice and should be done away.

The IBA's contention not to open the Joint Note till next bipartite settlement is absolutely arbitrary and baseless. This pension matter has been very clearly agreed in the Joint Note dated 27.04.2010 and lingering the same till next Settlement would be very harsh on the part of affected officers / employees.

Sir, we may point out that IBA has created this anomaly by issuing the Circular dated 10.08.2010, which was against the terms of Joint Note dated 27.04.2010. They are delaying the issue un-necessarily despite clear instructions from the Ministry. The bunch of Writ Petitions filed by the affected officers (who took VRS during the period from 29.09.2005 to date of Joint Note) have been decided by the Hon'ble Karnataka High Court ( W.P. No. 32475 / 2010 Dada Peer Vs Union of India Karnataka High Court), wherein this issue has been decided in favor of Petitioner Employees. The copy of Judgment passed in the above Writs can be had from the Internet (we will also send the same separately). Now in the light of said Judgment, IBA has to extend pension option to all those officers who were in service on 29.09.1995 and could not opt for pension and retired or took VRS during the period from 1995 to date of Joint Note. Alternatively IBA can file SLP before the Supreme Court of India.

We humbly submit that Officers who have put on more than 20 years or more years of service in the bank, were in the service in September 1995 and could not opt for pension, took VRS as per Bank's Service Regulations, should not be deprived of their right to exercise their option for pension on whimsical conditions put by the IBA. We at the same time request the IBA to be generous towards banking community, to avoid big anomaly/ discrimination and to cut short long litigation, accept the true spirit of Joint Note dated 27.04.2010 and allow pension option to all categories of retired employees of bank.

With Best Regards,

Yours Faithfully,



(HARVINDER SINGH)  
GENERAL SECRETARY)

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