

From

Faizabad,  
November 14, 2022

Doodh Nath,  
Opp Naveen Galla Mandi, Nirala Nagar,  
Nesrkhojanpur, PO Trekabganj, Faizabad UP 224123

To

THE MANAGING DIRECTOR AND CEO.  
PUNJAB NATIONAL BANK,  
HEAD OFFICE, DWARKA, DELHI - 110 075

Respected Sir,

**PAYMENT OF PENSION TO WHOLE-TIME DIRECTORS IN BREACH OF TRUST AND BREACH OF PENSION REGULATIONS.**

I regret to note that the Bank is in breach of trust paying pension to its retired Whole-Time Directors who are not employees as defined under regulation 2 [n] of the Bank's Pension Regulations when the Pension Fund constituted in terms of regulation 5 has the sole purpose of paying pension or family pension in accordance with the Pension Regulations in terms of sub regulation 2 of regulation 5.

Besides, the Bank paid pension to employees who retired during 2000-2001 through its Scheme of Voluntary Retirement after serving for a period of 15 years in breach of regulation 29 on 'Pension on Voluntary Retirement' of the Pension Regulations, which stipulates minimum service of 20 years for pension on Voluntary Retirement. The pension so far paid to employees who exited service after rendering 15 years of service, but less than 20 years is in breach of regulation 29.

The Bank has further amended the PNB (Employees') Pension Regulations 1995 notifying it in the weekly Gazette of India No. 4, New Delhi dated Saturday January 27 to February 2, 2018 at Part III - Section 4 as circulated vide PF& Pension Fund Dept. Circular No. 05 /2018 dated 8.3,2018 carrying out the following amendments to it:

**3. In regulation 3 of the said regulations, for sub-regulation (4), the following sub-regulation shall be substituted, namely:-**

***"(4) (a) join the service of the bank on or after the notified date and on or before the 31<sup>st</sup> day of March, 2010;"***

*(b) after sub-regulation (10), the following sub-regulations shall be inserted, namely:-*

*“(11) were in the service of the Bank prior to the 29th September, 1995 and continue in the service of the Bank as on the 27th April, 2010 provided such employee meets the requirement and comply with the conditions laid down in the settlement;*

*(12) were in the service of the Bank prior to the 29th September, 1995 and retired after that date and prior to 27th April, 2010 provided such employee meets the requirements and comply with the conditions laid down in the settlement;*

*(13) were in service of the Bank, prior to the 29th September, 1995 retired after that date and had died in which case their family shall be entitled to the pension or the family pension, as the case may be under these regulations, if the family of the deceased meets the requirement and complies with the conditions laid down in the settlement;*

*(14) were in the service of the Bank prior to the 29th September, 1995 and died while in service of the Bank after that date in which case their family shall be entitled to the pension or the family pension, as the case may be under these regulations, if the family of the deceased meet the requirement and complies with the conditions laid down in the settlement.”.*

The amendment to sub regulation 4 of regulation 3 vide clause 3 of the notification for excluding employees who joined service of the Bank after 31.03.2010 was for making the Pension Fund, which is the deferred wages and property of employees, the Banks own equity in course of time when the employees who joined service till the said date and their families are no more and also for siphoning the Pension Fund contributions of employees who joined service after the said date to the New Pension Scheme operated by the PFRDA. The amendment is inconsistent with the Pension Scheme and is impermissible under to be carried out vide section 19 of the Act pursuant to which the Pension Regulations are made. The Board of the Bank is having powers to make only regulations **NOT INCONSISTENT WITH THE PENSION SCHEME** vide section 19 [1] and 19 [4] of the Act and the Bank has fraudulently averred in the notification that the regulation [which is **INCONSISTENT WITH THE PENSION SCHEME**] is amended in exercise of powers conferred by the Act.

The amendment vide clause 3 [b] of the notification to regulation 3 by inserting the new sub regulations [11] to [14] in regulation 3 are for authenticating the contributions the Bank raised to the Pension Fund on the basis of the Settlement /Joint Note dated 27.04.2010. The contributions are violating regulation 3[10], 5 [3], 7 and regulation 11 of the Pension Regulations. These new sub regulations are also inconsistent with the

Pension Scheme and hence void in terms of section 19[1] and 19[4] of the Act pursuant to which the Pension Regulations are made.

A similar and paradoxical amendment inconsistent with the Pension Scheme was made to regulation 52 also as follows vide clause 8 of the notification.

**8. In regulation 52 of the said regulations,-**

***for sub-regulation (1), the following sub-regulation shall be substituted, namely:-***

***“(1) Except in the case of an employee to whom the provisions of regulation 34 or regulation 46 apply, a pension other than family pension shall become payable from the date following the date on which an employee retires.”.***

***in sub-regulation (3), the following proviso shall be inserted, namely:-***

***“Provided that pension including family pension to those who opted to join the Bank Employees’ Pension Scheme on or after the 27th April, 2010 shall be payable with effect from the 27th November, 2009.”.***

The amendment to sub regulation 1 of regulation 52 makes it mandatory that employees to whom either regulation 34 or regulation 46 is inapplicable, pension shall be payable from the date following the date of retirement. Though both these regulations are inapplicable to me, in breach of this amended regulation, pension from the date of my retirement is not paid to me.

The amendment to regulation 3 of regulation 52 to pay pension to employees who joined Pension Scheme on or after 27<sup>th</sup> April, 2010 is inconsistent with regulation 52[1], pre-existing and the amended one, and hence void in terms of section 19[1] and 19 [4] of the Act. The notification is dictating to insert the new proviso in sub regulation 3 of 52, but the Bank has illicitly put it as sub regulation 4 of regulation 52 in the Pension Regulations as it is in mismatch with sub regulation 3, which relates to the date of cessation of pension to all employees and the new proviso relates to the date of commencement of pension to a section of employees who joined the Pension Scheme after 27<sup>th</sup> April, 2010.

Pertinently, the Bank’s circular dated 8<sup>th</sup> March, 2018 commences with amendments starting from amendment 2 of the Punjab National Bank (Employees’) Pension Regulations 1995-as per 8<sup>th</sup> & 9<sup>th</sup> BPS/ Joint Note, concealing amendment 1 which presumably states under clause 1[2] that “ Save as otherwise expressly provided in these regulations, they shall come into force on the date of their publication in the Official Gazette” which shows that the amendments under clause 3,3 [b] and 8[b] of the notification in furtherance of exclusion of employees who joined service after 31.03.2010 from the Pension Scheme, the contribution to Pension Fund and for payment of pension to employees who joined Pension Scheme after 27.04.2010 from

27.11.2009 respectively can come into force only from the date of the notification and prove that the Bank was guilty in having done the aforesaid acts long back on the basis of the Settlement/Joint Note dated 27.04.2010.

With a view to restoring the sanctity of the gazette and Pension Regulations and the dignity of the Board of the Bank, I make a humble request to you to honour the commitments under the Pension Regulation :-

1. Making good to the Pension Fund of the Bank the amounts converted from it for payment of pension to the Whole-Time Directors and the pension paid to employees who retired through Voluntary Retirement after rendering service of 15 years but less than 20 years.
2. Bringing back employees who joined service after 31.03.2010 .to the Bank's Pension Scheme as sub regulation 4[a] of regulation 3 is void in law
3. Refunding the unlawful contributions raised to the Pension Fund and interest on it to those concerned, including me, as the sub regulation [11] to [14] of regulation 3 is void in law.
4. Pay pension from the date following the date of retirement together with interest to those concerned including me as it is a commitment under sub regulation [1] of regulation 3 and sub regulation 3 of regulation 52 is void in law.

I make a further request that in case any of the foregoing statements I made is wrong, I may kindly be advised within a fortnight from the date of receipt hereof.

Thanking You,

Yours faithfully,

DHOODH NATH

[PNB EMPLOYEE PF No.67141]

From

Faizabad,  
November 14, 2022

Doodh Nath,

Opp Naveen Galla Mandi, Nirala Nagar,  
Nesrkhojanpur, PO Trekabganj, Faizabad UP 224123

To

The Central Public Information Officer,  
Punjab National Bank, Head Office, Dwarka, Delhi - 110 075

Sir,

**Information pursuant to RTI Act, 2005**

I request you to make available to me the following information viz.

1. The particulars of the amount of Rs.1,991.00 shown as 100 % arrear in second row 2 of last column 2 of the following worksheet of 156 percent of CPF as per the Settlement dated 27.04.2010 on pension given to me:-

PF No.67141

NAME

DOR 31/12/2006

PAYABLE		RECEIVABLE	
AMOUNT OF COMMUTATION	1,75,589.00	100 % BANK CONT	3,00,054.37
PENSION ARREAR	69,750.00	100 % ARREAR	1,991.00
DEARNNESS ARREARS	56516.00	TOTAL	3,02,045.00
[A] AMOUNT PAYABLE	3,01,855.00	156 % BANK CONT	4,71,191.40
[B] AMOUNT RECEIVED	3,10,000.00		
TOTAL [A = B]	6,11,855.00		
LESS RECEIVABLE	4,71,191.00		
PAYABLE	1,40,663.00		
PAYABLE ROUNDED OFF	1,40,664		

2. The amount of pension paid by the bank to its retired whole- time directors out of the Pension Fund of employees in breach of regulation 2 [n] and 5 [2] of the Pension Regulations.

The amount of pension paid to employees who retired voluntarily without rendering minimum service of 20 years, in breach of regulation 29 of the Pension Regulations.

A postal order for Rs.10.00 in payment of the fees prescribed under RTIA is attached.

Thanking you,

Yours faithfully,

**DOODH NATH**