

ALL INDIA BANK PENSIONERS AND RETIREES CONFEDERATION

Camp Office: J 208, Vijay Rattan Vihar, Sector 15 Part II, Gurgaon 122001

Mobile: 9868220338 Email: acharyavedavyasa46@gmail.com

Dated: 30.04.2016

**Shri M.V. Tanksale,
Chief Executive Officer,
Indian Banks' Association,
World Trade Centre 6th Floor,
Centre 1 Building,
World Trade Centre Complex,
Cuff Parade, Mumbai 400005**

Respected Sir,

Sub: COURT JUDGEMENTS

Recently a spate of SLPs filed by Banks against judgements in favour of Bank Retirees is getting dismissed by the Supreme Court putting a finality to the High Court judgements. In these circumstances, the least we expect from Bank Managements is giving effect to these judgements to all similarly placed members in their respective Banks. As most Banks appear to be hesitant to take a decision on these issues we have to turn to you to issue appropriate guidelines without forcing every Retiree to spend the evenings of his life in the corridors of court and spend his hard earned money in litigations on matters that have reached finality in cases similar to his. You may also appreciate that National Litigation Policy requires the Government and its undertakings to be model institutions in not being a compulsive litigant and be inclined to implement judgements given in favour of employees, more so the retirees who are all Senior Citizens.

You may be aware that Supreme Court earlier dismissed SLP No 35389/2013 and 35449/2013 filed by Andhra Bank Management against the order of Andhra Pradesh High Court upholding the right of Compulsory Retirees to Pension. Review petition filed by Andhra Bank was also dismissed. Recently the SLP 8506/2016 filed by Punjab & Sind Bank against the final Judgement in LPA 1794/2015 of Punjab & Haryana High court was dismissed on 13.04.2016 by two Judges Bench of Hon'ble Supreme Court. This case relates to compulsorily retired officers' **Right to Pension** and as well to **Leave Encashment**.

We have been requesting the IBA for a very long time to extend the second option of Pension to such of those Compulsorily Retired Employees/Officers as the same is provided in the Regulations. The sum and substance of compulsory retirement as per respective Banks Conduct Regulations is that though it is a major penalty the charge sheeted officer shall get all the superannuation benefits like any other superannuated Employee/Officer except for the fact that such Employee/Officer would get his service in the Bank cut short and thereby lose his remaining period of service upto superannuation age. But unfortunately Banks are denying the second option of Pension and as well leave encashment to those Employee/ Officer on the ground that the member is compulsorily retired.

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You have, of course recently issued instructions to Banks to grant leave encashment to compulsorily retired persons, but only prospectively depriving this benefit to past Retirees. Later you have issued instructions to Banks to grant leave encashment to all award staff based on a judgement that relied on Bipartite Settlement governing the service conditions of Workmen Employees. Now that there is another judgment in favour of Officer Employees relying on Regulation 38 of Officer Service Regulations which governs the Service Conditions of officers, we request you to take identical view as in the case of award staff and instruct Banks to grant leave encashment to all officers.

Sir, now that the matter of giving second option to compulsorily retired persons and leave encashment have been finally decided by the Hon'ble Supreme Court, we request you to direct all Member Banks to allow second option of Pension and leave encashment to those who are compulsorily retired.

In the light of the above, we request you to direct all the Member Banks to immediately honour the Judgement of the highest Judicial Authority of the country.

Thanking you,

Yours Sincerely,



K.V.Acharya
President AIBPARC