



ALL INDIA BANK PENSIONERS' & RETIREES' CONFEDERATION

(A.I.B.P.A.R.C.)

C/O BANK OF INDIA OFFICERS' ASSOCIATION

(EASTERN INDIA BRANCHES)

BANK OF INDIA, KOLKATA MAIN BRANCH

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CIRCULAR NO. 10/17.

22.02.2017.

(For circulation among all the members of the Managing Committee as well as the Governing Council of AIBPARC, Special Invitees, State Secretaries and Advisors of AIBPARC.)

Dear Comrades,

Sub : AIBPARC MAKES A STRONG REPRESENTATION BEFORE ALC (C) IN FAVOUR OF THE REMOVAL OF DISCRIMINATION IN GRANTING DA TO PRE-NOVEMBER, 2002 RETIREES AND EXPOSES THE HOLLOWNESS OF ARGUMENT OF THE OTHER SIDE.

We are reproducing hereunder a detailed representation signed by the Jt. Conveners of CBPRO on the above subject. The representation is self explanatory.

With best wishes,

GENERAL SECRETARY

QUOTE

Dated: 17.02.2017

To
Mrs Kalpana Sisodia,
Assistant Labour Commissioner (Central)-III
Shram Raksha Bhawan,
Shiv Shrusti Marg,
Eastern Express Highway,
Sion (E), Mumbai-400 022

Respected Madam,

Sub: Dispute in respect of discrimination in grant of Dearness Allowance to Bank Employees Retired before Nov. 2002(known as pre-2002 retirees).

We wish to thank you profusely for conducting the proceedings in a cordial way in respect of the dispute raised by us vide our letter dated 09.01.2017 and also the representation submitted to you on 24.01.2017 during the proceedings. Your Good-self has adjourned the conciliation proceedings to 28.02.2017 at 12.30 hrs.

We are also happy that the All India Bank Officers Confederation (AIBOC), one of the parties to whom the notice was served by your Good-self in respect of the above dispute not only endorsed and supported our issue of extending the 100% DA neutralization to pre-2002 Retirees by way of a detailed letter dated 07.01.2017 addressed to you but also their representatives Shri S.A. Manjrekar, Vice President AIBOC and Shri Manoj S. Wadnekar, President AIBOC Maharashtra State Unit-1 were personally present during the proceedings and endorsed our demand to extend 100% DA neutralization to pre-2002 Retirees. Subsequently the General Secretary, AIBOC, Shri

Harvinder Singh issued a circular dated 25.01.2017 reiterating their support for demand made by CBPRO and its Constituent AIBPARC. The said circular is enclosed for your ready reference.

All India Bank Employees Association, the other party to whom the notice was served by your Good-self was not present and the reason for their absence is not known.

The Indian Banks' Association though not present had sent a letter of submissions to your Good-self vide their letter no. HR&IR/KSC/85/748/1742 dated 29.12.2016. After going through their letter we consider it is our responsibility to give our observations and repudiations, wherever necessary in respect of the points raised by them.

1. It is not correct to say that IBA did not have the mandate to discuss the issues of the Retirees during the negotiations for wage settlement for Serving Employees and Officers. In fact the Charter of Demands submitted by the Unions and Associations contained a chapter exclusively on Retirees issues and while giving the mandate it is clear that the Member Banks have given the mandate to IBA to discuss the entire Charter of Demands and no exclusions what so ever were made by the Member Banks in respect of the issues raised in the Charter of Demands.
2. Though it was expected that the Pension Regulations will be implemented fully and properly unfortunately there are volitions of the Pension Regulations either in not implementing it fully or implementing some of the Regulations initially and omitting to implement the same afterwards, **a classic example being non updation of pension as per Pension Regulations.**
3. It is not appropriate to say that additional liabilities, if any towards Pension is to be allocated from the profits of the Banks whereas the Pension Scheme being a **DEFINED BENEFIT PENSION SCHEME** and as per Regulations, the Bank shall be a contributor to the Fund and shall ensure that sufficient sums are placed in it to enable the trustees to make due payments to the beneficiaries under the Regulations and make such annual contributions to the Fund as may be required to secure payment of the benefits under these Regulations. We also wish to point out that the amount lying in the Pension Fund is quite sufficient to meet the obligation arising out of extension of DA relief to pre-2002 Retirees. Hence whether it is payment of DA relief or any other entitlements cannot be denied to the Pensioners.
4. Calculation of Basic Pension and payment of Dearness Relief are two different issues. The DA relief formula is amended and improved to 100% DA neutralization in the 8th Bipartite Settlement as against the tapered DA till then. Bringing an artificial classification in respect of DA relief among the homogeneous group of Retirees is not only unconstitutional and irrational but also against the laid down guidelines which clearly provide DA relief on the module of Retired RBI Employees as well as DA payable as applicable to Serving Employees. Calculation of Basic Pension is as per the Pay as on the date of Retirement and DA relief is against constant price rise and the harshness of price rise is the same to whether an Employee Retired pre-November 2002 or post-November 2002. Hence there cannot be any discrimination. (Ref-Golden rule as pronounced in famous Nakara judgment of Hon'ble Supreme Court)
5. The assertions made by IBA in regard to calculations of Dearness Relief to those who are in service before 01.11.2002 is not tenable as mentioned above.
6. The assertion of IBA is again denied as per the submissions made by us in point No. 4 and 5.
7. It is strongly refuted that the 8th Bipartite Settlement has made any distinction in regard to payment of Dearness Relief between post-November 2002 Retirees and pre-November 2002 Retirees. The joint note in respect of salary revision for Officers and the settlement between the Unions and IBA only state "on and from 1st February, 2005 Dearness allowance shall be payable for every rise or fall of 4 points over 2288 points in the quarterly average of the ALL INDIA AVERAGE WORKING CLASS CONSUMER PRICE INDEX (General) based 1960=100 at 0.18% of pay". Hence the new DA formula is applicable to all serving Employees as well as to all Retirees.

8. It is suggested that when any change is sought to be made in the current settlements by violating the provisions of Bank Employees Pension Regulations to the detriment of the Retirees and also any change jeopardizing their entitlements, the Retirees' Organisations views should be taken to protect and safeguard the interest of the Retirees.

9. The very fact that on obtaining mandate from the Member Banks, IBA has been negotiating on all matters concerning Bank Employees and Officers in respect of wage settlement and service matters right up to 10th Bipartite Settlement and the process is set in motion for the 11th Bipartite Settlement also. Hence IBA cannot now say that it is not a direct party to any industrial dispute concerning the Serving Employees and Retirees. Pension being a deferred wage and terminal benefits being a part of service matters are discussed and settled between the Unions and Associations on the one hand and the IBA on the other, we assert that IBA is a relevant party and should go by the Pension Regulations and Settlements and should not give rise to any violations.

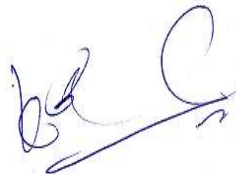
10. In view of the above submissions, we request your Good-self to advise IBA to settle the dispute raised by us in respect of 100% DA neutralization relief to the pre-2002 Retirees and redress their grievances immediately. It is also necessary to give this relief immediately as the persons who are suffering from the denial are in the advanced stage of the evening of their life and out of more than one lakh Retirees who are originally entitled, more than 50% have already passed away undergoing the suffering and denial of justice to them which should stir the conscience of the powers that be. It is both a question of conscience and conforming to the rule of law. We seek your Good-offices in delivering justice to those who are arbitrarily denied the relief accruing under 100% DA neutralization formula.

Thanking You,

Yours Sincerely,



A.Ramesh Babu



K.V.Acharya

Joint Conveners