



# ALL INDIA BANK PENSIONERS' & RETIREES' CONFEDERATION



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

C/O BANK OF INDIA OFFICERS' ASSOCIATION  
(EASTERN INDIA BRANCHES)

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CIRCULAR NO. 14-22.

DATE : February 16, 2022.

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For circulation among members of the Governing Council,  
State Secretaries, Special Invitees, Advisors, Affiliates and Members

Dear Comrade,

**Sub : Option for pension to Resignees – latest legal angle in favour of the cause.**

We are reproducing hereunder the text of our letter written on date to The Chairman, IBA on the above referred subject for information of members.

With best wishes and regards,

Suprita Sarkar  
General Secretary

Quote : as stated :

AIBPARC/IBA/OPTION FOR RESIGNEES/EMAIL/2022

DT. Feb, 16, 2022

**Shri A. K. Goel,  
Chairman, IBA,  
Mumbai.**

**Respected Sir,**

**SUB : OPTION FOR PENSION TO RESIGNEES – LATEST LEGAL ANGLE IN SUPPORT OF THE CAUSE.**

We have represented several times before IBA on the above referred subject. As a new perspective has emerged as on a recent date, we are once again narrating in brief the entire issue in the seriatim with an added angle which is very important for reviewing the whole issue in favour of the Resignees.

1) In the year 2010, when second option for pension was extended to the Bank Employees as per Settlement dated 27-04-2010, the Indian Banks' Association restricted the offer only to those who were in the rolls of the Banks as on 29-09-1995 and continue to serve and those who superannuated after this stipulated date (29-09-1995) and instead of covering all those who EXITED the Bank thereafter. In the process, Employees who have Resigned, Compulsorily retired were left out although they had served the Banks for more than 20 years, which being the requisite service for Pension under the Pension Rules.

2) Aggrieved by the decision of the IBA, Bank employees who resigned from the services of the Bank after 29-09-1995 after serving for more than 20 years of service filed Writ Petitions in various High Courts seeking intervention of the Courts in granting them justice.

3) Among those Writ Petitions, Writ Petition Nos.24158 to 24160 & 24162 to 24180 of 2012 filed by Shri Narasimhappa & Others of eVijaya Bank in the High Court of Karnataka were heard and decided by the Single Judge on 18.04.2012, who upheld the contention of Petitioners for the Second Option for Pension and directed the erstwhile Vijaya Bank Management to extend the Pension Option to the aggrieved Resignees. However, the Bank Management contested the ruling of the Court before the Division Bench of the same Court by filing Writ Appeal Nos. 2956 to 2977 of 2012. These Writ Appeals were dismissed by the Bench on 30-07-2012 observing that there is no case for intervention with the decision of the Single Judge. The Management of eVijaya Bank then filed Review Petition Nos. 68, 331 to 351 of 2013 in the same Court. These Review Petitions were also dismissed by the Hon'ble Court on 25-10-2013.

4) The Bank Management contested the Karnataka High Court decision in Supreme Court vide SLP Nos. 20811 to 20832 of 2013. The apex Court on 06-12-2013 ruled in favour of the aggrieved Resignees, keeping the Law Open for other similarly placed others. This was a major victory for Bank Resignees in the legal front.

5) Our organisation expected that IBA would accept the verdict of the apex Court and would extend the Second Option for Pension to all the eligible Resignees of the Banking industry but it did not happen. The eVijaya Bank Management too failed to see the rationale in the Judgement and extended the Second Option only to the Petitioners numbering 22, instead of extending the same to all the other similarly placed Resignees of the Bank, taking the alibi of - "SC kept the Law Open".

6) Because of this type of attitude of IBA/ eVijaya Bank Management, other eligible Resignees of all Banks including eVijaya Bank filed Writ Petitions/Appeals in various High Courts based on the Supreme Court Judgement in Narasimhappa & others Vs Vijaya Bank and these bunch of WPs/WAs are pending before the respective Courts.

7) While the IBA decided to extend the Pension Option to the Compulsorily Retired Employees of the Banks in 2018, retrospectively from 27-11-2009, the genuine requests of the Resignees have again been ignored.

8) Now that there is a significant ruling by the Supreme Court recently in Civil Appeal No. 531/2017, Diary Nos.39277/2019 and SLP(C) No. 9615/2020, in State of Gujarat & Anr VS Banuben Rameshbhai Dhakan & Ors wherein following observation passed by the Court in respect of an SLP where question of Law was kept open. The Ruling of the apex Court dated 17-12-2021 in the instant case is as under-

**"The position which emerges is that the judgement of High Court has attained finality in respect of one batch of pensioners. No distinction exists in fact between the cases of the pensioners who are respondents to the present batch of cases with the pensioners in the earlier batches, who are governed by the orders by which Special Leave Petitions by the State of Gujarat were dismissed. Consequently, it would be wholly iniquitous to apply a different yardstick to a batch of pensioners who are respondents to these proceedings, when the judgement of the High Court has attained finality in respect of a similar batch of pensioners who are governed by the same judgement. They are receiving pensions. In the above situation, we have no reason to entertain the present Civil Appeals and Special Leave Petitions. The Civil Appeals and the Special Leave Petitions shall stand dismissed. Compliance with the judgement of the High Court be effected within a period of two months from today".**

9) In light of the above judgement that has been delivered in a case where the Law was kept open as in the case of eVijaya Bank Vs Narasimhappa & Oths, endorsing that Finality to the issue attained in the Judgement of High Court, **we request you once again to kindly consider the whole issue in the renewed perspective of the above mentioned judgement and extend justice to the resignees who are otherwise eligible for opting for pension.**

With kind regards,



(Suprita Sarakar)  
General Secretary