



**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

23A, NETAJI SUBHAS ROAD, KOLKATA – 700 001

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Date 10.08.20.

Circular no 63-20.

(For circulation among members of the Governing Council, EC members, State Secretaries, Special Invitees and Advisors.)

Dear Comrade,

Sub: **Amendment to Regulation 22 of Bank Employees Pension Regulations, 1995.**

We have today represented before Chief Executive, IBA on the above subject requesting to take initiatives for amendment of the above Regulation so that the officer Retiree is not discriminated against and the Judgement of Supreme Court is made applicable in letter and spirit.

This is for information of all members.

We are reproducing the letter hereunder for information of members.

With best wishes,

Please stay safe with family.

Comradely yours.

Suprita Sarkar
General Secretary

QUOTE:



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Date 10.08.2020.

AIBPARC/IBA/Regulation 22/Email/2020

The Chief Executive,
IBA, Mumbai.

Respected sir,

Sub: Amendment to Regulation 22 of Bank Employees Pension Regulations, 1995.

Ref: IBA Circulars dated 30.06.15 and 23.12.15.

Consequent upon the judgement of Hon'ble Supreme Court (Review petition (c) No2344/2014 against the order passed in SLP no 17054/2009 on 11.12.13 and SLP no 11443/2014 filed by BOB against Shri S. K. Kool and Shri Grish Shukla respectively), IBA discussed the subject on 26.06.15 and suggested to all the Banks which are parties to BPS to consider implementation of the judgement and to go in for amending Regulation 22 of Bank Employees Pension Regulations 1995 suitably.

We understand that in terms of Awards and Settlements applicable to award staff who are imposed with the punishment of "removal", and "discharge" from service, they are to be considered for payment of superannuation benefits like Pension and/or PF, Gratuity etc. This has given room for an anomalous situation as these award staff would be eligible for pension as per the awards and settlements whereas in terms of Regulation No 22 of Bank Employees Pension Regulations, 1995 resignation, removal from service or dismissal from service will result in forfeiture of past service and consequently forfeiture of pension. It is pertinent to mention here that Bank Employees Pension Regulations, 1995 is a common regulations applicable for award staff and officers of the Banking Industry and the said regulations were evolved after mutual discussions with the Officers Associations and Award Staff Unions and after reaching a consensus. Therefore any partial modification of any particular regulation making it applicable to one category of staff will not be in correctness of things as such a move runs contrary to well settled Bi-Partite System of deciding and evolving service conditions.

In view of the above, it is needless say that in pursuance of the Supreme Court Judgement referred above the Regulation No.,22 needs to be amended in its entirety and the forfeiture clause in case of removal from service awarded to the officers needs to be rescinded and they should be made eligible for pension. This alone would meet the requirements of fair play and justice and would meet the intent and purpose of Supreme Court Judgement referred above. It may please be appreciated here that in Banking Industry Officers are also called as officer employees only and the Discipline & Appeal Regulations and the Pension Regulations would stand as proof for the same. In sum and

substance our request is similarly placed officer or the officer retiree should not be unduly denied the benefit of pension,

In view of the above and extending due credence to the fact that the since the Bank Employees Pension Regulations,1995 covers the Award Staff as well as Officers under the broad definition of "Employees", the member banks may please be suitably advised to initiate comprehensive amendment to Regulation 22 so that the benefits of the Apex court can be extended in letter and spirit to all sections of Employees.

With regards,

Yours faithfully,



Suprita Sarkar
General Secretary