

**Circular No. 24/13.**  
09.09.2013.

***For circulation among members of the Governing Council of AIBPARC***

**Subject: Withholding of retirement benefits of Employees/Officers pending enquiry declared unlawful by Supreme Court in the case of State of Jharkhand Vs. Jitendra Kumar Srivastava.**

You might have the occasion of going through AIBOC'S Circular 2013/42 dated 23.08.2013 along with copies of letter written to Chairman, IBA and the copy of Judgement passed in the Civil Appeal No. 6770 of 2013 (Arising out of SLP (Civil) No.1427 of 2009 with CA No. 6771/2013 (Arising out of SLP Civil No. 1428 of 2009 – decided on 14.08.2013. The judgement is a historical one and it will have long term effect over a large number of Retirees whose interest has been otherwise adversely affected.

The employees/officers whose superannuation benefits have been withheld by Administrative order/Circular, pending departmental enquiries or judicial proceedings, the same are unlawful. The withholding or withdrawal of pension is permitted only under Regulation 42 to 45 of Pension Regulations (1995) where enquiry or proceedings are conducted and this is recorded that employee had committed grave misconduct in the discharge of duty while in office. The benefits of this judgement will certainly be available to those retired employees/officers whose pension and other superannuation benefits have been withheld or withdrawn for non-completion of departmental enquiry or judicial proceeding. We are hopeful that IBA, in pursuance of the demands of AIBOC, will act fast and issue guidelines to all public sector banks.

With best wishes,

Yours sincerely,

(S. R. SEN GUPTA)GENERAL SECRETARY