



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
Mobile : 9674188524, E-mail : aibparc2@gmail.com

Senior office bearers

PRESIDENT:

SHRI K.V. ACHARYA,
MOB - 9868220338

GENERAL SECRETARY

SHRI S. SARKAR
MOB - 9674188524

WORKING PRESIDENTS:

1. SHRI K.B. BALLUR
MOB - 9481101106

2. SHRI P.S. PATKI
MOB - 8805607239

3. SHRI C. GANGADHAR
YADAV.
MOB - 9440528806

4. SHRI S.B.C.
KARUNAKARAN,
MOB - 9444772016

SR. VICE PRESIDENTS:

SHRI M.R. GOPINATH RAO
MOB - 9886309244

SHRI R.S. TRIVEDI
MOB - 9825049640

SHRI P.V.L.N. SHARMA
MOB - 9440779797

SHRI R. K. SHARMA
MOB - 8171461116

SHRI RAM PAL
MOB - 9784405801

SHRI S. KUPPUSWAMI
MOB - 9444315928

SHRI TOM. THOMAS
MOB - 9447661680

Circular no. 04-23

Date: January 20, 2023

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

Dear Comrade,

Sub: Response of AIBPARC on Pension updation sent to Deputy Chief Labour Commissioner (Central) and to The Chairman, IBA.

We reproduce hereunder the text of our letter written on date on above subject to The Deputy Chief Labour Commissioner (central) and to The Chairman, IBA.

The letter is self-explanatory.

With best wishes and regards,

Comradely Yours,

Suprita Sarkar
General Secretary.

Encl: :As stated.

AIBPARC/CLC @/IBA/Pension Updation Email/23 DATE 20.01.2023

To
The Deputy Chief Labour Commissioner (Central)
Shram Raksha Bhavan,
Shiv Shruti Marg,
Eastern Express High Way,
Sion (East). Mumbai.

To
The Chairman,
Indian Banks Association,
World Trade Centre Complex,
6th Floor, Centre 1 Building,
Cuffe Parade, Mumbai.400005.



ALL INDIA BANK PENSIONERS' & RETIREES' CONFEDERATION



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

Respected Sirs,

Sub: Strike Notice dated 13.01.23 served by different constituents of UFBU.

Ref: Letter dated 17.01.23 issued by the Conciliation Officer under ID Act, 1947 & Deputy Chief Labour Commissioner (Central), Mumbai calling both sides for a meeting on 24th January, 2023.

We have gone through the contents of both the letters under reference which have come in public domain. We feel an urgent necessity to bring the undernoted facts for your kind consideration and appropriate action.

1. At point No. (2) of the Notice dated 13.01.23, the demand has been written as " Updation of Pension for past Retirees". Apparently, the group of words are highly confusing in as much as what is exactly meant by the words "Past Retirees". When we go through the Statement of the case in connection with agenda No 2, we find that the Minutes with Workmen Unions dated 10.12.2020 has been quoted which reads as under:

"IBA is quite sympathetic to the issue especially revision in pension for those who have retired under earlier Settlement periods when the emoluments were relatively lesser than at present".

2. The assertion that when the emolument was relatively lesser than at present is ridiculous as every wage settlement entails increase in emoluments thereby rendering the earlier emolument relatively lesser. We, therefore, wish to make it categorically clear that such assertion on the part of IBA is not only illegal and arbitrary but also it aims at creation of artificial classification within the

similarly placed Retirees who are a homogeneous group and a single community. It is made abundantly clear that every pensioner who has seen revision of wages after his retirement is eligible for the facility of updation. It is a well settled position in many of the cases ruled by the Hon'ble Supreme Court. It is therefore not open to any contrary interpretation by IBA, DFS or Banks.

For information of both the sides, we would like to put on record that Regulation 35(1) - Appendix - I has clearly spelt out the modalities of Updation of Pension. In the said Appendix, there is a mention that the process of calculation would be made applicable for the Retirees between 01.01.86 and 31.12.87 since that particular group of Retirees alone was relevant and eligible at the time of implementation of Bank Employees Pension Regulations (1995). It was implemented and eligible pensioners were given the benefit of updation. But it is being denied during subsequent wage revisions. It may be appreciated that updation is not a onetime dispensation; it is rather a continual process on every wage revision.

Subsequently in the year 2003, there was an amendment to the Pension Regulation 35(1) whereby the Boards of the Public Sector Banks, in terms of the powers conferred by Section 19 of the Banking Companies (Acquisition and Transfer of Undertakings) Act 1970 and with the previous sanction of the Government of India in consultation with the Reserve Bank of India made the Regulation 35(1) open-ended and after following due process of law like notifying the amendment in the Gazette of the Union of India and placing the same on the floors of both the Houses of Parliament. We quote below the amended Pension Regulation 35(1) for information of all concerned:

"Basic pension and additional pension, wherever applicable, shall be updated as per formulae in Appendix...1"



ALL INDIA BANK PENSIONERS' & RETIREES' CONFEDERATION



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

It is a clear direction to Banks to compute and notify the formulae of updation at the time of each periodical wage revision as is done for Government and RBI employees. When the Regulation 35(1) is so emphatic and clear, why are IBA, Government and Banks demonstrating an oblivion and protracting the issue of updation for past more than 30 years and denying a legitimate right to the senior and super senior citizens of the Banking Industry. During the last 30 years, a large number of pensioners have left the world without getting the benefit of legitimate right of updation, when it is being extended to Government and RBI Employees (Pensioners).

It is beyond common comprehension as to what is the aim and purpose of the negotiation on Updation of Pension when there is a clear pre-existing provision to update the pension as per amended Regulation 35(1)? Is it to re-write and distort a settled issue as per the BEPR (1995)?

OR it is to fragment the Bank Retirees into old, somewhat old and very old groups and so on?

The damage is already done by denying 100 percent DA Compensation to Pre-November 2002 Bank Pensioners. This discrimination is thrust on Bank Pensioners only and our Struggle is on from 2005 (8th Bi Partite Settlement Year) with no relief in sight so far despite the fact that

tapered DA was changed to Uniform rate of DA to Central Government Pensioner from 1996 and to RBI Pensioners from the year 2008. IBA and Government have been thus breaching Article 14 of the Constitution of India. We don't want the discriminatory perpetuity in any matter including DA and Updation of Pension. An arbitrary denial of periodical Updation of Pension is tantamount to rubbing salt to wounds caused by the denial of uniform rate of DA.

3. This is very important for us to record that our Organization, being called by the Ministry of Finance, had participated in a dialogue with the Hon'ble Union Finance Minister on 4th October 2022 for a

considerable period of time and in course of our dialogue, we handed over documents in support of our contention. She was kind enough to tell us that she would be advising IBA soon to look into our grievances. Within 7 days from our meeting and discussions with and submissions to Hon'ble Union Finance Minister, we were invited by IBA for a meeting on 11th October 2022 which continued for more than 3 hours on various issues which inter alia, included the issue of updation of Pension. We submitted relevant extracts of BEPR (1995), copies of amendment done in 2003 and various other papers relevant to the subject to IBA and DFS. Now only one thing is left to be done - IBA/Government/Banks will have to notify the Updation formulae in relation to each wage revision done for serving Employees and Officers and thus implement Pension Regulation 35(1) amended in the year 2003.

To summarise,

(1) The demand of updation of Pension for a section of Retirees is unlawful as it contradicts the existing provisions of BEPR (1995). It is not a question of introduction of updation of Pension for a section of Retirees but it is an issue of implementation of the already existing Regulation 35(1) as amended in the year 2003 and thereby translate the reasons and objects of the said amendment into reality.

(2) We have been repeatedly demanding before all concerned that any attempt to distort the provisions of the Statute (Subordinate Legislation) is tantamount to betrayal to the interest of senior citizens of the industry while also undermining the sanctity of the legislative process of the nation.



ALL INDIA BANK PENSIONERS' & RETIREES' CONFEDERATION



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

(3) This is our fervent appeal to you that at the time of discussion on the issue of updation of Pension, no argument by any one of the sides should be taken into cognizance if it seeks to vary or contradict the provisions of Bank Employees Pension Regulations 35(1) as amended in 2003. It may finally be put on record that as per Regulation 56 of BEPR(1995), if the Banks do have any doubt regarding interpretation of any Regulation, reference shall be had to Central Government Employees Pension rules.

4) **No Management and no Union/Association should have the right to interpret the issue of updation of pension in a manner contrary to the express provision in the Pension Regulations.** It is worth-mentioning here that if there are two possible interpretations to any pension rule, the one favourable to the pensioners shall be taken as ruled recently by the Hon'ble Supreme Court in the case of Rajasthan Government Pensioners.

(5) We also want to submit to your Good Self that since Bank Retirees are a Distinct Homogeneous Group, issues pertaining to Bank Retirees should be discussed with Apex level Bank Pensioners and Retirees Organisations only and make the whole process legally tenable, just and fair.

(6) We will be waiting for a communication from your Good Self in this matter.

Thanking you in anticipation.

With kind regards,

(K.V. ACHARYA)
PRESIDENT, AIBPARC
& JOINT CONVENOR, CBPRO

(SUPRITA SARKAR)
GENERAL SECRETARY