

CANARABANKSYNDICATEPENSIONERS&RETIRESASSOCIATION(REGD)

(Formerly:SYNDICATEBANKPENSIONERS&RETIRESASSOCIATION)

(AffiliatedtoAIBPARC)

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Cir. No.13 /2022

(Please circulate to all members/retirees)

Date: 8.3.2022

Dear Comrades,

AIBPARC WRITES TO RAJYA SABHA COMMITTEE ON 100% DA NEUTRALISATION

As you are all aware, AIBPARC has been making a lot of efforts to get the retirees demands clinched. One of the prominent demands is 100% DA neutralization to the pre-2002 retirees. The said demand has been escalated to various levels by AIBPARC. In this matter AIBPARC while once again approaching IBA and Govt: DFS, has submitted a special representation to the Chairman of the Rajya Sabha Committee on Govt Assurances. A copy of the same is appended herewith for information of all.

With greetings
Yourscomradely,

C Gangadhar Yadav
GENERALSECRETARY

CBSpra - ZINDABAD
AIBPARC - ZINDABAD
CBPRO - ZINDABAD



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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MOB - 9447661680

Circular no. 17-22

Date: March 08, 2022.

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

Dear Comrade,

**Sub: 100 per cent DA neutralization for pre--November,2002
Retirees.**

The assiduous efforts of CBPRO/AIBPARC to remove the gross discrimination meted out to a substantial chunk of older Retirees are well known to the members.

As a part of a long-- drawn struggle to escalate this issue at different fora, We have written letters today on the above subject to The Secretary, Department of Financial Services, MOF, GOI, The Chairman, IBA and also to The Hon'ble Chairman, Committee on Government Assurances, Rajya Sabha almost on similar lines.

We are reproducing the sets of correspondence for information of members.

With best wishes and regards,

Comradely Yours,

Suprita Sarkar
General Secretary.

Quote: 3 enclosures.



ALL INDIA BANK PENSIONERS' & RETIREES' CONFEDERATION

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



AIBPARC/DFS/100%DA/Email/2022

Date: March 08,2022.

Shri Sanjay Malhotra Ji
Secretary, FS
Ministry of Finance
Govt. Of India
New Delhi

Respected Sir,

Sub: Uniform rate of DA to Pre-November 2002 Retirees @ 100% Neutralisation

We, All India Bank Pensioners and Retirees' Confederation, and a constituent of Coordination of Bank Pensioners and Retirees Organisations (CBPRO) have been taking up with the Department of Financial Services and Indian Banks' Association the issue pertaining to payment of uniform rate of DA to all the Pensioners. After a persistent follow up, IBA saw good reasoning in our contentions and recommended to DFS for removal of anomaly which had led to discriminatory treatment having been meted out to a section of Pensioners on the basis of an artificial classification on the basis of their date of retirement from service. But we understand that DFS has returned the proposal of IBA for want of some clarification on the judgment of the Hon'ble Supreme Court. In this connection, we submit the following for your kind and sympathetic reconsideration:

1) The officers and the pensioners of the banks were being paid DA at tapered rates for different slabs of Basic Pay/pension. This anomaly was rectified w.e.f. 01.11.2002 in the wage settlement signed in May 2005 as already available to Government Pensioners and RBI Pensioners. The uniform rate of DA was made applicable for all w.e.f. 01.11.2002 but payable from 01.05.2005. The settlement did not provide for any artificial classification on the basis of the date of retirement for its applicability. It was only a correction of the DA formula from tapered rate to uniform rate.

But a month after the settlement, IBA advised the banks vide its letter in June 2005 not to pass on the benefit of correction in the DA formulae to those who retired before 01.11.2002. It was unilateral and against the letter and spirit of the settlement.

2) This arbitrary and discriminatory treatment to a section of Retirees was challenged in Madras and Calcutta High Courts. The single judge in both the court decided in favour of the petitioners. While the division bench in Calcutta supported the petitioners, the Madras HC went against. SLP of Madras case was lost by the petitioners. But when the SLP of Calcutta filed by the Banks/IBA, was heard, the SC Division Bench was convinced of the merits in Retirees' arguments. Accordingly, the bench made the following observations in the open court -

a) A similar case (Madras SLP) had been decided adversely by SC Division Bench and their bench also being the division bench is not competent to overrule the earlier judgement.

b) The bench therefore suggested to either refer the case to a larger bench for a final decision or a review of Madras case can be filed with a request to condone the delay and the bench will tag the review with this case and hear the same and decide.

The review was eventually tagged and heard and judgement reserved, which was finally released after a lapse of 8 months.



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c) Despite all favourable arguments and merits, the case was decided against the pensioners on a wrong premise that if Uniform rate of DA was allowed to pensioners, it would lead to exceeding the total cost/load agreed upon in the settlement and the pay scales of the serving officers would have to be re-drawn/ revised downward which was considered an impracticable proposition. While taking such a view, the Court showed an oblivion to the contention of the pensioners that the DA being linked to the Consumer Price Index is variable both ways and is not therefore made a component of the Cost Distribution Sheet at the time of allocation of agreed load/cost at the time of the wage settlement and hence it cannot have any impact on the Basic Pay Structure already drawn.

d) The judgement of SC being based on wrong premise of the cost distribution is factually incorrect. It violates the provisions of Article 14 of the Constitution of India.

e) It is pertinent to mention that uniform rate of DA is being paid to all the Government Pensioners and also to the Pensioners of RBI. Banks Pension Scheme having been drawn on the similar lines must provide similar treatment in terms of Banks Pension Regulation 56 which states that in case of any doubt in implementation of these regulations, regard shall be had to the Central Civil Pension Rules 1981. As stated earlier, a uniform rate of DA is paid to all the Central Government and RBI Pensioners. The Bank Pensioners should not therefore be discriminated against.

f) It may be appreciated that the price rise affects all the pensioners in equal measure and hence the compensation being given through CPI linked DA cannot be on a differential basis ie tapered rate to some pensioners (retired before 01.11.2002) and uniform rate to others (retired after 01.11.2002).

It is therefore a fit case for correction of the Tapered DA formulae to a Uniform rate of DA to all those who have long been discriminated against on the basis of wrong implementation of the just and right provisions of the Wage Settlement of May 2005.

The affected Pensioners are the most advanced aged Pensioners with well above the age of 80 --85 years and they are suffering on two counts namely 1. Getting Inferior DA Compensation, 2. Non Updation of Pension. Large number of such Pensioners are unfortunately already no more and those

who are waiting for this relief are in the last leg of their life journey. Extension of Uniform DA Compensation to them will amount to rendering justice to them at least in the final phase of their life journey.

We shall be grateful to you Sir, for helping the super senior citizens of the Banking Fraternity (Pre November 2002-Retirees) get Uniform DA Compensation at @ 100% as already available to Government and RBI Pensioners since more than 17 years and remove the discriminatory treatment meted out to them and render Justice to them.

With regards,

Yours faithfully,

K V ACHARYA
President, AIBPARC
& Joint Convener, CBPRO

SUPRITA SARKAR
General Secretary
AIBPARC



ALL INDIA BANK PENSIONERS' & RETIREES' CONFEDERATION

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



AIBPARC/IBA/100% DA/Email/2022

Date: March 8, 2022.

Shri A K Goel ji,
Chairman,
Indian Banks' Association,
Mumbai.

Respected Sir,

Sub: Updation of Pension and Uniform rate of DA to Pre-November 2002 Retirees @ 100% Neutralisation

We thank You very much for sparing Your valuable time to give an audience to us and listened to our appeal to consider our request for Updation of Pension.

We recall our discussions with you on 23.02.2022 at your office in Delhi regarding payment of uniform rate of DA to all the Pensioners. In this connection, we submit the following for your kind and sympathetic consideration:

1) The officers and the pensioners of the banks were being paid DA at tapered rates for different slabs of Basic Pay/pension. This anomaly was rectified w.e.f. 1.11.2002 in the wage settlement signed in May 2005. The uniform rate of DA was made applicable for all w.e.f. 1.11.2002 but payable from 1.5.2005. The settlement did not provide for any artificial classification on the basis of the date of retirement for its applicability. It was only a correction of the DA formula from tapered rate to uniform rate.

But a month after the settlement, IBA advised the banks vide its letter in June 2005 not to pass on the benefit of correction in the DA formulae to those who retired before 01.11.2002. It was unilateral and against the letter and spirit of the settlement.

2) This arbitrary and discriminatory treatment to a section of Retirees was challenged in Madras and Calcutta High Courts. The single judge in both the court decided in favour of the petitioners. While the division bench in Calcutta supported the petitioners, the Madras HC went against. SLP of Madras case was lost by the petitioners. But

when the SLP of Calcutta filed by the Banks/IBA, was heard, the SC Division Bench was convinced of the merits in Retirees' arguments. Accordingly, the bench made the following observations in the open court –

- a) A similar case (Madras SLP) had been decided adversely by SC Division Bench and their bench also being the division bench is not competent to overrule the earlier judgement.
- b) The bench therefore suggested to either refer the case to a larger bench for a final decision or a review of Madras case can be filed with a request to condone the delay and the bench will tag the review with this case and hear the same and decide.

The review was eventually tagged and heard and judgement reserved, which was finally released after a lapse of 8 months.

c) Despite all favourable arguments and merits, the case was decided against the pensioners on a wrong premise that if Uniform rate of DA was allowed to pensioners, it would lead to exceeding the total cost/load agreed upon in the settlement and the pay scales of the serving officers would have to be re-drawn/revised downward which was considered an impracticable proposition. While taking such a view, the Court showed an oblivion to the contention of the pensioners that the DA being linked to the Consumer Price Index is variable both ways and is not therefore made a component of the Cost Distribution Sheet at the time of allocation of



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agreed load/cost at the time of the wage settlement and hence it cannot have any impact on the Basic Pay Structure already drawn.

d) The judgement of SC being based on wrong premise of the cost distribution is factually incorrect. It violates the provisions of Article 14 of the Constitution of India.

e) It is pertinent to mention that uniform rate of DA is being paid to all the Government Pensioners and also to the Pensioners of RBI. Banks Pension Scheme having been drawn on the similar lines must provide similar treatment in terms of Banks Pension Regulation 56 which states that in case of any doubt in implementation of these regulations, regard shall be had to the Central Civil Pension Rules 1981. As stated earlier, a uniform rate of DA is paid to all the Central Government Pensioners. The Bank Pensioners should not therefore be discriminated against.

f) It may be appreciated that the price rise affects all the pensioners in equal measure and hence the compensation being given through CPI linked DA cannot be on a differential basis i.e. tapered rate to some pensioners (retired before 1.11.2002) and uniform rate to others (retired after 1.11.2002).

It is therefore a fit case for correction of the Tapered DA formulae to a Uniform rate of DA to all those who have long been discriminated against on the basis of wrong implementation of the just and right provisions of the Wage Settlement of May 2005.

The affected Pensioners are the most advanced aged Pensioners with well above the age of 80 --85 years and they are suffering on two counts namely 1. Getting Inferior DA Compensation, 2. Non Updation of Pension. Large number of such Pensioners are unfortunately already no more and those who are waiting for this relief are in the last leg of their life journey. Extension of Uniform DA Compensation to them will amount to rendering justice to them at least in the final phase of their life journey.

We shall be grateful to you Sir, for helping the Super Senior Citizens of the Banking Fraternity get Uniform DA @ 100% removing the discriminatory treatment meted out to them and render justice to them.

We are also hopeful that the Reconstituted Committee on Updation is finalizing its report giving the much-awaited relief to the Bank Pensioners.

With regards,

Yours faithfully,

K V ACHARYA
President, AIBPARC
& Joint Convener, CBPRO

SUPRITA SARKAR
General Secretary
AIBPARC



ALL INDIA BANK PENSIONERS' & RETIREES' CONFEDERATION

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



AIBPARC/P.Com/100% DA/Email/2022

Date: March 8, 2022.

Shri A. NavaneethaKrishnan Ji,
Hon'ble Member of Parliament
Rajya Sabha
Chairman
Committee on Government Assurances
Parliament House
New Delhi 110 001

Respected Sir,

Sub: Uniform rate of DA to Pre-November 2002 Retirees @ 100% Neutralisation

We recall our discussions with you on 26.02.2022 at Chennai regarding payment of uniform rate of DA to all the Pensioners. In this connection, we submit the following for your kind and sympathetic consideration:

1) The officers and the pensioners of the banks were being paid DA at tapered rates for different slabs of Basic Pay/pension. This anomaly was rectified w.e.f. 1.11.2002 in the wage settlement signed in May 2005. The uniform rate of DA was made applicable for all w.e.f. 1.11.2002 but payable from 1.5.2005. The settlement did not provide for any artificial classification on the basis of the date of retirement for its applicability. It was only a correction of the DA formula from tapered rate to uniform rate.

But a month after the settlement, IBA advised the banks vide its letter in June 2005 not to pass on the benefit of correction in the DA formulae to those who retired before 01.11.2002. It was unilateral and against the letter and spirit of the settlement.

2) This arbitrary and discriminatory treatment to a section of Retirees' was challenged in Madras and Calcutta High Courts. The single judge in both the court decided in favour of the petitioners. While the division bench in Calcutta supported the petitioners, the Madras HC went against. SLP of Madras case was lost by the petitioners. But when the SLP of Calcutta filed by the Banks/IBA, was heard, the SC Division Bench was convinced of the merits in Retirees' arguments. Accordingly, the bench made the following observations in the open court -

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c)



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d) The judgement of SC being based on wrong premise of the cost distribution is factually incorrect. It violates the provisions of Article 14 of the Constitution of India.

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The affected Pensioners are the most advanced aged Pensioners with well above the age of 80 --85 years and they are suffering on two counts namely 1. Getting Inferior DA Compensation, 2. Non Updation of Pension. Large number of such Pensioners are unfortunately already no more and those who are waiting for this relief are in the last leg of their life journey. Extension of Uniform DA Compensation to them will amount to rendering justice to them at least in the final phase of their life journey.

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With regards,

Yours faithfully,

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SUPRITA SARKAR
General Secretary
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