

SYNDICATE BANK PENSIONERS & RETIREES ASSOCIATION (REGD.)

(Affiliated to AIBPARC, a wing of AIBOC)

CENTRAL OFFICE

203, Glendale Residency, King Koti Road, Abids, Hyderabad – 500001

Phones – Chairman: 09448122384; President; 08171461116;

General Secretary: 09440528806; Secretary: 09885661991



Circular No.20/2016 (PLEASE CIRCULATE TO ALL MEMBERS/RETIREES) Date: 28.9.2016

Dear comrades,

**100% DA NEUTRALISATION CASE
CBPRO ACTS QUICKLY - ADDRESSES LETTER TO IBA**

Consequent upon receipt of news of Judgment by Hon'ble High Court of Kolkatta, CBPRO acted immediately and addressed communiqué to IBA to honour the judgment and to direct all member banks to implement the Court Orders and release 100% DA to the pre-Nov 2002 retirees. We hope wisdom will dawn on IBA and the bank managements to stop deriving sadistic pleasure by delaying and denying this most genuine benefit to the retirees concerned any further. Text of the letter dt 28.9.2016 addressed by CBPRO to IBA is appended here below for information of all.

With greetings
Yours comradely,

C Gangadhar Yadav
GENERAL SECRETARY

**SBPRA - ZINDABAD
AIBPARC - ZINDABAD
CBPRO - ZINDABAD**

Text of CBPRO letter to IBA dt. 28.9.2016

QUOTE//

The Chief Executive Officer,
Indian Banks' Association,
Mumbai.

Sir,

**Sub: Historic Judgement of Hon'ble High Court of Kolkata-Writ Petition No 507 of 2012
Regarding 100% Dearness Allowance to Pre-2002 Retirees(United Bank of India Retirees
Welfare Association Vs United Bank of India and Others)**

Further to our various representations to IBA and the Government in respect of the long pending issue of 100% DA neutralisation which was denied to Pre-2002 retirees, we wish to bring to your kind attention that the Hon'ble High Court of Kolkata has given a landmark judgement upholding the contention of all the Bank Retirees organisations that the denial of 100% DA neutralisations is Arbitrary, Unreasonable and Discriminatory in nature.

The Learned Division Bench of Hon'ble High Court of Kolkata has categorically summed up the entire issue as under:

1. It is impermissible to make any classifications between Retirees depending on the date they retire. (Ref: Supreme Court judgement in D.S. Nakara's case).
2. Pension or any component thereof is a property as understood under article 300(A) of the Constitution of India.
3. Pension is not a bounty or a bonanza of an employee and it is a **deferred wage**.

4. The object of paying Dearness Relief to the Retirees is to **neutralise the astronomical rise in prices** irrespective of the date the employee retires and also **inflation hits the employees who retire before the cut off date as hard as it does to those who retire later.**

5. Therefore it is obvious that the classification is invidious and discriminatory.

6. The Bank Pension Regulations 1995 have been framed in consonance and under the power conferred on the Bank under the Banking Companies (Acquisition and Transfer of Undertakings) Act and they have a statutory force of law.

7. Clause (6) of the Pension Regulation mandates that the **Dearness Relief will be paid in consonance with that paid by Reserve Bank of India.**

8. The mandate of the Pension Regulations which **have a statutory force of law cannot be altered by a Joint Note.**

9. Therefore The Hon'ble High Court directed the respondent Bank i.e. United Bank of India **to comply with the Regulation (6) of the Pension Regulation and to pay to Pre-2002 retirees at the same rate as given to the Post-2002 retirees** and as has been paid to the retired employees of the Reserve Bank of India.

10. While dismissing the Appeal filed by the Bank and while allowing the appeal filed by the Retired United Bank of India Retirees Welfare Association, the Division Bench of Hon'ble High Court of Kolkata also modified the judgement of the Learned Single Judge, **categorically directing the respondent Bank to make the payment of 100% DA neutralisation to Pre November 2002 retirees.**

Sir, you will observe that in all our correspondences and discussions with Indian Banks Association we have been consistently taking the same stand as explained in the judgement of the Hon'ble High Court. Unfortunately, the matter got dragged on and the Pre-2002 Retirees were unjustifiedly denied the benefit of 100% DA neutralisation for more than a decade forcing the **Senior Citizens of the Banking Industry to approach courts for justice at a heavy cost of legal expenses which the Retirees have to bear from their limited pension.**

With this yet another Historic Judgement delivered by The Hon'ble High Court of Kolkata, we earnestly request you to direct all member Banks of IBA to immediately Honour the judgement and to make payment of 100% DA neutralisation to all Pre-2002 Retirees.

We also urge upon you to take note of the **advanced age of those eligible Pensioners into account and ensure payment of 100% DA neutralisation immediately as any further delay will defeat the very purpose of the Judgement.**

As the Judgement has clearly emphasised the statutory force of law in respect of Bank Employees Pension Regulations it is evident that there is an unquestionable statutory right of the Bank Pensioners in respect of all the provisions of the Pension Regulations.

CBPRO being the Co-ordinated body of Apex Bank Retirees Organisations of SBI, Public Sector and Private Sector Banks which are duly registered either under the Societies Act or Trade Union Act with a membership of more than 4 (Four) lakhs, we request you to hold discussions with CBPRO in all matters concerning the Bank Pensioners and Retirees.

Thanking you,

Yours Comradely,

SD/- A. Ramesh Babu K.V. Acharya

Joint Conveners //UNQUOTE