

**SYNDICATE BANK PENSIONERS & RETIREES ASSOCIATION (REGD.)**

(Affiliated to AIBPARC, a wing of AIBOC)

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(PLEASE CIRCULATE TO ALL MEMBERS/ RETIREES)

Cir 19/2016

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Dear Comrades,

**100% DA NEUTRALISATION CASE GETS FURTHER BOOST  
DIVISION BENCH OF KOLKATTA HIGH COURT DECIDES FAVOURABLY  
A GREAT VICTORY FOR PRE-2002 RETIREES**

It is yet another great victory for the pre-2002 retiree pensioners. The Division Bench of Kolkatta High Court has categorically nailed the discrimination meted out to the pensioners who retired from the services prior to 1.11.2002. We recall and draw your attention to our circular 6/2015 wherein we had reported about the favourable judgement delivered by Kolkatta High court in support of the petitioners praying for 100% neutralisation of DA as in the case of subsequent retirees in WP NO. 507 of 2012 filed by United Bank of India Retirees' Welfare Association and Others against United Bank of India and Others

. The Hon'ble Judge of High Court had made it clear that:

*"In my opinion, the classification made in this case just as in the case of DS Nakara, is arbitrary and highly irrational. There is no intelligible difference between the pre 1st November, 2002 and post 1st November, 2002 retirees'. The artificial classification is discriminatory of one class of retired employees..."*

*"It is only enough that this Court knows that from 1st February, 2005, the respondent-bank started making dearness relief payment to those employees who had retired after 1st November, 2002, ignoring those who retired prior to that date..."*

*"I direct the Board of the respondent bank in consultation with the Central government and the Reserve Bank of India to take a reasoned decision, in the light of the above observations and findings regarding payment of 100% dearness relief to the pre November-2002 retirees' of the respondent bank by 30th June, 2015..... (Hon'ble I.P. MUKERJI, J.)"*

The management of United Bank of India went in appeal against the orders of the court. Now the Division Bench of High Court has dismissed the appeal filed by the bank on 26.09.2016 and reinforced the single judge court order and modified the same by further observing that:

*"In our opinion, therefore, the observations of the learned Single Judge with respect to the invidious classification introduced by the Bank are correct. As a consequence, the learned Single Judge ought to have directed the Bank to pay the dearness relief to all pensioners at the same rate, rather than directing the RBI to pass appropriate orders"*

*"We find that the distinction, between the pre-November, 2002 retirees and post-November, 2002 retirees, is unreasonable, arbitrary and discriminatory. There is no justification for the same. Though each bank which is a member of the Indian Banks Association has a separate identity, the mandate of the Pension Regulations which have a statutory force of law, cannot be altered by a joint note.*

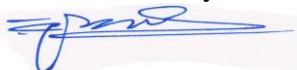
*Therefore, we direct the Bank to comply with Regulation 6 of the Pension Regulations and to pay pension to the pre-2002 retirees at the same rate as enjoyed by the post-2002 retirees, as has been paid to the retired employees of the Reserve Bank of India. The judgment of the learned Single Judge is modified to that extent. "*

Later Mr. R. N. Majumdar, learned Counsel appearing for the appellants in APO 316 of 2015, seeks a stay of this judgment. The court ordered that:

*"We are not inclined to grant this relief for the reasons mentioned in the judgment. Stay is refused. (Hon'ble Tapabrata Chakraborty, J. And Hon'ble Nishita Mhatre, J.)"*

This judgement is a clear spat on the mindset of IBA and Bank managements and it shall be an eye opener to the bank managements, IBA and Govt. We hope the injustice perpetrated on the hapless pensioners of pre-2002 will be undone without further dragging the matter. Similarly in the case of all other issues like Updation of pension, IBA and Govt should see the writing on the wall and act proactively without waiting for courts to decide the matter immediately.

With greetings  
Yours comradely,



C Gangadhar Yadav  
GENERAL SECRETARY

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