



ALL INDIA UNION BANK PENSIONERS AND RETIREES FEDERATION
(Affiliated to All India Bank Pensioners & Retirees Confederation – AIBPARC)

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E Circular No. 05/ 2020

14th January, 2020

TO ALL AFFILIATES/MEMBERS

Dear Comrades,

**Sub: Implementation of Supreme Court's Judgement
and guidelines issued by Indian Banks' Association regarding
1. Regulation No.26 of Pension Regulations, 1995
2. Second Option for Pension to Compulsorily Retired Employees/Officers**

Kindly refer to the following communications sent by us on the above subjects.

1. Letter No. GS: 111/2017 dated 01/09/2017 addressed to MD & CEO regarding non implementation of Regulation 26 of Pension Regulations, 1995 - Shri M.C. Mathur
2. Charter of Issues dated 20/12/2017 submitted to the Bank's Management. (This included the issue of Non implementation of Regulation 26 of Pension Regulations, 1995)
3. Letter No. GS:114/2017 dated 20/12/2017 addressed to CM, EBD, Central Office on the Charter of Issues submitted
4. Letter No. GS: 101/2018 dated 21/05/2018 addressed to MD & CEO regarding non implementation of Regulation 26 of Pension Regulations, 1995 - Shri M.C. Mathur
5. Letter No. GS: 103/2018 dated 21/05/2018 addressed to MD & CEO regarding non implementation of Regulation 26 of Pension Regulations, 1995 - Shri M.C. Mathur - Submission of additional documents
6. Letter No. GS:104/2018 dated 21/05/2018 addressed to MD & CEO for grant of Second Option for Pension to Compulsorily Retired Employees/Officers (IBA Circular No. HR & IR/CIR/GS/BRK/4684 dated 16/03/2018)
7. Charter of Issues dated 14/06/2018 submitted to GM (HR) (It included the issues relating to non implementation of Regulation 26 of Pension Regulations, 1995 and Grant of Second Option for Pension to Compulsorily Retired Employees/Officers)

8. Letter No. GS:I07/2019 dated 21/09/2019 addressed to GM (HR) - Follow up letter on Meeting with the Management held on 25/06/2018

Members are aware that many Banks have already implemented the Supreme Court's judgements and the subsequent guidelines issued by Indian Banks' Association in respect of implementation of Regulation No.26 of Pension Regulations, 1995 and also granting of Second Option for Pension to Compulsorily Retired Employees/Officers. However, in our Bank, despite our regular follow up as is evidenced by the communications mentioned above, implementation of Regulation 26 of Pension Regulations, 1995 and granting of second option for Pension for Compulsorily Retired Employees/Officers was not given effect to. These two issues were discussed in our Third General Body Meeting held on 25/11/2018 at Ernakulam, Kerala and also in our 10th Executive Committee Meeting held on 23/06/2019 at Chandigarh. A decision was taken to obtain legal remedy in respect of both the issues.

In response to the legal notice issued to the Bank by our Legal Counsel, we received a reply informing us that the Board of Directors of the Bank had approved the proposals, subject to approval of Department of Financial Services, (DFS) Government of India, New Delhi. The matters were, therefore, referred to them. We were further informed that the Bank was continuously following up the matter with the DFS and necessary guidelines would be issued for implementation of the Supreme Court's judgement, no sooner the approval of DFS was received in these matters.

We had waited for almost two months and the approval was not forthcoming from the Department of Financial Services, Ministry of Finance, Government of India. As a result of inaction on the part of the Bank/Ministry, we filed Writ Petitions in the High Court of Madras and sought directions to the Bank/ DFS -Ministry of Finance to implement Regulation 26 of the Pension Regulations, 1995 (**Writ Petition No. 22635/2019**) and to grant Second Option for Pension to Compulsorily Retired Employees/Officers (**Writ Petition No. 24615/2019**). The Management, in respect of the first Writ Petition - **No. 22635/2019** filed a counter affidavit on 17.10.2019 through its Counsel, stating therein that the matter was referred to DFS and approval was awaited from them. Since there was considerable delay in filing of reply by the Department of Financial Services, (DFS) Government of India, New Delhi. we have filed yet another Petition in the High Court of Madras for early hearing of the case. Both the matters are being actively followed up with our Legal Counsel.

One of our Comrades is a Compulsorily Retired Officer and he had obtained favourable orders from the Single Bench as well as the Division Bench of High Court of Madras for grant of Second Option for Pension to him. The Bank then preferred an SLP in the Supreme Court . Thereafter, many adjournments took place resulting in non-disposal of SLP. The Petition is now posted for hearing on 16/01/2020.

In view of the inordinate delay caused by the Department of Financial Services, Ministry of Finance in granting approval to the Bank, our Comrade sought information under RTI Act from DFS, seeking to know the status of request made by Union Bank of India in this regard. We learn from our Comrade that DFS has, in response to the application under RTI Act, replied in December 2019, that the **"proposal of Union Bank of India was under examination"**.

We fail to understand the reasons as to why one of the key ministries of the Government, is taking such unduly long time i.e. more than 18 months, to take a simple decision in the matter. Our Comrade has now preferred an appeal with the Appellate Authority in DFS under RTI Act and the reply is awaited.

We have been pursuing these matters organisationally and legally so as to get justice to the aggrieved Employees/Officers.

In the meantime, we understand from reliable sources that the Bank is in the process of finalizing the schemes for implementation of Regulation 26 of Pension Regulations, 1995 and for granting Second Option to Compulsorily Retired Employees/Officers so as to comply with the orders of Supreme Court. We will keep you informed of the developments.

**WE WISH YOU AND YOUR FAMILY A HAPPY PONGAL/MAKARA
SANKRANTHI/BHOGI/LOHRI.**

With kind regards,

Yours comradely,



(N. GOVINDARAJULU)
GENERAL SECRETARY