



Representation submitted to Hon'ble FM, Hon'ble MP and Convener, UFBU

Affiliates of State Bank Retirees' Association is pursuing the issue of revision of pension for a very long time. Continuing efforts, Functionaries of our Affiliate, State Bank of Mysore Pensioners' Commune, submitted a **representation to Smt. Nirmala Sitharaman, Hon'ble Minister of Finance, when she was in Bengaluru on 31.05.2022**, on behalf of Apex Organisation, All India Retired Bank Employees' Association. She said that she is fully aware of the issue of pension revision and the authorities concerned, are at it. She also assured that she would consider the issue of Medical Insurance to all, sympathetically.

On 05.06.2022, a **representations on behalf of Apex Organisation, All India Retired Bank Employees' Association, was submitted to Shri S K Bandlish**, the Convener of United Forum of Bank Unions and also the General Secretary of NCBE at Bengaluru. He assured that the UFBU is serious about the pension revision. It is also pertinent to note that one of the main demands of UFBU is

'update of pension' when Bank Officers/Employees go on strike on 27.06.2022.

Smt. Sumalatha, Hon'ble Member of Parliament was the Chief Guest in a program organized by State Bank of Mysore Pensioners' Commune, our affiliate, held on 12.06.2022. **She accepted the representation regarding Pension Revision and free Medical Insurance coverage for all pensioners. She assured the members that she would certainly take up the issue with the Finance Minister**, she expressed her willingness to lead a delegation to the Finance Minister, if so needed. She also assured that she is prepared to take up the issue on the floor of the house, as these issues pertain to Senior Citizens. She was also sympathetic to the issue of Medical Insurance for all, with payment by the Banks. Efforts for Pension revision and free Medical Insurance for all would continue by all Affiliates and their Apex Organisations, without leaving any stone unturned till achieving of these benefits.

Developments in Legal Struggle

After the dismissal of Writ Appeals filed by the Bank in the case relating to payment of all retiral benefits in terms of Pension Regulations, for not adding of service upto five years to three of members of our Affiliate, State Bank of Mysore Pensioners' Commune who retired under Exit Policy, the Bank has paid arrears along with Commutation of differential pension. Recovery of

amount is only after payment, but not from the date of their retirement, even though the Court has not specified. Therefore, it has since been established that the recovery of Commutation amount is only from the date of payment, but not from the date of retirement. It is pertinent to inform that members of our Affiliate, are the only privileged Bank retirees for whom differential

commutation is paid, with the recovery commencing only from the date of payment, and not from the date of retirement.

The Bank has not paid the Dearness Relief in terms of Pension Regulations. Therefore, the Contempt Petition would be filed, after decision in Clarification Petitions filed by the members, which are pending for disposal. In other cases, the Bank has filed objections regarding payment of Dearness Relief. The Bank has claimed that the Dearness Relief is being paid in terms of Bipartite Settlement and as per Instructions of Indian Banks' Association. The Bank is paying Dearness Relief as is being paid in the Banking Industry. The Bank has also claimed that the petitioners cannot be allowed to any unjust enrichment by claiming benefit under different bipartite settlement. These claims have already been answered by Hon'ble Supreme Court in several Judgments, including those by Constitution Benches. Point by point rejoinders have been submitted duly quoting various judgments. State Bank Retirees' Association is pursuing the following issues through Courts of Law:

a) Payment of differential Commutation in respect of various occasions, whenever, a portion of the arrears of pension is paid subsequently, b) Payment of five years' benefit to those who retired under VRS – 2001 (in which decisions are expecting shortly), c) Writ Petitions, Writ Appeals, Contempt Petition and Clarification Petitions with regard to payment of pension in terms of existing Pension Regulations, are pending before Hon'ble Supreme Court, Hon'ble High Courts d) Restraining the Bank from obtaining Letters of Undertaking e) Another option for opting Superannuation Benefits f) Extension of all benefits after retirement, to all those who have retired prior to merger.

Cases are being filed shortly, in respect of : a) Payment of Pension and Gratuity for the period of Leave on Loss of pay and also temporary period of service b) Reduction of Pension to two thirds of the eligible amount in respect of Compulsorily Retired Officers c) Launching of disciplinary proceedings, etc. after retirement d) Leave Encashment of Compulsorily Retired Officers and employees retired prior to 2015.

Vilification Campaign by some sections of Affiliates

'Misery loves company' - Mr.Tony A Gaskins Jr

'There are two ways to be fooled. One is to believe what isn't true; the other is to refuse to accept what is true' - Mr.Soren Kierkegaard

'When faced with senseless drama, spiteful criticisms and misguided opinions, walking away is the best way to stand up for yourself. To respond with anger is an endorsement of their attitude' – Mr. Dodinsky

All are aware that payment of pension in terms of erstwhile Associate Bank Pension Regulations, 1995 is one of the many benefits being pursued by State Bank Retirees' Association. Three of our Affiliates requested their members to contribute Rs.5,000/- and have created corpus. The Contribution was voluntary. Every saner soul

understands that legal struggles is a long-drawn battle. The damage caused by the pandemic is known, all over the world. There is no section of population is unaffected. Functioning of all sections is also affected. Judiciary, Retirees' Associations, Banks, etc. are also adversely affected.

Like Society, membership of affiliates has some who, with mala fide intentions, carried misinformation campaign. Those who are not even members of affiliates or who have not contributed to the Corpus, were hell bent on creating hurdles and road blocks by misinformation campaign. When the properties were bought and holiday homes were being created by State Bank of Mysore Pensioners'

Commune, there is overwhelming appreciation by its membership. But, some members of other affiliates, many of them worked in senior position in the Bank commenced vilification campaign. Either they do not know the difference between diversion of funds and investment in any other asset class. They are either ignorant or feigning ignorance. Just like some campaigned for opting for Provident Fund, when Pension Scheme was introduced, some are also exerting some members to withdraw Rs.5,000/-. Some of the members of these affiliates went by their ill advise and chose to withdraw. They have not understood the consequence.

Some of the members including those who occupied senior positions in the Banks are canvassing withdrawal of the amount stating that when an Association is a party in a Court case, the benefits ordered by the Courts would be extended to all. This is absolutely unsubstantiated opinion. Perhaps, they are ignorant of conduct of State Bank of India. The operative portion of the Judgment in Palani's case, where the State Bank of India is also a party, both as an Appellant and a Respondent, is extracted hereunder :

34. Thus, we set aside the judgment rendered by the High Court of Delhi and affirm that of High Courts of Karnataka at Bangalore and the High Court of Madras. The appeals filed by the Banks are dismissed and the appeal filed by the Association is allowed. Resultantly, let the amount which was due and payable be paid with 9% interest, be calculated and paid within four months from today.
(Emphasis supplied)

Here, 'Association' means 'All India Retired Bank Employees' Association'. Some of the affiliates of State Bank Retirees' Association are also affiliates of this Association and the General Secretary of State Bank Retirees' Association is

authorised by this Association to prefer Petitions/Appeals on its behalf. All erstwhile Associate Banks and State Bank of India were either Respondents and/or Appellants. Consequent to the Judgment, even Indian Banks' Association has also advised all its member Banks to extend this benefit vide its Circular No.HR&IR/2018-19/G2/4786 dated 03.04.2018 to all similarly placed pensioners. Still large number of pensioners have not yet been paid arrears of pension by the State Bank of India in terms of this order. Initially, there was instructions by the Bank to extend the benefits out of this Judgment to Retired Officers only. On account persuasion and involvement of SBRA (Coordination Committee then), the benefits were extended to retired Award Staff also. This benefit was not extended in Bhopal and Ahmedabad Circle. Again, benefits were extended upon intervention of SBRA. Consequent to the Judgment by Karnataka High Court in Writ Appeals filed by the Banks, State Bank of Mysore specifically ordered extension of all benefits, if ordered by Hon'ble Supreme Court in Special Leave Petitions filed upon advise by the Senior Advocate, to all those who retired under SBM VRS – 2001. This was subsequent to the order of Hon'ble High Court of Karnataka. Thereafter, payment of Commutation with recovery commencing from the date subsequent to payment was ordered by Hon'ble Supreme Court, wherein, the then Chairman tendered apology, in Contempt Petitions filed by members of our affiliate. Despite order of Hon'ble Supreme Court, despite the Appeals were filed by an 'Association', despite advise from Indian Banks Association, despite specific order by State Bank of Mysore to extend all the benefits ordered by Hon'ble Supreme Court to all those who retired under VRS – 2001 and despite order in Contempt Petition, the Bank has not yet paid several benefits to the beneficiaries. Therefore, this example unequivocally proves that the benefits are not extended to all similarly placed pensioners, despite an Association is also a party.

Therefore, members and leaders of Affiliates should understand that those who are promising payment to all in case the petition is filed by an Association undertaking mala fide, false and mischievous campaign.

The Affiliates, State Bank of Mysore Pensioners' Commune, State Bank of Hyderabad Retired Employees' Association and State Bank of Patiala Retired Officers' Association, campaigned for contribution to the organisations to the extent of Rs.5,000/- from each of the members. A large number of members contributed. On account of technical reasons, these amounts are treated 'capital receipt' and treated as Legal Fund. But, at no point of time any of the functionaries of State Bank Retirees' Association have indicated that these contributions were exclusively for legal expenses, but could also be used for legal expenses. Merely because members were requested to contribute, while explaining the benefit of payment of pension under the statutory Regulations and the list of only those who contribute would be provided to the Courts/Bank, does not mean that these monies are only for legal expenses. Therefore, it is incorrect to say that this money, if invested in any other instrument, is a 'diversion'. Propagating and campaigning based on these conjectures and trying to mislead members is complete disservice to the members. **State Bank Retirees' Association or its Affiliates who are the parties to the litigation in several of the cases involving various issues, would provide the list of those who have withdrawn the amounts they have paid or leaders of the Association who chose to not to be associated with SBRA, to the Courts/Bank.** Since the proceedings have reached an important stage, the time has come to draw a list of such retirees/pensioners who do not have trust or faith in State Bank Retirees' Association or its affiliates. SBRA and/or its affiliates have filed Affidavits stating that it is representing members of its Affiliates.

Withdrawing the amount of Rs.5,000/- contributed by them means that they have withdrawn the authority given by them to represent. Consequently, SBRA or its affiliates cannot represent these members who have withdrawn amount in any case or legal proceedings. Therefore, State Bank Retirees' Association is compelled to provide the list of such members or non-members whom the Association/s is/are not entitled to represent to the Bank or to Court as the case may be. This is because, by withdrawing the amount, they have explicitly withdrawn the authority given to their Association or to SBRA. Not providing such a list would be in fringes of misrepresentation. SBRA would not indulge in such an endeavour. It would be left to the wisdom of those who have withdrawn the amount, to decide or face.

It is also surprising to note that many are not even aware that Deposits in Bank/s is/are also among the investments only, despite working in senior positions in Banks. Buying gold, investment in various securities/instruments such as Government Securities, Bonds, etc. and also in properties are legitimate investments. The Risk, returns and taxation are different. There are risks in each of these investments. It is prudence to note that the functionaries of affiliates of State Bank Retirees' Association are also prudent and have full knowledge. Attributing motives for each of the action or suggestion or decision with conjectures only reflects mala fide intentions. Shockingly, adverse comments and imputing motives to each of the action or suggestion are mostly by the bystanders or those who have not contributed to the organisation. Encouraging and listening to such members is certainly not in the interest of the organisation. Weakening the organisation is not in the interest of members. Unfortunately, such undesirable endeavours are only from those who do not have any right regarding these issues, as they have not contributed. Since, they know that they are not

entitled to claim any benefit and they are sure that they are not getting any benefit, they want some more members should also be deprived of benefits. Misguiding the innocent is treachery. Misrepresentation is an offence. Members who any doubt or questions are requested to contact the functionaries of the affiliates, but not those who are more interested in damaging the cause.

Those who have withdrawn constitutes far less than 10% of those who have contributed. But, in the event of non-extension of benefits to these pensioners by the Bank, these pensioners would lose 100% of these benefits. An amount of Rs.5,000/- does not make any difference, but non-payment of benefit makes huge difference. Payment of enhanced amount of pension every month to those who continue to trust mocks those who have chosen to withdraw the amount, month after month, on every 27th. Those who have chosen to trust their organisation continues enjoy fruits of their trust. State Bank Retirees' Association leaves it to the wisdom of those who do not want to contribute even Rs.5,000/- to their own Association. It is also unfortunate that some of those who have secured arrears of pension on account of decision in 1616 – 1684 case, have also chosen to withdraw.

There are many instances of such misguidance and consequent irreparable damage to those who were misguided, earlier too. Those who have withdrawn have not understood that the withdrawal not only affects the extension of benefit under Regulation 37, but also all other benefits, including Shradhaanjali Scheme, which may be secured legally. Therefore, members of the affiliates are requested to ignore views or comments of those who are more interested in damaging the rightful cause. Those who listen to them are the certain losers, as the benefits which SBRA is fighting for include the following benefits, in addition to dearness allowance in terms of Regulation 37.

- a. Payment of arrears pension to those who retired between 01.11.2002 and 30.04.2005 ;
- b. Another option to change their Superannuation Benefits from that of State Bank of India to that of erstwhile Associate Banks ;
- c. The benefit of Shradhaanjali Scheme ;
- d. Benefit available under Regulation 29(5) to those who retired under VRS 2001 ;
- e. The amount of Commutation recovered out of arrears of pension in respect of :
 1. Specialist Officers who got enhanced pension in terms of Regulation 26 during 2011 ;
 2. Officers retired under Exit Policy, who got pension option during 2016 ;
 3. Those members of Award Staff/Officers who retired under VRS – 2001 after serving over 15 years, but less than 20 years and got pension and pension option during the year 2016;
 4. Compulsorily Retired Employees including Officers who got pension option during 2018/19 ;
 5. Those who retired during 7th Bipartite period (from 1.11.1997 to 31.10.2002), including those who retired under VRS 2001 ;
 6. Those who retired between 01.11.1997 and 31.03.2000, 01.11.2002 and 31.05.2005, 01.11.2007 and 31.05.2010; 01.11.2012 and 30.04.2015 and also between 01.11.2017 and 31.01.2022 will also get commutation amount recovered from arrears in respect of differential Basic Pension ;
 7. Restraining recovery of differential commutation amount from arrears of pension of those who would change their Superannuation Benefits from that of State Bank of India to that of erstwhile Associate Banks ;
 8. Any other instance where a portion of pension is paid later or commutation amount is recovered from the date of retirement, instead of from the date of payment.

f. Reduction of Pension to two thirds of Pension they are entitled to.

The List of those whom the respective affiliate of SBRA or SBRA is not representing is applicable in respect of all the issues, which SBRA is fighting for legally.

These are some of the benefits SBRA is confident of securing through legal intervention. There may be a situation, where even the revision of pension may have to be secured through legal intervention. Therefore, even without considering the benefit under Regulation 37, those who have withdrawn may lose the above listed benefits, which may be far more than Rs.5,000/- they have withdrawn. Almost all sections of

Retirees are likely to get some benefit or other out of legal struggles by SBRA. Members should try being informed, instead of just opinionated. Therefore, all those who have withdrawn the authority without understanding the consequences or had incomplete information or misguided may remit the amount which are credited to the account and duly sending the details of such remittance. For those who are still with those who are hell bent on damaging the cause, this is the one last time; the State Bank Retirees' Association is indulging in bringing sense. Therefore, it is an earnest appeal to all these members who have not yet joined by Rs.5,000/- or withdrawn Rs.5,000/-. They are requested not to ignore.

Holiday Homes established by affiliates

It is the intention of many of our affiliates to leave indelible mark and its members are remembered by generations, after them. Our affiliates are the only Bank Retirees' Organisations to have established Holiday Home/Guest Houses. It is their own, not the ones established by Unions/Associations. State Bank of Patiala Retired Officers' Association is the first to establish one such facility at Patiala. State Bank of Mysore Pensioners' Commune has established

Vishranthi Griha at Bengaluru. After Bengaluru, Mysuru is the most sought after location in Karnataka. State Bank of Mysore Pensioners' Commune is also establishing Mysore Bank Vishranthi Griha at Mysuru also and the **inauguration is on 09.07.2022**. With this members of all affiliates will have their own Guest House/Holiday Home at three locations. All these facilities are available for all members of the Affiliates, subject to such other conditions.

On legal front – Gratuity and Special Allowance

There are many members who are pursuing the cases relating to various aspects of payment of Gratuity in terms of Officers' Service Regulations or Rules. They may also be wondering why SBRA is not pursuing these cases. It is abundantly clarified that the State Bank Retirees' Association would intervene, if and when the litigation reaches Hon'ble Supreme Court. Time has not yet come.

Those who have retired on or after 01.11.2012 are pursuing the case of payment of Pension and Gratuity, duly reckoning the Special Allowance introduced in Joint Note & Bipartite Settlement dated 25.05.2015. The stands the SBRA needs to take is contrary to the stand taken in 1616 – 1684 case. Therefore, SBRA is compelled to desist from intervening at present. Certainly, at the appropriate time, SBRA would intervene