



# STATE BANK OF HYDERABAD Retired Employees' Association (SBHREA)

(Regn No. 1051 of 1986)

State Bank of India, Local Head Office, Amaravati Circle  
Gunfoundry, Hyderabad 500 001

[www.sbhrea.org](http://www.sbhrea.org) e-Mail [sbhrea@gmail.com](mailto:sbhrea@gmail.com) ☎ 040-2338 7475 & 2338 7553

M Chakrapani  
President  
Mob # 9849435499

Uppu Sudhakar  
Working president  
Mob # 6300145853

P V G K Murthy  
Vice President  
Mob # 9704655707

K Rohini Rao  
General Secretary  
Mob # 9701133223

M Laxma Reddy  
Dy General Secretary  
Mob # 9848770505

B Ravi Kumar  
Asst General  
Secretary  
Mob # 9849002322

N V S K Anjani Kumar  
Treasurer  
Mob # 8851515352

Date: 25/03/2025

MEMBERS of SBHREA  
EC members/ MC members

Dear members,

### **Contempt case Reg 37 and other demands filed - SBRA - AIRBEA**

We forward herewith the Contempt Notice dated 13/03/2025 and 21/3/2025 addressed to Chairman, State Bank of India and other bank MD's regarding implementation of the Judgement of Hon'ble SC dated 13/02/2018 and Orders of HC of Delhi in WP No. 12384 of 2024.

Dear friends, many rumours were floated by 'ANTI SBHREA Retirees' propagating to make- believe our members that SBRA has not filed any Contempt petition in SC regarding Reg 37 and other demands in 2020 as promised. Shockingly this campaign was led by an office bearer of SBIPA and one disgruntled member who soaks in a newfound self-style antagonist role and his followers amongst us. SBHREA had time and again exhibited at various times the details of progress in developments regarding filing of Contempt petition and its status. PRECAUTION was taken not to reveal the Contempt petition number in order to save it from getting manipulated /DELAYED by other petitioners by getting impleaded and cause delay/loose the case.

Dear all, by reading the enclosed letter addressed to Chairman, SBI, I am sure all will realise that SBRA and SBHREA have been steadfast in their approach to file the petition in SC. Time has come to realise the malicious propaganda unleashed by these people. Request everyone to be aware of them and keep them at distance. Avoid these rumourmongers and wait for the progress of implementation of favourable judgement given by SC and HC of Delhi.

We request all to read every line of enclosures and satisfy yourself and express your solidarity with SBHREA and SBRA. Keep away from false propaganda and established anti Association persons/ groups.

With greetings

(K. Rohini Rao)  
General Secretary

1. Contempt notice Dt.12/03/25
1. Email to JS, MOF 18/03/25
2. Contempt petition Dt.21/03/25



Ref No. AIRBEA/5525/134

Date : 21.03.2025

The Chairman,  
Indian Banks Association,  
World Trade Centre,  
MUMBAI.

The Chairman, State Bank of India and  
Managing Director and Chief Executive Officers of  
Bank of Baroda, Bank of India, Bank of Maharashtra,  
Canara Bank, Central Bank India, Indian Bank,  
Indian Overseas Bank, Punjab & Sindh Bank,  
Punjab National Bank, UCO Bank  
and Union Bank of India

The Chief Executive Officer,  
Indian Bank Association,  
World Trade Centre,  
MUMBAI.

**Contempt Notice**

Sir,

Under the instructions of our client All India Retired Bank Employees' Association (hereinafter, referred to as 'Association'), we are issuing this Legal Notice under Contempt of Courts Act, 1972 to you as hereunder:-

**Subject : Non-Implementation of the order passed by the Hon'ble Supreme Court in Civil Appeal No.5525/2012 of & connected Matters including Civil Appeal No.6254/2012 (All India Retired Bank Employees' Association Vs. Union of India & Others) and failure to follow directions of the Hon'ble Supreme Court of India. AND thereby, committing.**

**CONTEMPT OF THE JUDGMENT OF THE HON'BLE SUPREME COURT & THE HON'BLE HIGH COURT OF DELHI – Issue of Contempt Notice-reg**

**Reference:**

1. Judgment and Order passed by the Hon'ble High Court of Delhi at Delhi, in Writ Petition No.6907/2002 dismissing the Writ Petition filed by All India Retired Bank Employees' Association vide its order dated 30.03.2012
2. All India Retired Bank Employees' Association preferred Special Leave Petition No.24525/2012, On granting leave with Civil Appeal No.6254/2012 the Appeal is tagged to Civil Appeal No.5525/2012 ;
3. Hon'ble Supreme Court dismissing the Appeals filed by the Banks against the Order of Hon'ble High Court of Karnataka and affirming the Judgment;



*C R Venkataram*  
Advocate

---

4. Final judgment and order dated 13.02.2018, passed by the Hon'ble Supreme Court of India in Civil Appeal No. 5525/2012 and connected matters including Civil Appeal No.6254/2012 wherein the appeals preferred by All India Bank Retired Employees' Association was **allowed** while setting aside the judgment of the High Court of Delhi while affirming the Judgments of Hon'ble High Court of Karnataka while dismissing the Appeals filed by the Banks
5. Order of the Hon'ble Supreme Court in Contempt Petition No.134 of 2024 (Diary No.13216of 2024) dated 01.03.2024 leaving it open to All India Retired Bank Employees' Association to invoke appropriate proceedings in accordance with law in case they have a grievance with regard to non-implementation or improper implementation of the judgment of this Court dated 13.2.2018;
6. Order of the Hon'ble High Court of Delhi in Writ Petition No.12384 of 2024 permitting the Petitioner Association to make a comprehensive representation to the respective Banks on behalf of members who had retired or died while in service on or after 01.04.1998 and before 31.10.2002, bringing forth the grievance with regard to non-implementation/improper implementation of the judgment of the Supreme Court. As and when the representation(s) are received by the respective Banks, including State Bank of India, the same should be considered and decided in light of the directions issued by the Supreme Court within a period of six weeks from the date of receipt of the representation. Reasoned and speaking order(s) should be passed by the concerned Banks and communicated to the representationist(s) along with calculations in support of the order. It would be open to the Association/individual member to take recourse to legal remedies in case of any surviving grievance.
7. Comprehensive Representations sent to Government of India, Indian Banks Association and all Public Sector Banks between 21.10.2024 and 20.11.2024.
8. Comprehensive Representation vide letter No. IBA/CA5525/6254/533 dated 20.11.2024 submitted by the Association to Indian Banks Association along with soft copies of the Comprehensive Representations sent to Public Sector Banks;
9. Conducting Meeting on Residual Issues on 13.03.2025 with Unions and Associations, without making our Association a party,

WHEREAS, Hon'ble Supreme Court in Civil Appeal No.5525 of 2012 and connected matters, decided as under:

*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*

WHEREAS, prayers before Hon'ble High Court of Delhi in Writ Petition No.6209 of 2002 (appeal against the order of dismissal of Writ Petition No.6907 of 2002 is **allowed**) is under:

*(d) Issue writ or direction directing the respondents to grant the benefits of pension to the members of the Petitioners Association as being paid to the retired employees of other public sector undertakings, namely, LIC and RBI;*

*(e) To issue writ or direction directing the respondents to recognize the Petitioners Association in any meetings/conferences/settlement as and when any issues/decisions are decided/taken for/against their behalf;*



*C R Venkataram*

Advocate

WHEREBY, Hon'ble Supreme Court was pleased to 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**.

WHEREAS, all Public Sector Banks which were existing at the time of launching of legal proceedings, were before Hon'ble Supreme Court in Civil Appeal No.5525 of 2012 and connected matters, thereby, all these Banks are bound by the Judgment of Hon'ble Supreme Court, as matter is no longer res judicata and by applying doctrine of merger;

WHEREAS, Indian Banks Association which was the Respondent No.30 and all Public Sector Banks which are also Respondents in Civil Appeal No.6254 of 2012 which was tagged to Civil Appeal No.5525 of 2012 and connected matters are bound by the directions of the Hon'ble Supreme Court in Civil Appeal No.5525 of 2012 and connected matters. Incidentally, Indian Banks Association joined on Caveat.

WHEREAS, Indian Banks Association has advised its member Banks which were parties before Hon'ble High Court of Karnataka to prefer Special Leave Petition and advised all member Banks who are parties to Bipartite Settlement to implement the Judgment dated 13.02.2018 of the Hon'ble Supreme Court 5525 of 2012 and connected matters, time to time

WHEREAS, Hon'ble Supreme Court has affirmed the Judgments of Hon'ble High Court of Karnataka and **allowed** the Civil Appeal of the Association, while dismissing the appeals filed by these Banks and setting aside the Judgment of Hon'ble High Court of Delhi, Indian Banks Association and all Public Sector Banks are bound to extend benefits in terms of orders passed by Hon'ble High Court of Karnataka in Writ Appeals filed by the Banks and Prayers of the Association in Writ Petition No.6907 of 2002, by applying Doctrine of Merger,

WHEREAS, Association and members of the Association are entitled to benefits as listed in Annexure – A in terms of the orders of Hon'ble Supreme Court dated 13.02.2018

WHEREAS, conducting meeting on Residual issues which includes items affecting pensionary benefits on the 13th instant in violation of the directions of the Hon'ble Supreme Court by allowing Civil Appeal No.6254 of 2012 as a part of Judgment dated 13.02.2018 in Civil Appeal No.5525 of 2012 and connected matters, **is a fresh Cause of Action**, the Bank has caused Contempt of Court in this regard, liable for action under Contempt of Court Act.

WHEREAS, Indian Banks Association on behalf of its member Banks entered in to agreement by signing Bipartite Settlement and Joint Note on 08.03.2024 and taking away existing vested and accrued rights at the Back of the Association and not complying with directions of Hon'ble Supreme Court by allowing Civil Appeal No.6254 of 2012 as a part of Judgment dated 13.02.2018 in Civil Appeal No.5525 of 2012 and connected matters, by Indian Banks Association and the Banks which are parties in Civil Appeal No.5525 of 2012 and connected matters has caused Contempt of Court in this regard, liable for action under Contempt of Court Act.

WHEREAS, twelve Banks who were parties before Hon'ble High Court of Delhi in Writ Petition No.12384 of 2024 and in receipt of the Comprehensive Representation have chosen not to provide Speaking orders, passed if any on the Comprehensive Representations, admittedly these Banks have nothing to say beyond explicit orders. Therefore, these Banks are liable to extend not only all the benefits ordered by Hon'ble Supreme Court by allowing Civil Appeal of the Association (in Civil Appeal No.6954 of



*C R Venkataram*

Advocate

2012, thereby allowing prayers in Writ Petition No.6907 of 2002) and benefits out of orders of Hon'ble High Courts of Karnataka which are affirmed by Hon'ble Supreme Court in Civil Appeal No.5525 of 2012 and connected matters.

WHEREAS, submissions by the counsel representing the Public Sector Banks regarding making the Association, a party in Bipartite Settlement is recorded in Judgment in Writ Petition No.6907 of 2012 dated 30.03.2012 and Hon'ble Court has also observed that "*the main grievance of the petitioner is that the Joint Note and the settlement was entered into at the back of the petitioners and their association was not made a party to the settlement*";

WHEREAS, all Banks credited amounts in the name of commutation amount of differential pension after receipt of Contempt Notice from the Association, even though nothing is stated or observed by the Hon'ble Supreme Court in the Orders dated 13.02.2018. However, Hon'ble Supreme Court in its orders in Contempt Petition No.209 – 311 of 2019 specifically stated that

*There is clear and categorical direction that after the retirement of the petitioners they ought to have been paid the correct value of the pension. Precisely, direction has been made to make the revised correct value of commuted pension that would relate back to the date of the retirement. Consequently, the protection taken of Regulation 41, **in our opinion, is not available in view of the clear and categorical order passed by the High Court which has been affirmed by this Court.***

Therefore, Hon'ble Supreme Court has explicitly stated that all parties before Hon'ble Supreme Court are bound by the orders of Hon'ble High Court of Karnataka and having **allowed** Civil Appeal No.6254 of 2012, Indian Banks Association and all these Banks are directed to extend what are prayed for in Writ Petition No.6907 of 2002.

WHEREFORE, Indian Banks Association and all Public Sector Banks have admitted that they have to implement the orders of Hon'ble Supreme Court in Civil Appeal No.5525 of 2012 and connected matters including orders of Hon'ble High Court of Karnataka, which are affirmed by Hon'ble Supreme Court and following directions of the Hon'ble Supreme Court as prayed for in Writ Petition No.6907 of 2012.

WHEREAS, the scope of this notice is not restricted to the following, but includes extension of what are prayed for in Writ Petition No.6907 of 2002, by Hon'ble Supreme Court allowing Civil Appeal No.6254 of 2012 and Judgments of the Hon'ble High Court of Karnataka which are affirmed by the Hon'ble Supreme Court in Civil Appeal No.5525 of 2012 and connected matters:

- a. Recognizing, engaging and making Association by Indian Banks Association, State Bank of India and other Public Sector Banks in terms of directions of Hon'ble Supreme by allowing Civil Appeal No.6254 of 2012 which challenged dismissal of Writ Petition No.6907 of 2002, i.e making Association, a party to the settlement or any meeting where any decision is taken as and when any issues/decisions are decided/taken for/against on behalf of the Association or its Affiliates/Members;
- b. But the Indian Banks Association and other Public Sector Banks have not made Association or Affiliates of the Association a party/parties to the Meeting held on the 13th March 2025 and



*C R Venkataram*

Advocate

meetings with representatives of the Association or its affiliates in clear non-compliance of directions of Hon'ble Supreme Court;

The Banks not considering and deciding on the Comprehensive Representation submitted by the Association in light of the directions issued by the Supreme Court within a period of six weeks from the date of receipt of the representation. These Banks which are Respondents should have passed reasoned and speaking order(s) and communicated to the Association along with calculations in support of the order, within a period of six weeks from the date of receipt of the representation.

Even though six weeks period from the dates of receipt of Comprehensive Representation is over long ago these Banks have failed to comply with the orders of Hon'ble High Court of Delhi. Even though, some Banks have submitted replies, none of them are Speaking Orders with reasoning duly quoting relevant provisions of Pension Regulations and applicable portions of the Judgment. They have also not supplied calculation sheet in respect of each of the claim.

- c. Indian Banks Association and these Banks have entered into Bipartite Settlement and signed Joined Note on behalf of Member Banks, including Banks which are Respondents/Appellants in Civil Appeal No.5525 of 21012 and connected matter and taking away vested/accrued rights and inserting clauses without complying with the orders of Hon'ble Supreme Court in Civil Appeal No.5525 of 2012 and connected matters.

Banks have introduced the scheme of extension of pension to those who have resigned from the services just a few months ago and pension is not being paid in terms of directions of the Hon'ble Supreme Court in Civil Appeal No.5525 of 2012 and connected matters, such as extension of benefits available in Reserve Bank of India Pension Regulations. Therefore, Indian Banks Association and Public Sector Banks are required to revisit and revise the terms of the Bipartite Settlement/Joint Note dated 08.03.2024, in the light of the Judgment of Hon'ble Supreme Court in Civil Appeal No.5525 of 2012 and connected matters, duly making representatives of the Association as a part of the Bipartite Settlement/Joint Note. This is because both Indian Banks Association and Public Sector Banks have entered into Settlement/Joint Note without making representatives of the Association, a party to Bipartite Settlement/Joint Note.

All Public Sector Banks should have passed Speaking Orders on each of the item/benefit claimed in the Comprehensive Representations received from the Association in the light of Judgment of Hon'ble Supreme Court in Civil Appeal No.5525 of 2012 and connected matters (including Civil Appeal No.6254 of 2012 which is **allowed** and Civil Appeals filed by the Banks challenging the Judgment of Hon'ble High Court of Karnataka in Writ Appeal No.4269 of 2011 and connected matters dated 08.03.2012, which are dismissed by Hon'ble Supreme Court). Copies of such speaking orders, if passed have not been provided by any of the Banks. Therefore, Banks are liable for contempt proceedings in terms of Contempt of Courts Act, 1972.

WHEREFORE, actions of the Indian Banks Association and member Banks by not making the Association and/or its affiliates a party to the meetings/Bipartite Settlements, where decisions are taken affecting members of the Association are not only direct disobedience of the explicit orders and/or your



*C R Venkataram*  
Advocate

---

deliberate conduct is aimed at frustrating court proceedings or circumventing eventual decision, thereby undermined the authority of the Hon'ble Courts and obstructing its ability to deliver justice effectively.

WHEREFORE, you are hereby informed and intimated about our right to proceed before appropriate forums, including Hon'ble High Court of Delhi, which is an executing court and Contempt Proceedings before Hon'ble Supreme Court or any other applicable forum, for direct disobedience of the order of the Hon'ble Supreme Court, thereby frustrating court proceedings and undermining the authority of Hon'ble Supreme Court and Hon'ble High Court of Delhi.

WHEREFORE, my client is at full liberty to use all available means as per Law for enforcing the Judgment of Hon'ble Supreme Court in Civil Appeal NO.5525 of 2012 and connected matters, including Contempt Proceedings before Hon'ble Supreme Court and Hon'ble High Court of Delhi.

OR

**Banks shall implement the directions of Hon'ble Supreme Court in Civil Appeal No.5525 of 2012 and connected matters forthwith by extending what is prayed in Writ Petition No.6907 of 2002 and benefits ordered by Hon'ble High Court of Karnataka in Writ Appeal No.4269 of 2012 and connected matters and**

Revisit the Bipartite Settlement/Joint Note dated 08.03.2024 and modify/revise the terms of the Settlement/Joint Note dated 08.03.2024 by

- a. incorporating what is directed/ordered in Civil Appeal No.5525 of 2012 and connected matters vide Judgment/order dated 13.02.2018;
- b. deleting the unconstitutional conditions/provisions
- c. making representatives a party to such Bipartite Settlement/Joint Note

BECAUSE of not making the Association a party in Bipartite Settlement and  
BECAUSE of inclusion of

- a. clauses which are not in conformity with or not in terms of or what is ordered in the Judgment/Orders of Hon'ble Supreme Court in Civil Appeal No.5525 of 2012 and connected matters,
- b. clauses which seek to take away the rights available under the Constitution of India

BECAUSE entered into Settlement/Joint Note at our Back.

This is without prejudice to rights of the Association in invoking appropriate proceedings before appropriate forum at the appropriate time.

(C R Venkataram)  
Advocate



AIRBEA AIRBEA &lt;allindiabankretirees@gmail.com&gt;

## Implementation of the Judgment of Hon'ble Supreme Court in Civil Appeal No.5525 of 2012 and connected matters.

2 messages

AIRBEA AIRBEA &lt;allindiabankretirees@gmail.com&gt;

18 March 2025 at 14:21

To: jsbo@nic.in

Bcc: usir-dfs@nic.in, ir@nic.in

Ref No.:DFS/IB/CA5525-2012/629

Date : 18th March 2025

The Joint Secretary (BO),  
Department of Financial Services,  
Ministry of Finance,  
NEW DELHI

Respected Sir,

We request you to kindly recall your memories of our meeting with you along with Shri B Y Raghavendra, Hon'ble Member of Parliament on the 11th ultimo. We are supplying all the required information to take an informed decision in implementation of the Judgment of Apex Court dated 13.02.2018.

Now, one of those who are affected by non-implementation/improper implementation, Shri Avinash Vaidya, is in receipt of letter dated 11.03.2025 from Indian Bank in response to his letter dated 09.01.2025, addressed to the Secretary, Department of Financial Services, New Delhi. We are enclosing a copy of the same for your immediate reference.

In the said letter, the Bank has stated that the Bank is having its own Pension Regulations and not governed under CCS Rules. It is true that Bank Pensioners are governed by their own Pension Regulations. But there is a provision in Bank Employees Pension Regulations, 1995 in Regulation 56. We are extracting Regulation 56 for your immediate reference:

*56. Residuary provisions:*

*In case of doubt, in the matter of application of these regulations, regard may be had to the corresponding provisions of Central Civil Services Rules, 1972 or Central Civil Services (Commutation of Pension) Rules, 1981 applicable for Central Government employees with such exceptions and modifications as the Bank, with the previous sanction of the Central Government, may from time to time, determine.*

In the absence of explicit provisions with regard to payment of commutation amount of differential Basic Pension, when such amounts are paid later on account of revision in pension for whatsoever reasons, the Bank is compelled to refer to corresponding regulations of Central civil Services (Commutation of Pension) Rules, 1981

In Central Bank of India v. Virender Kumar Suri, 2018 SCC OnLine Utt 1102, Hon'ble High Court of Uttarakhand, decided as under:





Reply to DFS mail 24022025\_Rep of Avinash Vaidya.pdf

470K

**AIRBEA AIRBEA** <allindiabankretirees@gmail.com>

18 March 2025 at 14:32

To: cmdsec@indianbank.co.in

Cc: ir@nic.in

Bcc: cohmpension@indianbank.co.in

----- Forwarded message -----

From: **AIRBEA AIRBEA** <allindiabankretirees@gmail.com>

Date: Tue, 18 Mar 2025 at 14:21

Subject: Implementation of the Judgment of Hon'ble Supreme Court in Civil Appeal No.5525 of 2012 and connected matters.

To: &lt;jsbo@nic.in&gt;

Ref No.:DFS/IB/CA5525-2012/629

Date : 18th March 2025

The Joint Secretary (BO),  
Department of Financial Services,  
Ministry of Finance,  
NEW DELHI

Respected Sir,

We request you to kindly recall your memories of our meeting with you along with Shri B Y Raghavendra, Hon'ble Member of Parliament on the 11th ultimo. We are supplying all the required information to take an informed decision in implementation of the Judgment of Apex Court dated 13.02.2018.

Now, one of those who are affected by non-implementation/improper implementation, Shri Avinash Vaidya, is in receipt of letter dated 11.03.2025 from Indian Bank in response to his letter dated 09.01.2025, addressed to the Secretary, Department of Financial Services, New Delhi. We are enclosing a copy of the same for your immediate reference.

In the said letter, the Bank has stated that the Bank is having its own Pension Regulations and not governed under CCS Rules. It is true that Bank Pensioners are governed by their own Pension Regulations. But there is a provision in Bank Employees Pension Regulations, 1995 in Regulation 56. We are extracting Regulation 56 for your immediate reference:

*56. Residuary provisions:*

*In case of doubt, in the matter of application of these regulations, regard may be had to the corresponding provisions of Central Civil Services Rules, 1972 or Central Civil Services (Commutation of Pension) Rules, 1981 applicable for Central Government employees with such exceptions and modifications as the Bank, with the previous sanction of the Central Government, may from time to time, determine.*

In the absence of explicit provisions with regard to payment of commutation amount of differential Basic Pension, when such amounts are paid later on account of revision in pension for whatsoever reasons, the Bank is compelled to refer to corresponding regulations of Central civil Services (Commutation of Pension) Rules, 1981

In *Central Bank of India v. Virender Kumar Suri*, 2018 SCC OnLine Utt 1102, Hon'ble High Court of Uttarakhand, decided as under:

9. *We would think that we need not be detained, in our judgment, with the argument of the learned counsel for the writ petitioner in this regard. However, we only wish to make it clear that this will not stand in the way of the Bank, if it considers it appropriate and if it is advised to do so, to invoke Regulation 56 of the Regulations read with Rule 19 of the Rules.*

We also refer to Circular of Indian Banks Association vide Cir No.HR&IR/KU/2015-16/G2/1506 dated 17.10.2015 wherein relevant portion of the Judgment of Punjab & Haryana High Court in LPA 789/2013 which dealt with application of Regulation 56 is extracted.

24. *A perusal of Clause 12 of the settlement makes it abundantly clear. . . . . Similarly, Regulation 56 deals with a situation where a doubt arises in the matter of application of the pension scheme and mandates to clear that doubt by referring to the "corresponding provisions of Central Civil Services Rules 1972 or Central Civil Services (Commutation of Pension) Rules, 1981 applicable for Central Government employees with such exceptions and modifications as the Bank, with the previous sanction of the Central Government, may from time to time determine.". No such doubt is shown to exist as could necessitate a reference to corresponding provisions of Central Civil Services Rules 1972 or Central Civil Services (Commutation of Pension) Rules, 1981 applicable for Central Government employees.*

Above extracts from the Judgments clearly provides for application of Regulation 56 of the Bank Employees' Pension Regulations, 1995. Therefore, it is incorrect on the part of the Bank to say that CCS Rules are not applicable. On the contrary, Rule 6 and 10 of the Central Civil Services (Commutation of Pension) Rules, 1981 must be applied.

When these employees/officers retire, if they have applied for one third of their Basic Pension and the Bank having sanctioned one third of Basic Pension, Bank is obligated to pay commutation amount of differential Basic Pension, whenever there is enhancement of Basic Pension. Therefore, the Bank is required to apply as it is clearly provided in Rule 10 that "*For the payment of difference the applicant shall not be required to apply afresh*". Therefore, the Bank is duty bound to pay commutation amount of differential basic pension.

It is also shocking to note from the calculation sheet provided by the Bank that, the amount of differential commutation paid is Rs.1,05,412/- (623 X 14.10 X 12). But, the amount recovered stating that 'excess pension paid due to less Commutation (623 X 180)' is Rs.1,12,140/-. It is amusing to note that this pensioner has to pay monies instead of receiving the amount on account of favourable Judgment of the Hon'ble Supreme Court. Let alone legal provision, these Banks being 'State' have to be fair. They cannot recover, monies which Banks have never parted.

This Bank is also a Respondent in Writ Petition No.42850/2001 before Hon'ble High Court of Karnataka. The Bank did not prefer Writ Appeal against the Judgment allowing Writ Petitions. But both Allahabad Bank and Indian Bank are Respondent in Civil Appeal No.6254 of 2012. On account of these two reasons, the Bank is bound to pay differential commutation. The Bank is bound to pay differential commutation not only in terms of Regulation 41 and 56 read with Rule 6 and 10 of the Central Civil Services (Commutation of Pension) Rules, 1981, with reduction/ recovery commencing from the date of payment, but also in terms of para 6 of the Orders of the Hon'ble

Supreme Court in CCC 209 – 311 of 2019 in H G Srinivas Prasad & Ors. Vs. Rajnish Kumar. The para 6 is extracted, hereunder :

*6. We are of the considered opinion that the shelter of Regulation 41 cannot be adopted by the respondent so as to deprive the revised commuted value of the pension taking into consideration the dearness allowance. **There is clear and categorical direction that after the retirement of the petitioners they ought to have been paid the correct value of the pension. Precisely, direction has been made to make the revised correct value of commuted pension that would relate back to the date of the retirement. Consequently, the protection taken of Regulation 41, in our opinion, is not available in view of the clear and categorical order passed by the High Court which has been affirmed by this Court. Thus, we have found that the respondents have to make the payment in due compliance of the order.** It is assured to us that the payment would be made within four weeks. Let the payment be made, as assured, within four weeks and compliance be reported within six weeks. In case the compliance is not reported by the respondents, they shall be liable for further proceedings under the contempt of Court by this Court.*

We are enclosing a copy of the Compliance Affidavit filed by State Bank of India, which evidences applicability of above portion. Despite bringing this fact to the notice of the Bank by way of Contempt Notice during 2019 and 2020 and also in Comprehensive Representation, the Bank continues to deny rightful, legally entitled and court ordered benefits. This is the problem which is in all Banks.

Respected Sir, this is one of the benefits which our members are entitled to in terms of the Judgment of Hon'ble Supreme Court in Civil Appeal No.5525 of 2012 and connected matters dated 13.02.2018. We request your kind indulgence and slice of valuable time in resolving the issue. We request your kind assistance in enforcing orders of the Hon'ble Supreme Court. We are requesting your assistance and advise because those who are affected are those who have served these Banks and contributed their sweat and blood. It is over twenty five years since they have retired. They have not seen and enjoyed the fruits of success in their legal battle, even after a period of over two decades. It is painful to inform you that some Banks have even recovered an amount out of their pension, even though they, the pensioners, succeeded in their legal battle.

With folded hands, we pray, plead and request you to put an end to contempt proceedings, agitation, re-agitations, representations, etc. These acts of these Banks are not helping the Banks either, which we have seen in the case of the State Bank of India. State Bank of India has paid interest and cost, which could have been avoided, if the Bank were to extend the benefits. Before we part, we request your good self to help Senior and Very senior Citizens in the last quartile of their life to see the fruits of success in legal battle in their lifetime. Please help us.

Thanking you,


With regards,


C N Prasad  
Secretary and  
Authorised Signatory

Mobile No.: 97400 72620

---

2 attachments

 **Affidavit of compliance -H.G.Srinivasa Prasad matter.pdf**  
118K

 **Reply to DFS mail 24022025\_Rep of Avinash Vaidya.pdf**  
470K