

Payment of Pension duly adding notional service to the maximum extent of five years under Regulation 29(5) for those who retired under VRS – 2001 & Exit Policy 2006-07 & Pension based on last ten months' Pay for those who retired during the period from 1.4.1998 to 30.04.2005 - Judgment of Hon'ble Supreme Court dated 13.2.2017

Those Pensioners of Banks including eAssociate Banks who retired under Voluntary Retirement Scheme – 2001 and Exit Policy -2005/06 were denied payment of pension duly adding notional service to the maximum extent of five years as available under Regulation 29(5) of Bank Employees Pension Regulations, 1995. Hon'ble Supreme Court ordered payment of this benefit to similarly placed retirees in Bank of India & Ors. Vs Mohandas & Ors during the year 2009. Based on this Judgment, Indian Banks Association advised member Banks to extend this benefit vide No. CIR/HR&IR/76/L-43H/G2/2009-10/1134 dated 17.8.2009. However, payment of this benefit was not extended to similarly placed retirees of eAssociate Banks, with the exception of State Bank of Patiala, for the reasons which does not pass touchstone of law, forcing retirees to pursue legal recourse. While Pensioners of all other Banks, with the exception of Pensioners of eAssociate Banks have received payment of this benefit during 2009 itself, Pensioners of eAssociate Banks were compelled to continue legal battle.

eAssociate Bank Retirees, through their organisations continued to represent to the then Chairmen for extension of this benefit. In the last Annual General Meeting of State Bank of Mysore, one of us appealed for extension of this benefit. Despite positive assurance, this was not extended.

In the meantime, State Bank of Mysore filed Special Leave Petitions/Civil Appeals against the orders of Hon'ble Karnataka High Court dated 8.3.2012. In this order, High Court differentiated State Bank of Mysore's case and ordered payment of cost of Rs.10,000/- along with interest to each of the 179 Respondent Petitioners. Thereafter, similar orders were passed by Hon'ble Karnataka High Court in five batches involving 436 respondent-pensioners during the years 2013 – 14.

On the 13th instant, Bench of Hon'ble Supreme Court, consisting Hon'ble Justice Arun Mishra and Hon'ble Justice Amitava Roy, with full authority at their command dismissed appeals filed by our Bank. They were pleased to confirm the Judgment of Hon'ble Karnataka High Court, which had ordered cost of Rs.10,000/- payable to each of the Pensioner-petitioners. Hon'ble Supreme Court has also ordered payment of interest at 9% on the arrears of Pension from the date of their retirement.

These cases also involve payment of Pension of those who retired between 1.4.1998 and 30.4.2005, duly considering average of last ten months' 'Pay' instead of Pre-revised Pay plus Dearness Relief thereon upto 1616 points of CPI (as provided in para 16 of 7th Bipartite Settlement/Joint Note). However, this was rectified with effect from 1.5.2005 through Record Note of discussions dated 2.6.2005. However, payment difference in pension alongwith Commutation thereon from the date of retirement till 30.4.2005 was denied. This issue was also agitated both before Hon'ble Karnataka High Court as well as Hon'ble Supreme Court, not only by the pensioners of State Bank of Mysore, but also by some other Banks. Hon'ble

Supreme Court has also ordered payment of this benefit also alongwith interest at 9% from the date of retirement.

In view of the decision of the highest Court of Law in the country, we request you to kindly order extension of both these benefits to every similarly placed Pensioners of eAssociate Bank, alongwith interest at 9%, immediately. Please also consider their advanced age, sympathetically and kindly order payment of these benefits. We note to submit a copy of the orders of Hon'ble Supreme Court, immediately after it is made available. We are enclosing a copy of the Judgment of Hon'ble High Court of Karnataka upon which State Bank of Mysore preferred appeals, for your immediate reference.

We also request you to kindly provide an audience of couple of minutes to enable us to present our issues in person.

Thanking you,

With regards,

C N Prasad & V Sombabu
Convenors