



# ALL INDIA BANK PENSIONERS' & RETIREES' CONFEDERATION

(A.I.B.P.A.R.C.)

C/O BANK OF INDIA OFFICERS' ASSOCIATION

(EASTERN INDIA BRANCHES)

BANK OF INDIA, KOLKATA MAIN BRANCH

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CIRCULAR NO. 13/17.

08.03.2017.

(For circulation among all the members of the Managing Committee as well as the Governing Council of AIBPARC, Special Invitees, State Secretaries and Advisors of AIBPARC.)

Dear Comrades,

Sub : Proceedings at RLC Office on 28<sup>th</sup> February, 2017.

We reproduce hereunder the text of circular no. 005/2017 dated 06.03.2017 for information of members.

With best wishes,

GENERAL SECRETARY

QUOTE :

CBPRO CIRCULAR 005/2017

Dated: 06.03.2017

Dear Comrades,

Sub: Report on the Proceedings at Regional Labour Commissioner Office on 28.02.2017.

The conciliation proceedings which was adjourned on 24.01.2017 to 28<sup>th</sup> February, 2017 took place on the scheduled date. On behalf of CBPRO Com. K.V.Acharya, Joint Convener, Com. S.B. Gokhale, Vice President Federation of SBI Pensioners Associations Com. R.S. Rajiwdekar of SBI Pensioners Association Mumbai, Com. K.S. Rengarajan, Com. R.R. Pawar, Com. R.M. Joshi and Com. R.V. Kamath from AIBPARC participated in the proceedings. Due to the strike call given by UFBU both AIBOC and AIBEA did not attend the proceedings and sent their letters to that effect. However IBA participated in the proceedings this time and also submitted a letter dated 15.02.2017 addressed to the Respected Assistant Labour Commissioner. The proceedings lasted for more than one hour and the CBPRO team gave a very powerful presentation in regard to the issue of 100% DA Neutralization which was arbitrarily denied to Pre-2002 Retirees.

1. During the proceedings we produced the copy of Record Note signed by IBA and various constituents of UFBU during the 8<sup>th</sup> Bipartite Settlement which clearly proves the fact that IBA had a clear mandate from the Member Banks to discuss all the issues concerning the Bank Pensioners and Retirees submitted by the UFBU constituents in their Charter of Demands and the Record Note itself contains Quote **"In the Charter of Demands submitted by Workmen Unions/Officers Associations for revision of wages and service conditions, certain demands pertaining to the Superannuation Benefits/issues of Retirees were raised. These issues were discussed in detail on various occasions during the course of negotiation on the Charter of Demands"** Unquote.
2. Further we pointed out that the IBA cannot maintain that Quote **"Contractual relationship does not exist between Banks and Retirees"** Unquote as Bank Employees Pension Regulations are Statutory Regulations. The same were passed by the respective Bank Boards, Approved by Government of India and duly published in the official Gazette of Government of India. Hence there is a statutory relationship between Banks and Retirees.
3. The said Record Note contains various other issues of the Retirees including extending Dearness Relief at 100% compensation to all Pre-November 2002 Retirees as in the case of Post-November 2002 Retirees and IBA itself had agreed to consider this particular issue on a humanitarian point of view after examining the feasibility of providing 100% DA to Pre-November 2002 Retirees based on a detailed costing exercise. Later on the IBA had also completed the

costing exercise but now dragging their feet on the ground that the Hon'ble Supreme Court had dismissed the Civil Appeals of some of the individual Retirees against the Hon'ble Madras High Court Division Bench order. In our submissions we made a strong case that with the Hon'ble Supreme Court judgment, the oft-repeated assertions of IBA that earlier they could not help to resolve the 100% DA issue as the same was matter Sub-Judice is no longer there and now in view of the Hon'ble Supreme Court order the way is cleared to resolve the issue amicably that too when the IBA had earlier conceded in the record note that the issue would be considered from a humanitarian point of view. The IBA has also already completed the required costing exercise in this regard.

4. We also furnished to the Respected Assistant Labour Commissioner the Standard Format of Mandate given by all the Member Banks. In Chapter IV of the Mandate Format the issues of Retirees in respect of Superannuation Benefits were also mentioned in detail.

5. We also submitted the copy of the Joint Note and Settlement signed between the Officers Associations and Unions. The said Joint Note and Settlement only amended the formula of payment of Dearness Relief Quote "**on and from 1<sup>st</sup> February Dearness allowance shall be payable for every rise or fall of 4 points over 2288 in the quarterly average of the All India Average Working Class Consumer Price Index (General) based 1960=100 at 0.18 percent of Pay**" unquote. Nowhere the said Joint Note or Settlement denied the extension of 100% DA to Pre-2002 Retirees.

6. We also pointed out that DA relief is given only to protect against the harshness of price rise and the same is equally harsh on Serving Employees and Officers, Post-2002 Retirees and also on Pre-2002 Retirees. The seller doesn't make any discrimination between the Serving Employees and Retirees and denial of 100% DA relief to Pre-2002 Retirees is discriminatory, arbitrary and illegal.

**Dear Comrades**, we will be giving a separate exhaustive letter to the Respected Assistant Labour Commissioner in respect of the submissions made by Indian Banks' Association vide their letter dated 15.02.2017.

Respected Assistant Labour Commissioner after hearing the arguments from CBPRO and IBA stated that she would require time to study the Hon'ble Supreme Court Judgment and Division Bench of Madras high Court in respect of 100% DA case and will advise next date of hearing later on. The Respected Assistant Labour Commissioner also advised CBPRO not to proceed on agitational program in view of the ongoing conciliation proceedings.

**Dear Comrades**, a very effective presentation has been made by CBPRO team and we expect a favourable development in the proceedings. We also suggested to IBA that they should come out with acceptable proposals as per the provisions of Bank Employees Pension Regulations and the Settlements between Workmen Unions and Officers Associations. Meanwhile we will continue our interactions with the Ministry Officials also so that the resolutions of the issues can be expedited.

With warm regards

Yours Comradely,



**A.Ramesh Babu**



**K.V.Acharya**

**Joint Conveners CBPRO**