



# ALL INDIA BANK PENSIONERS' & RETIREES' CONFEDERATION

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

C/O BANK OF INDIA OFFICERS' ASSOCIATION

(EASTERN INDIA BRANCHES)

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(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 Comrade,

**Sub : 2<sup>nd</sup> option of pension for Compulsorily retired officers/employees.**

Members are aware that AIBPARC/CBPRO has been assiduously fighting for the above cause. The UFBU representing workmen and officers of the banking industry have also been making similar such requests to IBA for a long time. At long last, CBPRO has been informed by the officials of IBA on 16<sup>th</sup> March, 2018 that the issue has been resolved and IBA (HR & Industrial Relations) has already issued instructions to Chief Executives of member banks which are parties to the bipartite settlements to implement the instruction of allowing 2<sup>nd</sup> option of pension for compulsorily retired employees/officers.

2. Immediately on receipt of the telephonic information, the conveners of CBPRO sent a brief message to all the components of CBPRO which is being quoted hereunder for information of all concerned :

Quote :

“We are glad to inform that IBA has issued communication to banks regarding extension of 2<sup>nd</sup> option for pension to compulsorily retired members. The eligible members will be allowed to opt for pension on the same terms and conditions as mentioned in joint note of 2010 with regard to refund of CPF amount. Detailed circular follows”.

- Unquote.

3. In the circular of IBA, it has been made clear that 2<sup>nd</sup> option of pension was however, not made available to the employees/officers who were compulsorily retired by the bank. As such, some of these aggrieved employees/officers approached different hon'ble high courts seeking relief in the matter. Various hon'ble high courts viz. Andhra, Madras, Madhya Pradesh, Punjab & Haryana and Patna have ruled in favour of the employees/officers who were compulsorily retired. However, hon'ble Delhi High Court has taken a contrary view on technical ground.

4. The Managing Committee of IBA made application of mind over the subject and decided to seek legal opinion on all the judgements and wanted to ascertain whether 2<sup>nd</sup> option of pension might be allowed to all employees/officers who were compulsorily retired from bank's service between 29.09.95 to 27.04.10 or only selectively to those who approached the bank for the same. The legal opinion asserted, inter alia, that banks being "state" within the ambit of article 12 of the constitution of India should act in a fair and reasonable manner and should not restrict the opportunity only to those who demanded it. Such stand may invite strictures from the courts. The Managing Committee of IBA concurred with the legal opinion.

5. To work out the methodology, a meeting of the GMs (HR) was convened on 28.02.2018 at IBA. A consensus has been arrived there to extend the option of pension to compulsorily retired employees/officers on the same terms and conditions as are mentioned in the bipartite settlement/joint note dated 27.04.2010. As per agreed terms and conditions of the said bipartite settlement/joint note, pension/family pension shall be payable with effect from 27<sup>th</sup> November, 2009 provided that the officers/employees who are compulsorily retired after that date shall get pension from the respective dates of such retirement.

6. We have extensively quoted from IBA circular no. HR/IR/CIR/G2/BRK/4684 dated 16.03.2018 so that members can have a fair idea about the perspective of the whole issue. We are really happy for the persons who suffered for a long time and ultimately got the justice. We have received queries from a good number of private sector banks as to whether the benefit would be extended to all such banks. We find that the IBA circular is addressed to the Chief Executives of all member banks which are parties to the bipartite settlement. The caption is well clarified in itself and we hope that there will be no problem in this regard.

With best wishes.

( SUPRITA SARKAR )  
GENERAL SECRETARY