



**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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Date:26.09.20.

Circular 82---20.

**For circulation among members of Governing Council, State Secretaries,  
Special Invitees and Advisors.**

Dear Comrade,

**Sub: Issue of Resignees ---A demand for 2nd option to opt for Pension.**

We have sent an elaborate representation on the above issue for kind consideration of the Finance Secretary, Government of India and a copy of the letter has been endorsed to The Joint Secretary, DOFS for his kind information also.

A copy of the letter is being reproduced hereunder for information of members.

With best wishes and regards,

Comradely yours,

Suprita Sarkar  
General Secretary

Quote:

Dr. Ajay Bhushan Pandey,  
Finance Secretary,  
Government of India,  
128-A, North Block,  
New Delhi – 110 001

Respected Sir,

**Sub: Pension for Resignees of Public Sector Banks**

We, the All India Bank Pensioners And Retirees Confederation (AIBPARC), an independent apex body representing more than 100,000 Bank Retirees and Pensioners, place before you a very sensitive issue related to a very small lot of unlucky employees from public sector banks who had resigned from the services of the Banks during the period between 1995 and 2010 and seek your kind intervention in resolving their decade old representation for second option for pension.

Sir, the aforesaid terminology has been a familiar one in Banking Industry because of the fact that the right to opt for Pension has been denied to this small section of Officers/Employees on the ground that they had resigned from the services of the Bank.

1. The Pension Regulations in Banks formally came into existence in October, 1995. Initially there had been a draconian clause that persons participating in strikes shall become ineligible for Pension. As a result of the existence of such a clause, many Employees/Officers hesitated to opt for Pension. This clause was removed in the year 1997 but after its removal, no fresh option was offered to the Employees/Officers. As a result of this, many willing Employees/Officers remained outside the purview of the Pension Scheme.

2. As per the provisions of Pension Rules, Employees/Officers who have put in more than 20 years' service can opt for 'Voluntary Retirement' and shall be eligible for pension and in their case the actual service shall be increased by a period not exceeding five years, so however, that the total qualifying service of such employee shall not in any case exceed thirty-three years and also shall not take him beyond the date of superannuation.

3. Subsequent to the implementation of Pension Scheme effective from 29-09-1995, Employees/Officers who have not opted for pension but wanted to leave the job on account of severe medical or compelling domestic reasons, had to "resign", even though they have served the institution for more than 20 years.

4. As an outcome of prolonged struggle culminating in arriving at an Industry level settlement on 27-04-2010, second opportunity for opting for Pension was allowed to all the Employees/Officers who were in the services of the Bank prior to 29<sup>th</sup> of September 1995. Such of those Employees /Officers who were in the services of the Banks as on 27<sup>th</sup> April 2010 were given the option to pension subject to their surrendering the Management's contributions of PF amount accumulated and paying 1.6 times of revised pay towards pension cost. The similar category of Employees/Officers retired after 29<sup>th</sup> September, 1995 but before 27<sup>th</sup> April 2010 were given the option subject to their

refunding the Management's portion of PF plus interest received by them and an additional payment of 56% of the same towards pension cost.

**5.** However, while extending the second option of pension in April 2010, the Employees and Officers who had resigned from the services of the bank, the Officers who had 'Voluntarily Retired' as per the provisions available under a scheme within the Banks' Officers Service Regulations and the Compulsorily Retired Employees/Officers as a part of Disciplinary action were made not eligible for the pension option.

**6.** It is also relevant to mention here that the Employees and Officers Resigned between 1-11-1993 and 29-09-1995 after serving the Bank after 20 years of service were given pension option for the reason that Pension Scheme was signed on 29-10-1993 but the Regulations were adopted belatedly by Banks in October 1995. All such persons have been granted pension by the Banks treating their 'resignation' as voluntarily retirement under Pension Regulations in accordance with the instructions given by IBA vide its communication to Member Banks dated 4-01-1996.

**7.** After protracted legal battle, in November 2012, the Officers who had voluntarily retired as per the provisions available under a scheme within the Banks' Officers Service Regulations were given the option for pension.

**8.** Later in 2018, the Employees and Officers who were Compulsorily Retired from the services of the Banks as a punishment during the period between 29.09.1995 and 27.04.2010 were also given second option for pension.

**9.** However, the Employees and Officers who have resigned between 29-09-1995 and 27-04-2010 after serving for the requisite period of 20 years are being deprived of the second option for pension. The number of such cases may not even 1 % of the total pensioners in the Banking industry and our appeal is to look in to the case of this unfortunate section of Bank Employees and Officers.

**10.** A very important point in favour of the justifiability of the claims of this group is that the similarly placed (resigned) Officers of many Banks have got the pension option just because there was a scheme of "Voluntary Retirement" under their Officers' Service Regulations for those who have served for more than 20 years. Unfortunately, only in few banks like Vijaya Bank, Indian Bank, Dena Bank etc., no such scheme was existing even though they were governed by the Nationalised Banks Rules and Regulations.

**11.** Many numbers of cases of Resignees are pending in various Courts. In certain cases, the Courts have decided in favour of the Retirees too. To cite a few-

- a) 22(Twenty-two) such Officers of Vijaya Bank successfully fought the legal battle up to Supreme Court and by a favourable judgement of 2013 of the Apex Court. they got the right to opt for Pension. It is unfortunate that the said Bank, did not extend the benefit to the similarly placed other Employees and Officers.
- b) As per the Order of Single Bench of Orissa High Court, UCO Bank extended pension to employees who left the service after completion of qualifying service by submitting "Resignation".
- c) As per the Order of Single Bench of Allahabad High Court, Punjab & Sind Bank extended pension to employees who left the job after completion of qualifying service by submitting "Resignation".

- d) In terms of the Order of Single Bench of Punjab & Haryana High Court, Punjab National Bank provided pension to two different petitioners who left the services after completion of qualifying service by submitting "Resignation".
- e) As per the Order of Single Bench of Rajasthan High Court, Punjab National Bank provided pension to employees who left the services after completion of qualifying service by submitting "Resignation" .
- f) IBA itself on 27/01/2016, advised PNB to provide Pension option to employees who terminated their services voluntarily after completion of qualifying service by using the word "Resignation" for joining PNB Gilts Limited.

**12.** From the para 11 above it is evident that there is no uniformity even among the so called "Resignees". The principle of Honest Litigation Policy has not been followed in the present case and several older citizens of the country have been forced to waste money and time. Different Court cases are pending in different High Courts and in some cases, the verdict has gone the either way. The IBA usually take the legal battle to the apex Court and in the process of prolonged delivery of justice, many such Resignees may not remain in the world to witness the fruits of battle for justice. Interestingly, in the whole process the act of Resigning from the Banks' service is so serious that it has become unpardonable whereas persons who were dismissed, removed, terminated, compulsorily retired under penal action or prematurely retired in the public interest are made eligible to draw their pension.

Under the circumstances, we earnestly appeal to your goodselves to view this entire issue in a pragmatic manner and grant justice to this small section of Bank retirees (the Resignees) who are running pillar to post, seeking justice.

We hope that you will consider the matter sympathetically.

Thanking you,

Yours faithfully,



General Secretary

Copy to : Shri Amit Agarwal  
Joint Secretary, DFS  
Govt. of India  
North Block,  
New Delhi- 110 001