



ALL INDIA BANK RETIREES' FEDERATION

D-1/1, Sector-C, Scheme-71,
Near Kasara Bazar School, Indore – 452 009.

Ref. No. 2012/1105

21.12.12

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Sri Anindya K. R. Basu

Sri Pratap Shukla

Dr.G.S.Jog

Treasurer

Sri M.S.Chourey

The Office Bearers/Central Committee Members
A.I.B.R.F

Dear Sir,

Re: Madras High Court Decision on 100 Percent DA Neutralisation to Pre November 2002 Retirees

We are pleased to inform you that Madras High Court has recently delivered judgement on the issue of 100 percent DA neutralisation to pre November 2002 retirees, allowing the writ petitions filed by 81 bank retirees of 3 banks namely Canara Bank, Bank of Baroda and Indian Overseas Bank and asking banks to extend benefit of higher DA rates to the petitioners as per the 8th Bipartite Agreement/Joint Note. We enclose copy of the judgement for your information and ready reference.

2. We congratulate 81 comrade retirees who fought this legal battle which involve large number of bank retirees successfully.

3. How important this judgement is for large number of bank retirees can be understood from the fact that it involves more than 1 lakh bank retirees who retired prior to the date of November 2002 , family pensioners prior to the above date and pre-1986 retirees who get ex-gratia payments. This judgement is also significant from the point of view that the issue has remained unresolved even during 9th settlement and is pending for last 10 years despite all our efforts at the organisational level. On carefully scrutiny of the judgement we find that it directs the bank to implement revised DA formula as per the provisions of 8th settlement. In other words arrear will have to be paid from February 2005. Therefore it involves significant financial benefits by way of arrear for about 8 years to large number of retirees. In view of this, it becomes highly important for us to ensure its implementation at the earliest.

4. We would like to draw your attention on the following observations/principles laid down by the bench while delivering the judgement in the case:

(a) The Supreme court opined that in case the claim is essentially a revision and not a new retrial benefit the existing employees are all entitled to the benefits (D.S.Nakara V/S Union of India Case)



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(b) The Supreme Court in Justice S.S.Dewan, made the position very clear that in case it is upward revision in the existing pension scheme, the pensioners are all eligible to claim the benefits

(c) The redefinition of pay for the purpose of pension cannot be treated as a new scheme. The pay as defined originally underwent change by the 8th Bipartite Agreement/Joint Note. Accordingly, the formula for determining pension was revised. The law laid down in D.S.Nakara and as explained subsequently in Justice S.S.Dewan that change of formula should be treated as upward revision of existing scheme. The 8th Bipartite Agreement/Joint Note has not evolved a new scheme. The existing scheme continued as such with slight modification with respect to the payment of dearness relief at the rate of 0.18 percent of the basic pension. The bank now wanted the pensioners to be classified into two categories without any material change introduced in the pension scheme. Even though re- definition of pay for the purpose of pension was introduced by the 8th Bipartite Agreement/Joint Note dated 2 June 2005 the benefits were extended even to those who have retired during the period 01.11.2002 to 30th April 2005. The classification therefore nothing but artificial and arbitrary and it was not on the basis of any rational principle. The banks, by restricting the benefits of the new definition of pay for the purpose of the pension to the employees who have retired earlier essentially created class within a class.

(d) The All India Overall Working Class Consumer Price Index the same not only for the employees who have retired subsequent to the 8th Bipartite Agreement/Joint Note but also for others like the petitioners who retired before the cut-off date in question. Therefore, the benefits of such redefinition should be given to all the pensioners without any distinction.

5. We propose to move as under to ensure early implementation of the order:

(a) To write to IBA/ Government/Management of 3 banks for immediate implementation of order not only for the petitioners but for all similarly placed retirees as per the contents and spirit of the order and not to prefer appeal to delay implementation of the order for senior citizens;



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(b) To write to UFBU Convenor and all 9 constituents with a request to help and support its implementation as 100 percent DA neutralisation is also part of their charter of demands submitted for 10th settlement.

(c) Office bearers of AIBRF will meet UFBU Convenor, leaders of other constituents of UFBU to seek their support and persuade them to write to IBA/Govt on this issue.

(d) To take other appropriate actions in consultation with experts

(e) To do periodical review and initiate necessary action which deem necessary

Your suggestions/ views in the matter are welcome.

Yours Sincerely,

(S.C. JAIN)

GENERAL SECRETARY

Released by:

ALL INDIA

CANARA BANK RETIREES' FEDERATION (Regd.)

14, Second Line Beach, Chennai – 600 001.