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State Bank of Patiala
Retired Officers' Association (Regd.)
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(An Affiliate of "CBPRO" - COORDINATION OF BANK
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General
Secretary
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Circular No. 36 of 2017-20

Dated 12th September 2019

Dear Colleagues,

Payment of Commutation and Dearness Relief under Regulation 37 in respect of those who retired during the period from 1.4.1998 to 30.04.2005 – Contempt Petition No.209/2019

We have informed about and forwarded the orders of Hon'ble Supreme Court in our Contempt Petition. Even though we had not thought about claiming payment of Dearness Relief in terms of Regulation 37, as on the date of retirement, when we filed the Writ Petition, we tried to include this benefit in Contempt Petition. However, Hon'ble Judge had decided not to consider our request and we are successful in including this issue in the orders. Only State Bank of Mysore VRS retirees who were petitioners got arrears with interest at 9%. Therefore, there is incentive for joining the legal struggle.

But, this has given us a lot of advantages. Now, delay and latches are not applicable, even though we are filing Writ Petition now and we can secure higher rate of interest by bring various aspects to the notice of the Court. We can also fight for extending this benefit to entire erstwhile Associate Bank pensioner community.

In this connection, Office Bearers of our Commune in their meeting decided as under :

- a. To file Writ Petition in respect of 7th, 8th, 9th and 10th BPS retirees regarding payment of Dearness Relief as per Regulations ;
- b. To collect Rs.5,000/- now and Debit Authorisation for a sum equivalent to two months' arrears in respect of 10th Bipartite retirees ;
- c. To collect Rs.5,000/- now and Debit authorisation for a sum equivalent to 5% of arrears receivable as on date in respect of 8th and 9th Bipartite Settlement ;
- d. To request those 7th Bipartite Settlement retirees to pay donation at 3% of arrears received, if they have not paid, with a minimum of Rs.10,000/- (in case of petitioners who have received Rs.10,000/- as cost) ;
- e. Provide the list of beneficiaries to the Court.

Other organisation may also follow same method. Advantage of this is that the Organisation would not only get funds, but also membership. We also intend to file Writ Petition in the name of State Bank Retirees' Association, covering all erstwhile Associate Bank retirees. Personally, the undersigned would visit every major center and explain about the benefits duly providing legal provisions. We seek your advise and opinion in this regard. However, we can include organisations which are a part of State Bank Retirees' Association only.

Further, ABROA - SBT unit has indeed filed Special Leave Petition in respect of VRS five years' benefit. We have had a meeting with Shri Ravindran, Retd HC Judge and Senior Advocate, Supreme Court, who is guiding ABROA - SBT in this regard. We have been requesting ABROA - SBT to implead State Bank Retirees' Association, to enable us to get this benefit extended to all similarly placed erstwhile Associate Bank retirees. However, it is unfortunate that we have not received positive response from them, even though there is no harm to them by impleading SBRA.

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Even if we are not impleaded, we have the option of filing Intervening Application and get all similarly placed retirees covered. Certainly, we carry experience of handling this issue last 15 years (6 batches of Writ Petitions/Appeals, SLP/CA and also Contempt Petition at Supreme Court. We do have loads of material with us. Incidentally, we have subscribed to SCC Online.
We request your opinion and advise, in this regard immediately.”

Text of letter No. : MIS/DFS/102 Date : 2nd September, 2019 sent by Shri C.N.Prashad, General Secretary State Bank Retirees Association to the Chairman, SBI, Mumbai.

‘We are attaching a copy of the Orders of the Supreme Court dated 28.08.2019 in Contempt Petition filed by some of members retired from erstwhile State Bank of Mysore. In terms of the Orders, Pensioners are entitled to Payment of Commutation amount of differential Basic Pension and which is reduced for a period of 15 years, after payment. This payment has to be made within a period of four weeks from the date of the order. It is also pertinent to note that the Bank is compelled to tender unconditional apology for the delay in making this payment.

Therefore, we request you to kindly arrange for payment of Commutation amount immediately in terms of the orders of the Hon’ble Supreme Court.

It is also observed from the Orders that the Bank has claimed that the Dearness Relief to these pensioners are being paid in terms of Settlement

In this connection, we are extracting relevant portions of Orders of Hon’ble Supreme Court and Hon’ble High Court of Karnataka for your immediate reference. These portions of the orders/Judgments clarify in abundance that the Pension should be paid in terms of Pension Regulations as existing on the date of retirement. These pensioners have retired during the 7th Bipartite period, i.e between 01.04.1998 and 31.10.2002. We are also enclosing a copy of the 7th Bipartite Settlement dated 27.03.2000, 8th Bipartite Settlement dated 02.06.2005 and Record Note of Discussions dated 02.06.2005. In fact, payment of Dearness Relief to pensioners is not at all dealt anywhere in these Settlements/Record Note of discussions. Therefore, please order payment of Dearness Relief in terms of Regulation 37 – Appendix II (b), which is the applicable and relevant provisions for paying Dearness Relief to these Pensioners. Respected Sir, please take a positive decision keeping in view apology tendered, remarks of Karnataka High Court, decisions of Hon’ble Supreme Court (including Judgments of 5 Judge Benches) and relevant provisions in Pension Regulations, as on the date of retirement. Incidentally, Pension Regulations have not at all been amended and Hon’ble High Court of Karnataka has imposed cost of Rs.10,000/- payable to each of the Petitioners for continuing litigation, without amendment to Pension Regulations. We request you to order early payment of this benefit and our Bank shall not be seen as a Compulsive Litigant. We request you to kindly indulge and ensure payment of rightful and legitimate benefits in terms of the Orders of Hon’ble High Courts and Hon’ble Supreme Court.

Please do not compel these pensioners who are in autumn of their life and retired after decades of service seek judicial intervention, with regard to payment of Dearness Relief in terms of Appendix II (b) to Regulation 37. It is also pertinent to note that some of them have retired nearly two decades ago. Please order payment of these benefits to all similarly placed retirees of erstwhile Associate Banks who are in receipt of Pension under Bank Employees’ Pension Regulations, 1995. Earnestly waiting for your early and favourable orders . “

Greetings to all

Yours sincerely,

(B.C.Bassi)
General; Secretary