

President

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State Bank of Patiala
Retired Officers' Association (Regd.)
31, NEW GREEN PARK COLONY, PATIALA
(An Affiliate of "CBPRO" - COORDINATION OF BANK
PENSIONERS' AND RETIREES ORGANISATIONS)
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General**Secretary**

K.S.Sandhu
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Circular No.56 of 2017-21

Dated 1st March 2021

ORGANISATIONAL ISSUES

A meeting of the Exectutive Committee was held on 23rd February 2021 to discuss the Agenda items already circulated to EC Members.

- i) To confirm the minutes of the previous meeting
- ii) To co-opt a member in EC to fill up the vacancy caused by the demise of Shri Resham Lal of Jallandhar
- iii) To discuss the issue to honour the members who attained the age of 70/80 as on 30.09.2020 as the annual general meeting could not be held due to Corona
- iv) To consider ways and means to incur expenditure to the tune of 85% of the collection in the year as on 31.3.2021 as suggested by Chartered Accountant in view of Income tax
- v) Any other issue with the permission of Chair

Threadware discussions were held on each item. Shri B.C.Bassi, General Secretary apprised the house about various developments at apex level including updation of Pension and Family Pension. Members were also apprised about SBI Health Assist and URworld APP.

The house approved the minutes of previous meeting and also authorised the office bearers to take decision on all the issues cited above.

Shri B.C.Bassi welcomed the participants in the meeting who attended the meeting after a long time as physical meetings could not be held due to Covid 19. In view of the CAs recommendation to make expenditure out of current year's income, it was approved by the house to make an expenditure of Rs.250/- per member whose dues have been cleared upto 31.3.2020. It was approved to honour the members who have attained the age of 70 years as on 30.9.2020 and whose dues have been cleared. The shawls to honour such members were handed over to All Unit Secretaries present in the meeting so that they may hold a lunch meeting at their end to honour such eligible members. The eligible members residing at far away places, shall be honoured by sending shawls from Patiala Office.

The house approved the expenditure incurred after the date of last meeting.

Thereafter, Shri B.C.Bassi requested the house that he is not keeping good health for the last few months and as such he may be relieved from the responsibilities of General Secretary.

All the office bearers and EC members discussed the issue in detail and decided to accept the resignation of Shri B.C.Bassi. The house placed on record the excellent services rendered by Shri

Bassi during his tenure and honoured him by presenting him a shawl and a token of love. The house unanimously requested him to continue with Association as Adviser/permanent invitee to EC, which he accepted.

The meeting then unanimously elected Shri K.S.Sandhu Vice President as new General Secretary Shri R.C.Dhand as Vice President and Shri A.S.Juneja as Organising Secretary. Shri Harish Walia Proposed the above changes and Shri Amar Singh seconded the same duly approved by the house unanimously.

Shri Charan Dass from Jalandhar was co-opted as EC member in place of Shri Resham Lal who has since expired.

The House passed a resolution that the saving bank account/other accounts of Association shall continue to be Operated jointly by President or General Secretary with Finance Secretary or Asstt. Finance Secretary and authorised the General Secretary to send signatures accordingly.

The house approved to allow members who have not paid subscription for last few years to regularise the membership by paying one time subscription of Rs.1400/- to clear the pending subscription upto 31.03.2021 (i.e. Rs.700/- for the year 2019-20 and 2020-21).

Shri S.S.Sidhu also spoke on the occasion and appreciated the services and contribution of all members for smooth conduct of the meeting.

The meeting ended with a vote of thanks presented by Shri Harish Walia

Payment of arrears of Pension – 11th Bipartite Settlement/8th Joint Note dated 11.11.2020 – Reduction of Commutation from the date of payment, instead of date of retirement.

We give below text of letter No. JN&BPS/SI/406 Date: 23rd February, 2021 sent to the Deputy Managing Director & Chief Development Officer, State Bank of India, Mumbai, the contents of which are self explanatory.

“We invite your kind reference to your Circular letter No.HR/IR/RP/2020-21/1999 of the 22nd instant. Further, some of those who retired on or after 01.11.2017 have received the following Message : “Pensioners who don't want to commute pension on a/c of XI BPS kindly forward consent letter to PPG before 15.03.2021 through Pension drawing Branch. Team PPG” In this regard, we request you to kindly refer to Bank's Circular No. CDO/P&HRDPPFG/5/2017 – 18 dated 13.04.2017. This Circular is issued after the merger of remaining five erstwhile Associate Banks. This is also subsequent to bringing provisions in Pension Regulations with regard to recovery of commutation amount from the dates subsequent to the dates of credit of commutation amounts, when the commutation amount is paid in more than one occasion to the notice of executives including the then Deputy General Manager (PPFG) during the meeting we had with Senior Executives from Corporate Center at Gurugram on the 22nd March, 2017. It is informed in this Circular that : 5. Commutation amount applied with pension will be automatically paid by HRMS on pension payment dates, however, commutation sanctioned by the appropriate authority separately will be updated by Local Head Office, PPG Department and will be paid along with current month's pension. Recovery on account of commutation will be made for 15 years from the month of payment of commutation

amount (Emphasis supplied) We request you to kindly recover/reduce commutation amount of differential Basic Pension from the date subsequent to the date of payment of differential Commutation amount in terms of above instructions of the Bank. Further, we invite your kind reference to the Circular letter from Indian Banks Association vide HR&IR/KU/2015-16/G2/1506 dated 17.10.2015, addressed to HR Heads of Public/Private Sector Banks which are parties to Pension Settlement dated 29.10.1993. A copy of this Circular letter is also enclosed for your information. In the said letter, Indian Banks Association has extracted from the Judgment of Hon'ble High Court of Punjab & Haryana in State Bank Retirees' Association LPA No.789/2012 & other connected matters, with regard to applicability of provisions of Central Civil Services (Commutation of Pension), 1981 to Bank Pensioners in terms of Regulation 56 of Bank Employees' Pension Regulations, 1995. The relevant portion is extracted hereunder: 24. A perusal of Clause 12 of the settlement makes it abundantly clear that it only provides for further negotiations as regards "applicability, qualifying service, amounts of pension, payment of pension, commutation of pension, family pension, updating and other general conditions etc." and cannot be read to provide for updation of pension. Similarly, Regulation 56 deals with a situation where a doubt arises in the matter of application of the pension scheme and mandates to clear that doubt by referring to the "corresponding provisions of Central Civil Services Rules 1972 or Central Civil Services (Commutation of Pension) Rules, 1981 applicable for Central Government employees with such exceptions and modifications as the Bank, with the previous sanction of the Central Government, may from time to time determine.". No such doubt is shown to exist as could necessitate a reference to corresponding provisions of Central Civil Services Rules 1972 or Central Civil Services (Commutation of Pension) Rules, 1981 applicable for Central Government employees. . . . (Emphasis Supplied) We are also extracting from Rule 10 A of the Central Civil Services (Commutation of Pension) Rules, 1981 for your immediate reference: 10 A. Restoration of Commuted Pension – "The commuted amount of pension shall be restored on completion of fifteen years from the date the reduction of pension on account of commutation becomes operative in accordance with rule 6: Provided that when the commutation amount was paid on more than one occasion on account of upward revision of pension, the respective commuted amount of pension shall be restored on completion of fifteen years from the respective date(s)" We are also enclosing copies of the Judgment of Hon'ble Supreme Court in R. Gandhi v. Union of India (1999) 8 SCC 106 and Judgment of Hon'ble High Court of Delhi in M. R. Tundwal Vs. Union of India & Ors (2015 SCC Online Del 10089), for your immediate reference. This issue of reduction/recovery of Commutation is also being agitated, both in Contempt Petition (Dairy No.13216 of 2020) before Hon'ble Supreme Court and in Writ Petition No.11067 of 2020 before Hon'ble High Court of Karnataka by All India Retired Bank Employees' Association. State Bank Retirees' Association is the Respondent No.14 in the Writ Petition. Notice by Hon'ble High Court of Karnataka has indeed been delivered and Hon'ble Court has restrained Respondent Banks, including our Bank (Respondent No.11) from any amount from out of commutation that was paid to petitioners. We also understand that reduction/recovery from differential commutation payable in view of revision in Salary on account of 11th Bipartite Settlement is also being agitated before the Hon'ble High Court of Karnataka. We request you to kindly order reduction/recovery of Commutation amount payable consequent to implementation of Bipartite Settlement/Joint Note dated 11.11.2020, only from State Bank Retirees' Association the pension payable during the month/succeeding month of payment, but not from the date of retirement. The Bank has already sanctioned commutation of one third of 'Pay', at the time of retirement. Enhanced amount of 'Pay' on account of salary revision is a part of the 'Pay'. The Bank is also aware of the legal position, as the

Bank is paying pension of Central/State/ Defence/Railways, etc through CCPC and officials working are well versed in this aspect. Please revisit obtention of option for opting out of commuting, only after the decision in this regard is taken. Therefore, we request you to kindly order reduction/recovery of Commutation amount payable consequent to implementation of Bipartite Settlement/Joint Note dated 11.11.2020, only from the pension payable during the month/succeeding month of payment in view of irrefutable legal position. We do hope that our Bank will uphold rule of law. Kindly do the needful. “

GREETINGS TO ALL

Yours sincerely,

(K.S.Sandhu)
General Secretaru