



All India Uco Bank Pensioners' Federation

(Affiliated to All India Bank Pensioners' & retirees confederation & All India Uco Bank Officers' Federation)
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cir.no.106/2015-2018

Dated 31st January, 2017

To All units,
Dear comrades,

Re. Report on Conciliation proceedings held at Mumbai on 24th January, 2017.

We reproduce hereunder text of CBPRO circular no.2/17 dated 27.1.2017 for your information and circulation.

With good wishes,
Yours comradely,

(RAM PAL)
GENERAL SECRETARY

Quote:

"Dear Comrades,

SUB: CBPRO PARTICIPATES IN CONCILIATION PROCEEDINGS ON 24.01.2017.

The CBPRO team appeared before the Assistant Labour Commissioner to participate in the conciliation proceedings in respect of the complaint given by the AIBRF to the Deputy Chief Labour Commissioner (Central). We deemed it necessary to participate in the conciliation proceedings as the dispute raised was in respect of denial of 100% DA neutralisation to those retired between April 1998 and October 2002 only. The fact is that 100% DA neutralisation is denied to all those who retired before November 2002. Hence we decided to approach the Deputy Chief Labour Commissioner (Central) to put the issue in right and appropriate perspective and ensure coverage in respect of all pre-2002 Retirees.

Accordingly we wrote to the Deputy Chief Labour Commissioner (Central) on 9th Jan, 2017 explaining the issue properly and also stated that as **CBPRO** we are representing five(5) major Retirees organisations namely Federation of SBI Pensioners' Associations, AIBPARC, RNBOC, AIRBEA & FORBE representing the vast majority of the Retirees numbering more than three(3) lakhs. In response we got intimation dated 17.01.2017 from Assistant Labour Commissioner (Central)-III to participate in the conciliation proceedings scheduled for 24th January, 2017 in their office at Mumbai. For the said conciliation meeting the notices were sent by the Assistant Labour Commissioner to Indian Banks' Association (IBA), AIBOC and AIBEA.

The team of CBPRO consisted of Com. K V Acharya, Joint Convener CBPRO, Com. S. B. Gokhale, R.S. Rajiwdekar from Federation of SBI Pensioners' Associations and Com. K S Rengarajan, R.N.Joshi and R.V. Kamath from AIBPARC. The team met the Assistant Labour Commissioner at 1.15 P.m. and the proceedings concluded at about 2.30 P.m.

We are extremely thankful to the Assistant Labour Commissioner for patient hearing of our submissions. We also profusely thank the AIBOC leadership who were represented by their Vice President Com. Sanjay Manjrekar and their Maharashtra State Unit President Com. Manoj Wadnekar. The AIBOC leaders during the conciliation proceedings informed the

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Assistant Labour Commissioner that they were in full agreement with the CBPRO demand to extend 100% DA Neutralisation to all Pre-2002 Retirees. They also stated that they have mainly responded to the notice of the Assistant Labour Commissioner as not only AIBOC is espousing the cause of Retirees in respect of all their issues including 100% DA neutralisation to Pre-2002 Retirees and also underlined the fact that at a time when there was no credible and active All India level organisation to Bank Retirees and Pensioners, AIBOC took the lead to form AIBPARC (which is a constituent of CBPRO) and mobilise and organise the Retirees and Pensioners under one Banner. On the day of conciliation proceedings Com. Harvinder Singh, General Secretary AIBOC was in constant touch with the undersigned assuring of full support of AIBOC to our issues. The presence of AIBOC leadership in the conciliation proceedings was of a great strength, confidence and satisfaction to us. We are also forwarding separately the circular issued by AIBOC wholesomely supporting our issue.

Surprisingly the Indian Banks' Association (IBA) did not participate in the conciliation proceedings instead had sent their written submissions reiterating their oft-repeated stand that the Pension Scheme is a Funded Scheme and allocation has to be done from the profits of the Bank based on the actuarial valuations done on yearly basis and at the same time Pension in the Public Sector Banks is paid as per provisions of Bank Employees Pension Regulations 1995. The CBPRO team very powerfully presented the case before the Assistant Labour Commissioner and furnished her with the copies of the Pension Settlement of 1993, Minutes of the Small Committee meeting after the signing of the settlement, Provisions of the Pension Regulations which are in line with the Pension settlement not only in regard to 100% DA neutralisation but also in regard to other issues of the Pensioners like Pension Updation, Family Pension improvement etc. We also pointed out denial of 100% DA neutralisation is also violation of the Pension settlement clause(6) which was relied upon by the Division Bench of Hon'ble Kolkata High Court in respect of writ petitions on 100% DA neutralisation. Individual Retiree and Retiree's organisations elsewhere also filed or impleaded in different courts on the same issues and it is neither fair nor proper to force the elder citizens of the Banking Industry to knock the doors of the courts right up to Hon'ble Supreme Court. Financially it is a costly exercise, time consuming and depriving lot many Retirees who have left this world waiting helplessly for delivery of justice to them.

We also submitted the judgment of Hon'ble Supreme Court in respect of Rajasthan lecturers where it was held that Pension or improvement in Pension cannot be denied on the ground of financial burden. Arbitrary classifications based on Retirement dates is violative of Fundamental Rights and hence denial of 100% neutralisation to Pre-2002 Retirees has no Authority of Law and hence violative of our Constitutional Right to property.

Comrades, at the end of the conciliation proceedings held on 24th January, 2017 the respected Assistant labour Commissioner recorded the minutes duly signed by the entire team of CBPRO, representatives of AIBOC and also by the Assistant Labour Commissioner. The copies of the submissions made by the Indian Banks' Association and the written observations submitted by Com. Harvinder Singh, General Secretary AIBOC was handed over to us. The copy of the minutes of the proceedings was also handed over to us. The Assistant Labour Commissioner adjourned the discussions to 28th February, 2017 at 12.30 hrs in the same office.

Comrades, the formation of CBPRO has successfully brought major Retirees Organisations together and all the constituents have brought in vibrance to the Retirees movement. The issues of the Retirees which were blissfully forgotten or kept in the cold storage for nearly two decades have got articulation, clarity and a big push after the advent of CBPRO which has not missed to knock any Forum, be it submission of memorandums

and personal audiences with Hon'ble Ministers, Ministry officials, IBA, Political leaders, Officers of Labour Commissioners, Serving Officers and Employees Organisations and also launching action programmes like Demonstrations and Dharnas to redress the grievances of the Retirees.

It is unfortunate that instead of responding to the repeated appeals of CBPRO to the AIBRF to join the CBPRO to ensure total unity they should indulge in spreading falsehoods about CBPRO or about its participation in the conciliation proceedings held on 24th January, 2017. AIBRF's Ostrich-eyed attitude and propaganda about CBPRO and its participation in the conciliation proceedings is highly regrettable. **In fact we participated and presented the case of 100% DA neutralisation covering all the pre-2002 Retirees and not only the Retirees between 1998 and 2002.** We also mentioned in our meeting about the other pending issues of Retirees. As a responsible and matured organisation consisting of very Senior and Aged members we do not want to lower the standards of discourse and our struggle by replying or commenting to the uncalled for remarks made by AIBRF in their circular dated 24.01.2017 and leave it to the wisdom of the vast majority of the wise membership to know where the truth really exists. We will continue to make all sincere efforts to uphold the dignity of the Bank Retirees movement including further larger unity among the Retirees which should awaken the powers that be to treat the Bank Retirees honourably and render justice to them at least now.

We also wish to inform that the appeals pending before the Hon'ble Supreme Court is likely to come on any date in the month of February, 2017 in which affiliates of our constituents also impleaded. Already the appeal on updation of Pension is also pending in the Hon'ble Supreme Court.

With warm regards,

Yours Comradely,



A.Ramesh Babu

Joint Conveners"



K.V.Acharya

UNQUOTE

QUOTE

"Circular No. 2017/04

Date: 25.01.2017

All Affiliates/State units/Members,

Dear comrades,

**AIBOC COMMITTED TO THE ISSUES OF RETIREES
CONCILIATION PROCEEDINGS SUBSTANTIATES ITS STAND**

In response to a dispute raised by one of the Retirees' Organizations on 100% neutralization of DA for pre 2002 pensioners, Assistant Labour Commissioner (Central) Mumbai had called the conciliation meeting yesterday i.e. on 24.01.2017.

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Since, AIBOC was made one of the respondents, Com Sanjay Manjrekar, Vice President of the Confederation and Com. Manoj Wadnerkar, President, AIBOC Maharashtra State-1 Unit attended the conciliation meeting as the undersigned had to attend another urgent engagement in Mumbai itself. We submitted our written statement which was already sent to the conciliation officer on 07.01.2017 (copy which is annexed to this circular). We also submitted that the issue of 100% neutralization of DA to pre 2002 retirees was one of the issues in our Charter of Demands for the 10th Bipartite Settlement and the same along with other unresolved issues of the retirees is recorded in the 'Record Note' signed by the IBA and the UFBU constituents on 25.05.2015. It was also brought to the notice of the Presiding Officer that since subsequent to the signing of the Record Note there was no response from the IBA, AIBOC had raised this issue in our Strike Notices in December 2015 and again in September 2016 and the Regional Labour Commissioner (Central), who had held the conciliation meetings in the matter has ultimately recorded the failure of talks. IBA and the Workmen Union which were also made respondents did not attend the yesterday's proceedings. However, IBA has filed their comments where in they have stated that IBA is an independent and voluntary organization and discusses / negotiates with Workmen Unions / Officers Associations on behalf of its member banks on the basis of mandate given by these banks and that IBA is not employer of Workmen/ Officers of these banks and thus they are not a direct party to any industrial dispute including that of the case of Retirees' Organization who have raised the dispute. Subsequently, in a separate meeting, the Assistant Labour Commissioner (Central) also heard the representatives of CBPRO (Co-ordination of Bank Pensioners' and Retirees Organisations) which have also raised the issue of 100% neutralization of DA. **(AIBPARC is one of the constituents of CBPRO)**. Since the issue raised by both the unions was common, the Presiding Officer decided to conciliate in common and adjourned the case to 28.02.2017.

It needs no emphasis that AIBOC has always shown concern for the retirees and the pensioners and has been raising and settling their issues unlike some retired executives who did nothing for the retirees when they were in service though they had the powers but are acting as championing the cause of retirees today when they are victims. It was AIBOC which kept the issue of 2nd option of pension alive and ultimately clinched the same in the 9th BPS to the benefit of lakhs of retirees. Again, it was AIBOC which clinched 2nd option of pension for VRS optees who were clandestinely denied the same by IBA by wrong interpretation of the settlement. Further, at a time when there was no credible and active all India level organisation to mobilize and represent the banks retirees and pensioners, AIBOC took the lead to form AIBPARC and mobilize and organize the retirees and pensioners under one banner.

We once again reiterate that the issues of the retirees viz. 100% neutralization of DA to pre 2002 retirees, automatic updation / upgradation of pension / revision in family pension and pension to the resignees and other left outs are on the top of our agenda and achieving the same is our goal.

With comradely greetings,

Comradely Yours,
Sd/-
(HARVINDER SINGH)
GENERAL SECRETARY"
Unquote.