



ALL INDIA BANK RETIREES' FEDERATION (REGD.)

D/1/ Sector C Scheme No. 71 Indore 452009

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Ref: 2021/ 564

03.09.2021

Shri Raj Kiran Roy
The Chairman, Indian Banks' Association
MUMBAI

Respected Sir

Re: Pension option to Resignees

Re: Supreme Court Judgment.

We wish to invite your kind attention on Supreme Court judgment dated 9.07.2021 in 28093/2019 (Union Bank of India & Others v/s Sapana Roy) confirming the order of Kolkata High Court judgment dated 20.09.2016 under FMA No. 3809/2016 granting pension option to the employee who resigned from the bank on medical grounds. Copies of both the judgements are enclosed for your ready reference.

2. Your kind attention is drawn on the following observations of honorable Kolkata High Court

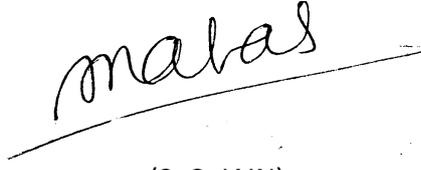
“In my opinion, this is not a purposive interpretation of the regulations and settlement but a very literal one. The condition concerning voluntary act of resignation referred to in regulation 19 read with the settlement, is material. The other modes of separation of service from dismissal, termination and compulsory retirement are by virtue of unilateral acts by the employer, and not applicable. Now, when the above conditions refer to resignation it means a decision consciously and voluntarily taken by an employee to be relieved from service. This is quite different from the situation where an **employee is forced to resign by reason of an illness** which according to the medical certificate accepted by the bank stated that she was suffering from a hundred percent incapacitating illness. The appellant was forced by circumstances to resign. Most certainly, this is not a case where an employee resigns on his/her own volition, avails of all the benefits, leads a life of choice and thereafter tries to get pension. Hence, in my opinion, Regulation 19 and Clause 7 of the Settlement relating to voluntary retirement had no manner of application to the appellant. **She is entitled to the benefit of the pension scheme.** The impugned judgment and order dated 3rd Feb. We set aside the decision of the respondent bank dated 5th July, 2011. **The respondent bank is directed to process the application of the appellant for pension resulting in the grant of pension within three months of communication of this order, subject to the appellant surrendering any special benefit received on her resignation/ voluntary retirement, as determined and communicated by the bank within four weeks of communication of this order and surrendered by the appellant within three weeks thereafter. This appeal (FMA 3809 of 2016) is allowed.**”

3. This order of Honorable Kolkata High Court and further confirmed by honorable Supreme Court has wide applicability to the similarly placed Resignees who have been waiting for long time for pension option and are financially suffering in the absence of pension.

4. We humbly request you to advise member banks to offer pension option to Resignees in compliance of the Judgments of Kolkata High Court and Supreme Court.

With Respectful Regards,

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'mabas', is written over a horizontal line.

(S. C. JAIN)
GENERAL SECRETARY

C.C. to

1. Shri Suresh Mehta
Chief Executive, Indian Banks' Association
MUMBAI

