



# VIJAYA BANK RETIREES' ASSOCIATION (Regd)

( Affiliated to AIBRF)

Regd Office : Kochi

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Central Office : Shell House, 89, 3rd Floor, J.C. Road, Bangalore - 560 002

## CHAIRMAN :

**B. MANOHAR SHETTY**

09448802869 shettymano24@gmail.com

## PRESIDENT :

**C.GOPINATHAN NAIR**

09740185218 nair1cg@gmail.com

## VICE PRESIDENTS :

**K. NAVEEN KUMAR HEGDE**

09972004563navinkumar1949@yahoo.co.in

**P.C. VALSARAJ**

09444390592 pcvalsaraj@yahoo.com

**M. SUDHAKAR SHETTY**

09343530134 annumoodar@yahoo.co.in

**R. DHAMODHARAN**

04872253412 dhamuvb@gmail.com

## GENERAL SECRETARY :

**K.VISHWANATH NAIK**

09448276015 kevinaiik@gmail.com

## ORGANISING SECRETARY

**S. G. EMBRAN**

09447047096 vbrasge@gmail.com

## SECRETARY

**MALLIKARJUN S. MADINUR**

08331961953 msmadinur@gmail.com

## JOINT SECRETARIES

**K. J. VIJAYDEV**

09880798075 kvjdv01@gmail.com

**N. S. SOMANATH**

08212598893 aibrfvbra@gmail.com

**P. A. AZIZ**

09846102350 azizpa@gmail.com

**C. SUDHAKARAN NAMBIAR**

09480159946 sudhakar39@sify.com

**P. PRADYUMNA SHASTRY**

09440157940 ppradyumnaa1@gmail.com

**K. R. PUTTASWAMY**

09448705700 aibrfvbra@gmail.com

## TREASURER

**D. C. SIDDAGANGAIAH**

09880087350 dcschengavi@gmail.com

## ASST. TREASURER

**S.A. RAHAMAN**

09448654184 rahamansa@yahoo.com

## EXECUTIVE COMMITTEE MEMBERS

**YOGISH SHETTY**

09966668046 yskadekar@yahoo.co.in

**DILIP MOHAN BANERJEE**

09830567943 dilipbanerjee@gmail.com

## Special invitee:

**T. K. VENKATACHALAM**

09446420491 k4kittan@yahoo.com

CIRCULAR 2/2014

Date : 03-02-2014

To,

OUR MEMBERS RETIRED UNDER VRS 2000.

*Dear Friends,*

At the outset, we are glad to inform you that the gross injustice done to retirees under VRS 2000 of Vijaya Bank, has at last been set right. While congratulating you on this occasion, we feel it necessary and important to recount the legal and organizational struggle that culminated in the action of the Management in setting right the injustice done to VRS optees by the Management of Vijaya Bank.

1. In the first week of January 2001, around 200 retirees met at Bangalore to discuss about the ways and means to secure the benefit of weightage of service that was robbed from them by the management. Mr. Gopinathan Nair, presently president of our Association was present in the meeting, and he, among others addressed the meeting explaining the serious injustice and possible remedial steps. The meeting decided to call up on all affected retirees to file Writ Petitions collectively at Karnataka High Court.
2. Some among those who took initiative to call the meeting met the leaders of a particular Association in the Bank, with a request to render all possible assistance to fight the case. For their utter surprise the response was "who has asked you people to accept VRS when all unions have called upon the employees to reject the VRS offer. There is no chance of winning such a case".
3. Obviously the Association that was in existence did not file Writ Petition as its parent organisation took a particular stand.
4. Around 220 retirees, organised by Sri. B. Sadashiva Shetty and Sri. B. Ramakrishna Gowda, filed Writ Petitions at Karnataka High Court challenging the illegal action of the Bank.
5. Three retirees from Mumbai, Ms. Neela Arun Mohile, Ms. Vaishali. V. Vaze and Sri. Anil Sanjeeva Hegde filed Writ Petitions at Bombay High Court for the same cause.
6. After a prolonged legal battle, in respect of 5 Banks, the Supreme Court gave judgement in favour of retirees.

7. The Honourable Supreme Court of India in the case of Bank of India & another V/s K. Mohandas & others has held that the employees who had completed 20 years of service and were pension optees and offered Voluntary retirement under VRS 2000 are entitled to addition of 5 years of notional service for the purposes of pension as provided in Regulation 29 (5) of the Pension Regulations 1995. The Court also held that the employees shall not be entitled to interest on unpaid pension.
8. Those Banks, IBA and Finance Ministry filed Review Petition at Supreme Court requesting to reconsider the verdict.
9. When the said Review Petition was pending at the Supreme Court, Bombay High Court allowed the Writ Petition filed by 3 retirees.
10. The Bank filed a SLP at Supreme Court against the judgement of Bombay High Court.
11. In the meanwhile as the existing Association of officer retirees was not taking up any issue of the retirees including the issue of denial of weightage, some retirees from Kerala formed an organisation, i.e. Vijaya Bank Retirees' Association- our Association-and started enrolling membership, with all limitations of resources.
12. The review petition in respect of 5 Banks got dismissed.
13. On dismissal of the review petitions the IBA wrote to all member Banks to take note of the Supreme Court judgement and to extend weightage of service to VRS optees as per the special VRS Scheme.
14. Except Vijaya Bank, Allahabad Bank and subsidiary banks of SBI, all other banks extended the benefit of 5 years weightage to VRS optees, as per the regulations.
15. As soon as VBRA could mobilise some membership and resources, it took up the issue of the denial of weightage for VRS optees and filed an intervening Petition at the Supreme Court in respect of the SLP filed by the Bank.
16. VBRA made a detailed representation to the Bank citing Supreme Court judgement and letter of IBA and requested the Bank to extend benefit to all eligible VRS optees.
17. As the Bank refused to give even a reply to the representation, leave alone implementing the advice of IBA, we filed a Writ Petition at Kerala High Court.
18. The Kerala High Court directed the Bank to pass an order on the representation of our Association within a month.
19. The then CMD passed Proceedings containing many false hoods .
20. Aggrieved with the Proceedings of the CMD, our Association filed one more Writ Petition at Kerala High Court.
21. Our Association continued to represent to the Bank management for justice.
22. The Single Bench of Karnataka High Court allowed the Writ Petitions of the petitioners and directed the Bank to implement the judgement to the Petitioners within 8 weeks, failing which interest at 10% had to be paid to the petitioners from the date of judgement.
23. At that point of time, our Association requested the CMD to withdraw the SLP and to implement the order of the Karnataka High Court to all eligible VRS optees and not to restrict the same to the Petitioners.

24. The Bank, instead of doing justice even at that point of time, filed an Appeal before the Division Bench of Karnataka High Court.
25. The Bank lost the case there also.
26. Determined to fight the retirees, the Bank filed a SLP at Supreme Court.
27. Sensing another defeat at Kerala High Court the Bank moved the Supreme Court to transfer the Writ Petition filed by our Association at High Court of Kerala to Supreme Court.
28. The Supreme Court rejected the plea of the Bank stating that there is no merit in the Bank's petition.
29. Our Association and the parent body AIBRF took up the issue at various levels at the Government as well as with many public personalities.
30. Our Association made a detailed representation to CMD, EDs and all Directors of the Bank and to all the unions in the bank.

### **The turn of events from September 2013 to December 2013.**

1. On 25.09.2013 the Hon'ble High Court of Kerala delivered a detailed judgement in our favour and directed the Bank to extend the benefit to the members of the Vijaya Bank Retirees' Association when the Supreme Court finally decides the issue.

This is very significant as the Bank would have extended the benefit only to the Petitioners when the Supreme Court dismisses SLP of the Bank. Our apprehension was real as in respect of the second option for resignees the Bank implemented the Court order only to 22 petitioners though the Court struck down the clause No 7 in H O Circular 10191 disqualifying the resigned employees from opting for pension when the second option was implemented. The Bank would have made the remaining VRS optees to fight another legal battle to get justice though we are an intervening party at Supreme Court.

2. Immediately we wrote to the Bank requesting to extend the benefit of weightage in service to all eligible retirees though the relief given by the Court was only to our members.
3. Armed with the Kerala High Court judgement we approached Justice V R Krishna Iyer, an eminent public personality. He wrote a very strongly worded letter to Sri Chidambaram, Hon'ble Finance Minister calling the action of the Bank a clear case of Bureaucratic atrocity against the old aged pensioners. He also added that it is a glaring case of abuse of legal process and justice being denied on hyper technicality and an act of human right violation. He called upon the Hon'ble Finance Minister to prevail upon the Bank to fall in line with other Public Sector Banks by allowing the benefit of weightage to retirees of our bank.
4. We wrote to all Directors of the bank, explaining the situation and requesting their support to our cause. We also proposed organisational action in pursuance of our demand.
5. In the Board meeting certain Directors asked the Bank as to what prevented it from allowing the weightage of service to the eligible VRS optees.
6. Matters started moving fast. The Board in its meeting on 28.12.2013 passed a resolution directing the Management to concede the benefit to the eligible VRS optees with arrears and commutation benefit and re-fix the Basic Pension by making a submission to the Supreme Court.
7. The process is on and all the eligible VRS optees will be receiving the illegally retained amount from the Bank. Our legal fight for interest is continuing.

Dear members, our Association successfully fought for justice to all and you, as our members have supported our activities. There are many more issues to be tackled with collective efforts. To ensure the same, we should not only put our collective efforts, but we should also enrol other retirees as our members and make our Association still stronger.

With this in background, we hereby request you to contact those retirees who are not yet our members and enroll them as our members. We are enclosing an application form for this purpose. If you need more applications, you can use Xerox copies or we will send you on hearing from you.

We thank you for all the support and co-operation extended to us in carrying on our activities. As you know, we have spent substantial amount on court cases and other activities. At this time, when the injustice is set right and you are getting substantial arrears, we request you to donate generously towards the funds of the association, which will go a long way in encouraging us to continue with our struggle to improve the conditions of the pensioners in the bank. We also request those who have not yet contributed towards legal fund to remit a minimum sum of Rs. 1,000/- towards the legal fund of the Association.

We are confident that you will enrol other retirees as our members and also contribute generously to our funds .

Please feel free to contact us for any clarifications or additional information.

With greetings,



**(B, MANOHAR SHETTY)**  
CHAIRMAN



**(C. GOPINATHAN NAIR)**  
PRESIDENT



**( K. VISHWANATH NAIK)**  
GEN SECRETARY

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*Book-Post*

To,

From :

**VIJAYA BANK RETIREES' ASSOCIATION (Regd)**

Central Office : Shell House, 89, 3rd Floor, J.C. Road, Bangalore - 560 002