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# VIJAYA BANK RETIREES' ASSOCIATION (Regd)

( Affiliated to AIBRF)

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BANGALORE

04-02-2014

TO:

**ALL RETIREES UNDER VRS 2000:**

Dear Friend,

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 up on 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.

Friends, there are many more issues to be tackled with collective efforts. Our Association successfully fought for justice to all. We could not so far reach all the retirees due to various limitations. Now we seek your support in our on-going struggle for betterment of conditions of retirees.

In this background, we take the privilege of requesting you to strengthen the Vijaya Bank Retirees' movement by joining our Association, the Vijaya Bank Retirees' Association. Our Association is meant for all retirees irrespective of their union affiliation or position they held while in service. We firmly believe that fragmentation of retirees' movement on the basis of various organisations of serving employees would weaken the movement. All bank retirees are governed by a single Regulation, i.e. Pension Regulation. We are affiliated to ALL INDIA BANK RETIREES' FEDERATION whose membership is more than 1 lakh 25 thousand. The membership grew more than 2 times with in less than two years, that too after a section of leaders of a particular organization launched another forum with certain intentions other than the interest of bank retirees, which is leading to fragmentation of retirees' movement.

We are sure, you will join our Association as a life member so that you too will be a proud participant in the process of our pursuit for securing justice to all.

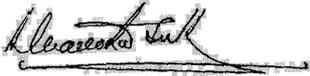
We have spent substantial amount to fight the cases. We request you to contribute a minimum of Rs.1000/ towards legal expenses. We also welcome generous contribution from you to our Association as and when you get the arrears of Pension and commutation so as to enable us to continue our struggle for improvement of conditions of all retirees in the bank.

Let us remember that membership and contribution to a genuine organisation is an investment.

We are confident that we will have the privilege of receiving your membership and contribution at the earliest.

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

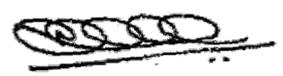
With greetings,



**(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*