ARISE Circular No.1/23 Date : 03.04.2023

**Dear Comrades,**

**To Write poetry you need darkness to see the twinkling stars**

**To script history you need victories brought by blood and scars**

**No struggle is infinite so long as hope is not finite**

Nothing can ever be lost when hope is not lost. Even in the worst crisis, only those with hope saw through the crisis and not those who threw up their hands. Our own country that went through the humiliation of waiting for food under PL 480 program of the USA turned into an exporter of cereals and our county that suffered the ignominy of shipping its reserve gold in 1989 to borrow forex has now become so robust that our rupee has a prime place in the present de-dollarization of international exchange currency. Café Coffee Day steeped in debt of Rs.7000 crore that took the life of its owner Siddhartha Hegde was written off by market pundits. To make matters worse, Covid struck that hit hard all restaurant business. But Siddhartha’s wife Malavika Hegde undeterred by market predictions worked undaunted with HOPE and scripted the miracle recovery. The spirited fight for old pension scheme by a section of central Government employees (who applied for the job when old pension scheme was in force but joined when the new Pension scheme became effective in 2004) ended recently with a court verdict in their favour. In our own banking industry, the fight to get IBA directive for additional notional service under Reg.26 of Pension Regulations in spite of favourable court verdict by a few petitioners took years. In spite of a spokesperson of UFBU committing to only a marginal improvement with modified cap in family pension, our pursuit with hope got us family pension at uniform 30% without cap on par with RBI and Central Government family pensioners.

There is every reason and need for us to remain HOPEFUL and struggle unitedly. On the lighter side, without these struggles, the ennui of post retirement life would have been too unbearable. Whatsapp rumours, humours and legal expositions by every self styled experts on unresolved issues of retirees give us enjoyable reading everyday.

It is unfortunate that we have to fight for implementation of existing rights which the banks/IBA/DFS without heart are resisting and the UFBU without conscience are denying as existing entitlements though grudgingly agreeing to negotiate as if these are new demands. These rights/entitlements wrongly pursued as new demands by UFBU include:-

1. **Pension updation is due since 2003** when Reg 35(1) of Bank Employees Pension Regulations (BEPR) was amended in 2003 making updation mandatory. *While Reg 37(1) requiring payment of DA at rates specified in Appedix II of BEPR is religiously followed* by incorporating the rates at every wage revision, ***Reg 35(1) requiring updation as per formulae in Appendix I is arbitrarily ignored*** for 20 years since 2003.
2. **100% DA neutralization is due since 2005** to pre-November 2002 retirees as the 8th Bipartite settlement did not discriminate against them and even the Supreme court agreed that there should be no discrimination among pensioners but holding that the discrimination can be avoided through different means made a mistake of fact.
3. **Special allowance** in 10th and 11th Bipartite Settlements/relative Joint Notes **has to be reckoned for terminal benefits** because Supreme court has repeatedly held that any component of wage by whatever name that is ***universally, necessarily and ordinarily payable to all across the board is basic wage***and hence will attract benefits attached to basic wage.
4. **Medical insurance to retirees** has been extended without an industry level instruction to banks to bear the cost of premium as is being done for serving employees. Central Government instructed banks to introduce medical insurance for both serving and retired employees instead of disbursement of medical expenses and use welfare fund for such welfare measures. Central Government, while instructing to introduce universally medical insurance cover, never meant that the medical insurance premium has to be met only out of welfare fund.
5. **Resignees to opt for pension -** Courts have held, “Resignees who are otherwise eligible to retire voluntarily may be allowed to opt for pension to get pensionary benefits under BEPR.”
6. **Penalty after retirement can only be as BEPR** and *no penalty other than what is provided in BEPR can be imposed.*

It is painful and farcical that we have to still litigate, struggle, conduct dharnas and demonstrations, submit memoranda and hold discussions with parliamentarians, Central Ministers and bureaucracy to resolve the above issues. Cost can never be a factor for an existing entitlement, otherwise every entitlement will be infected with uncertainty. Truth is on our side though the age is not which alone is causing anxiety among many of us. It is greatly appreciated that you are all in the forefront of all protest actions called by the organization because of your unalloyed faith. But conviction has to stem not from mere faith but from reason. The legitimacy of our demands should be recognized by understanding the rationale behind them. Admitting the handicap related to life expectancy, we have to sharpen our struggle and we have to be first convinced that

1. these are ***our entitlements and not new demands***,
2. ***what we want is implementation*,** that too immediate implementation and
3. ***interest earned by banks on the entitlements withheld*** is more than ***adequate to meet the outlay for implementation.***

With conviction and not deterred and distracted by naysayers and rumour mongers, let us put our efforts to bring a happy end to our struggles soon. With HOPE in our heart, let us enjoy the darkness around us that make the twinkling stars visible. With HOPE in our heart let us look for the crevice for the light to strike through. With HOPE let us believe if it is winter spring is not far away.

*No struggle can be infinite when HOPE is infinite. Yes, our struggles are reaching their logical end and Spring is not far away.*

March On! March On! Struggle Ahead! March On!

Long Live Long Live – Our Unity Long Live!

ARISE – Long Live!

(S.B.C.Karunakaran) K.S.Rengarajan

General Secretary President