STATE BANK RETIREES' ASSOCIATION
Federation of Erstwhile Associate Bank Retirees' Organisations

Dr. A Ananthakrishna Rao
President

C N Prasad
General Secretary

Ref No.: SBI/GRM/906 Date: 22nd February 2026

The Chairman,
State Bank of India,
Corporate Centre,
MUMBAI 400 021

Respected Sir,

Payment of Pension in terms of Bank Employees' Pension Regulations, 1995 to those who have joined the Bank on or after 01.04.2010 instead of Defined Contributory Pension.

This is in continuation with our letter No. BEPR/NPS/838 dated 22.07.2025 and BEPR/NPS/818 dated 28.12.2025, copies of which are enclosed for your immediate reference. This representation is on behalf of those who have joined erstwhile Associate Banks on or after 01.04.2010, but since retired and also those surviving spouses and dependents of deceased employees and officers who have joined erstwhile Associate Banks on or after 01.04.2010. This representation is on behalf of these members. In fact, our claims also cover even those who have joined State Bank of India on or after 01.08.2010. It is unfortunate that there is no practice in the Bank to respond/reply or atleast acknowledge receipt of the communication. Being a 'State' in terms of Article 12, it is reasonably expected that the Bank responds and in the absence of response, we are compelled to assume that the Bank agrees with our views, but not inclined to act positively.

2. We are referring to the Judgment of the Division Bench of Hon'ble High Court of Kerala in Writ Appeal No.469 of 2018 and connected matters decided on dated 17.08.2020. The Hon'ble Court decided in favour of the Bank. It is decided that those who have joined the Bank on or after 01.08.2010, but before amendment to Banks' Pension Fund Regulations, 2014 was notified are not eligible for non-contributory Pension.

3. Information culled from the Judgment of Hon'ble High Court of Kerala dated 17.08.2020:

a. The employees who have joined service after 1.8.2010 can have no grievance on account of the fact that all of them had accepted the condition in the appointment order that they would be governed by the new Scheme and not by the provisions of the old Pension Scheme. They have accepted the appointment on such terms and cannot turn around and challenge the decision of the State Bank of India to introduce a contributory pension scheme for all employees.
b. Under the Rule 8 of the 1965 Rules it was open to the Bank to provide, at the time of appointment, that the service would be non-pensionable.
c. It is contended that in respect of every recruitment during the period in question, it was clearly provided that the Pension Scheme is under review. In the letter of offer issued in respect of employees, who were recruited and joined service on or after 1.8.2010 it was clearly provided that the employees would be entitled only to pension under the new pension Scheme, which is contributory. Persons who accepted the appointment on specific terms cannot be allowed to turn

around and challenge the terms/conditions of such appointment. They cannot be allowed to approbate and reprobate.
d. The 2014 Regulations which have been issued in supersession of the 1965 Rules, under Section 50(2)(o) of the State Bank of India Act, 1955 and state that the Regulations have also been suitably amended and issued providing that no person, who joined service of the Bank on or after 1.8.2010 will be entitled to pension under the previous Pension Scheme which, was non-contributory
e. The 1992 Staff Rules were amended on 08-11-2010 with retrospective effect from 01-08-2010 by inserting a new provision as sub-rule (ii) of Rule 45. The Clause "Any officer who joins the service of the Bank on or after 1st August, 2010 shall not become and shall not be entitled to become member of the State Bank of India Employees' Pension Fund. Such officer shall be eligible to become member of the Defined Contribution Pension Scheme or any other person scheme as may be decided by the Executive Committee of Central Board subject to such terms and conditions as may be stipulated" was inserted as Clause 45(ii).
f. The employees who joined service after 01-08-2010 were clearly aware of the fact that they were entitled only to pension under a contributory scheme and not under the old scheme. Thus, even if Rule 45 were not amended, the persons who joined service after 01-08-2010 will clearly not be entitled to receive a pension under a non-contributory scheme. Further, on a reading of Rule 8 (d) of the 1965 Rules, it was found that it was open to the Bank to provide, at the time of appointment, that the service would be non-pensionable. Thus, nothing turns on the fact that the 1992 Staff Rules were amended only in November 2010 with effect from 01-08-2010;
g. Where the law requires something to be done in a particular manner it has to be done in that manner or not at all.
h. The 2014 Regulations clearly provide that no person who enters service after 01-08-2010 will be entitled to become members of the non-contributory pension fund. Hon'ble Court did not deem it necessary to examine as to whether the industrial settlements referred to by the learned counsel for the Union, in fact, provide for or recognize a right to receive a pension under a non-contributory scheme. It is settled law that the terms of an industrial settlement will always be subject to statutory prescription
i. The introduction of the contributory pension scheme in respect of all employees who entered service of the State Bank of India after 01-08-2010 is legal and valid and the same does not suffer from any legal infirmity. There is no hostile discrimination. The officers/employees who joined after 01-08-2010 clearly formed a separate class.

4. Position of extension of Contributory Pension Scheme in erstwhile Associate Banks:

In erstwhile Associate Banks, New Pension Scheme, which is Contributory was introduced with effect from 01.08.2010 on account Bipartite Settlement/Joint Note dated 27.04.2010. The Clause by virtue of which Contributory Pension Scheme was introduced are extracted, hereunder:

Joint Note dated 27.04.2010 :

(6) (i) The existing pension scheme will not be applicable to those who join the services of banks on or after 1st April 2010.

(ii) Officers joining the services of banks on or after 1st April 2010 shall be eligible for the Defined Contributory Pension Scheme, the banks will be introducing for them. The Defined Contributory Pension Scheme proposed to be introduced for them will be one as governed by the provisions of New Pension System introduced for employees of Central Government w.e.f. 1st January 2004 and has been modified from time to time. The Scheme shall be regulated and administered by the Pension Fund Regulatory and Development Authority (PFRDA).

(iii) The officers joining the services of the banks on or after 1st April 2010 shall contribute 10% of Pay and Dearness Allowance towards the Defined Contributory Pension Scheme and the bank shall make a matching contribution in respect of these officers.

(iv) There shall be no separate Provident Fund for officers joining services of Banks on or after 1st April 2010.

Identical clauses were also inserted in Bipartite Settlement of the same date covering the Workmen. However, following clauses which are important and germane to the dispute on hand were a part of the Joint Note and Bipartite Settlement:

(10) The conclusions arrived and recorded in the above Clauses together with a copy of the Scheme of Pension will be forwarded to the Government by the IBA for their approval and further action in terms of Section 19 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 by complying with the procedure for amendment of the relevant Pension Regulations

Bipartite Settlement dated 27.04.2010:

(7) The terms of this Settlement shall be incorporated in the Bank Employees' Pension Regulations, 1995 dated 29th September 1995 in case of Nationalized Banks / 26th March 1996 in case of Associate Banks of State Bank of India respectively by complying with the procedure for amendment of the relevant Pension Regulations

These clauses in Joint Note and Bipartite Settlement dated 27.04.2010 make the clause 6 of the Joint Note and Clause 3 of the Bipartite Settlement conditional linking amendment to Pension Regulations, 1995.

Erstwhile Associate Bank Employees' Pension Regulations, 1995 have not at all been amended after 2010 in respect of payment of pension or otherwise to those who have joined these Banks on or after 01.08.2010. However, Regulation 3 and 3(4) of Associate Bank Employees' Pension Regulations, 1995, which says that "regulations shall apply to employees who join the service of the Bank on or after the notified date".

5. We find that the Judgement of Hon'ble High Court of Kerala dated 17.08.2020 has not applied the legal principles laid down by Hon'ble Supreme Court. There is no cavil that the decisions of the Hon'ble Supreme Court are not only res judicata, ratio-decidendi and the law declared under Article 142.

6. Facts, position and law with regard to extension of Non-Contributory Pension to those who have joined on or after 01.08.2010:

i. Section 43 of the State Bank of India Act, 1955 provides for appointment of officers, advisers and employees and determine the terms and conditions of their appointment and service. Therefore, only appointment and determination of the service conditions officers, advisers and employees are permissible, but not framing of Regulations. Regulations could be framed only under Section 50 of the State Bank of India Act, 1955. The Regulations are framed in exercise of specific power conferred by the statute to make regulations. The essence of law is that it is made by the law-makers in exercise of specific authority. The vires of law is capable of being challenged if the power is absent or has been exceeded by the authority making rules or regulations. Therefore, Regulations framed under Section 43 of the State Bank of India Act, 1955 are not valid and provisions cannot be enforced. Consequently, any amendment carried out to State Bank of India Officers' Service Rules, 1992 on 08.11.2010 with retrospective effect from 01.08.2010 with a view to deny non-contributory pension does not have any force. Consequently, the Bank cannot stand on crutches of amendment to State Bank of India Officers' Service Rules, 1992 on 08.11.2010 (Sukhdev Singh v. Bhagatram Sardar Singh Raghuvanshi, (1975) 1 SCC 421);

ii. State Bank of India Employees Pension Fund Rules, 1965 is framed under Section 50 of the State Bank of India Act, 1955. Amendments carried out are notified in the Gazette. Notification in the Official Gazette is made mandatory with amendment to Section 50 by Act 66 of 1988, S.17 (w.e.f. 30-12-1988) inserting the provision 'by notification in the official Gazette'. Therefore, any amendment to State Bank of India Employees Pension Fund Rules, 1965 including non-applicability of benefit of New Pension Scheme without notification in the official gazette cannot be enforced.

Similarly, even if Section 43 of the State Bank of India Act, 1955 allows framing of Rules/Regulations, without notification in Official Gazette, any amendment carried out to State Bank of India Officer's Service Rules, 1992 is unenforceable. Therefore, the Bank cannot relay on this provision to deny pension to Employees including Officers of State Bank of India, who have joined on or after 01.08.2010.

The law in this regard is settled by Hon'ble Supreme Court in Gulf Goans Hotels Co. Ltd. v. Union of India, (2014) 10 SCC 673.

It is a totally different case in erstwhile Associate Banks. Neither State Bank of India nor erstwhile Associate Banks have amended Officers' Service Regulations, 1979 and Bank Employees' Pension Regulations, 1979. Therefore, the Bank cannot even plead non-applicability of Bank Employees' Pension Regulations, 1995, which is non-contributory to those who have joined erstwhile Associate Banks on or after 01.08.2010, but on or before 31.03.2017;

iii. It is no longer Res Judicta that arbitrary and uncontrolled power is not left in the authority to select at its will any person against whom action will be taken. Any rule which enables the authority concerned to discriminate among employees whose regulations equally apply by taking action in one case and not taking it in the other is ultra virus. In the absence of any guiding principle in the exercise of the discretion by the authority, the Rule, therefore, has to be struck down as contravening the requirements of Article 14 of the Constitution. Therefore, the Bank cannot discriminate and deny admission to Pension Fund by declaring the service as non-pensionable.

State Bank of India is a 'State'. Constitution Bench of Hon'ble Supreme Court in its Judgment in DTC v. Mazdoor Congress, 1991 Supp (1) SCC 600 quoting the Judgment by another Constitution Bench in Sukhdev Singh v. Bhagatram Sardar Singh Raghuvanshi, (1975) 1 SCC 421 has decided that "the statutory bodies have no free hand in framing the terms or conditions of service of their employees. The Regulations bind both the authorities and also the public. The powers of the statutory bodies are derived, controlled and restricted by the statutes which create them and the Rules and Regulations framed thereunder. The statute, thereby, fetters the freedom of contract". Therefore, the Bank cannot restrict the flow of the benefit of non-contributory pension by invoking Regulation 7/8 of State Bank of India Employees Pension Fund Rules, 1965/Regulations, 2014.

Sastry Award in its para 414 dispensed with contribution to pension in State Bank of India and thereafter employees are not required to make any Contribution. This Award has force of law Therefore, the benefit available in terms of Awards, cannot be denied by a legislation, with retrospective effect, that too by inserting a clause disentitling other provisions.

Further, the Bank seeks to deny non-contributory pension to those who have joined the Bank on or after 01.08.2010 by invoking what is provided in Rule 8(d). Rule 7 of the State Bank of India Employees Pension Fund Rules, 1965 and State Bank of India Employees Pension Fund Rules, 2014 make every permanent employee a member of the Pension Fund. The Bank cannot unilaterally declare the service of any person, non-pensionable under Rule 8(d). The purpose of this rule is to exclude something which would otherwise fall squarely within the general language of the main enactment. Usually, a provision cannot be interpreted as a general rule that has been provided for. Nor can it be interpreted in a manner that would nullify the enactment, or take away in entirety, a right that has been conferred by the statute. Since the language of the State Bank of India Employees Pension Fund Rules, 1965 is clear and unambiguous, a proviso can have no repercussion on the interpretation of the main enactment, so as to exclude by implication, what clearly falls within its expressed terms. If, upon plain and fair construction, the main provision is clear, a proviso cannot expand or limit its ambit and scope (Rohitash Kumar v. Om Prakash Sharma, (2013) 11 SCC 451). Therefore, it is impermissible to invoke this provision to deny non-contributory pension to those who have joined the Bank on or after 01.08.2010. Consequently, it was not open to the Bank to provide, at the time of appointment, that the service would be non-pensionable under the Rule 8 of the 1965 Rules.

In erstwhile Associate Banks, Bank Employees' Pension Regulations, 1995 does not have any such provision or proviso which gives authority to deny pension under Bank Employees' Pension Regulations, 1995.

iv. There is no dispute that the Pension Fund Regulations, 2014 is notified on 18.09.2014 replacing State Bank of India Employees Pension Fund Rules, 1965. Admittedly, State Bank of India Employees Pension Fund Rules, 1965 were not amended incorporating disentitlement of non-contributory Pension to those who have joined the Bank on or after 01.08.2010 and the Rules were not notified in the Official Gazette. Consequently, the Bank cannot rely on Rule 8(d) of the State Bank of India Employees Pension Fund Rules, 1965 and deny non-contributory pension to any employee, including those who have joined on or after 01.08.2010, as the Rules are unenforceable on account of failure to notify in Gazette. The Bank is bereft of any provision to deny the benefit of non-contributory pension.

It is decided by Hon'ble Supreme Court that the amendment cannot have retrospective effect in respect of the persons already in service but would be prospective; it would be applicable only to those candidates appointed after the date of the amendment introducing the proviso in Secretary (Estt.) Railway Board & Anr. vs. D.Francis Paul & Ors., 1996 (10) SCC 134. No vested or accrued right could be taken away as decided in Judgment of the Constitution Bench in Railway Board v. C.R. Rangadhamaiah, (1997) 6 SCC 623.

In erstwhile Associate Banks, Erstwhile Associate Banks' Pension Regulations, 1995 and Employees' Provident Fund Regulations, 1975 have not at all been amended. In fact, Regulation 48 of Officers' Service Regulations, 1979 which was amended by way of notification in Gazette dated 28.03.2001 vide No.SBD No.2/2001. Regulation 48(3) notified on 28.03.2001 provides that 'Officers joining the Bank's service on or after 29.9.1995, shall be governed by the Pension Scheme'. By applying the statutory provisions, those who are from erstwhile Associate Banks on or after 01.08.2010 are entitled to benefits available in terms of Erstwhile Associate Banks' Pension Regulations, 1995 and Employees' Provident Fund Regulations, 1975. The Regulations have statutory force and are binding. They could not have been supplanted by any executive fiat or order or Joint Note, which has no statutory basis. The Joint Note could not have obliterated any of the provisions of the existing Regulations. Pension is required to be paid in terms of existing regulations. Thus,

Joint Notes could not have taken away the rights that were available under the 1995 Pension Regulations to the Officer (Bank of Baroda v. G. Palani, (2022) 5 SCC 612).

v. Regulation 7 of State Bank of India Employees' Pension Fund Regulations, 2014 make employees eligible to become members of the Pension Fund under the terms and conditions of service. Sastry Award has granted non-contributory pension to employees in para 414. Therefore, those employees who are entitled to non-contributory Pension in terms of Sastry Award, which is binding on the Bank, cannot be denied non-contributory pension by inserting Sub-Regulation (2) in Regulation 7. It is well settled that a proviso cannot override or supplant the substantive provision. The proviso cannot take away or nullify the right conferred by the substantive provision. If the words of the enactment are clear and are capable of only one interpretation on a plain and grammatical construction of the words thereof, a non obstante clause cannot cut down that construction and restrict the scope of its operation. In such cases the non obstante clause has to be read as clarifying the whole position and must be understood to have been incorporated in the enactment by the legislature by way of abundant caution and not by way of limiting the ambit and scope of the operative part of the enactment. Such an action on the part of the Bank, which is expected to be a model employer, is arbitrary and such an action is hit by Article 14 and 16 (Union of India v. Shrinbai A. Irani, (1954) 2 SCC 1)

vi. The Bank cannot contract out of Statute. Sastry Award has statutory strength and provides for non-contributory Pension. Regulations provide for payment of pension and the Bank cannot enter into a contract out of statute. State Bank of India is a 'State' under Article 12. 'State' cannot contract out of statutory duty to pay pension, by inserting a clause in Advertisement, Appointment Orders, etc. Therefore, what is statutorily illegal and void cannot be enforced by resorting to the rule of estoppel (West Bengal Headmasters' Association v. State of West Bengal, 1990 SCC OnLine Cal 196)

vii. Basically, the claims of the Bank are based on the information provided either in advertisement or other communication. Recruitment advertisement, Application, offer of appointment, etc. are a part of the same Contract. It is settled law that the appointment though originates in a contract, acquires a status and thereafter is governed by the service rules and not by the terms of contract. Consequently, it is impermissible for the Bank to refer to contractual terms at the time of appointment (Union of India v. Arun Kumar Roy, (1986) 1 SCC 675).

In erstwhile Associate Banks: Appointment Orders provide that the Service Conditions are governed by Bipartite Settlements and Officers Service Regulations, 1979. Therefore, these employees are entitled to Pension both in terms of Associate Banks' Pension Regulations, 1995 and Officers' Service Regulations, 1979. The Bank cannot even say that these employees are not entitled to Pension in terms of Pension Settlement dated 27.04.2010. This is because the clause regarding introduction of New Pension Scheme as per this settlement is subject to incorporation of provisions of this settlement in Pension Regulations, 1995 by complying with the procedure for amendment of the relevant Pension Regulations in terms of Clause 7 of the said settlement. Clause 10 of the Joint Note also provides for amendment to Pension Regulations by complying with the procedure for amendment of the relevant Pension Regulations. The controversy is also covered by the Judgments of Hon'ble Supreme Court in Union of India v. Arun Kumar Roy, (1986) 1 SCC 675 and Secretary (Estt.) Railway Board & Anr. vs. D.Francis Paul & Ors., 1996 (10) SCC 134.

Further, it is well settled law that the Pension is required to be paid as per existing Regulations, Joint Note cannot supplant Pension Regulations which are statutory in nature and even an Award made under the Industrial Disputes Act, 1947, cannot be inconsistent with the law laid by the legislature or by the Supreme Court and if it does so, it is illegal and cannot be enforced. In fact, the Judgment of Hon'ble High Court of Kerala has stated that "It is settled law that the terms of an industrial settlement will always be subject to statutory prescription vide *U. Unichoyi* v. *State of Kerala* and *Oswal Agro Furane Ltd.* v. *Workers Union"*. Even Hon'ble Supreme Court in Bank of Baroda v. G. Palani, (2022) 5 SCC 612 quoting N.S. Giri v. Corpn. of City of Mangalore, (1999) 4 SCC 697 has stated that Hon'ble Supreme Court has observed that even an Award made under the Industrial Disputes Act, 1947, cannot be inconsistent with the law laid by the legislature or by the Supreme Court and if it does so, it is illegal and cannot be enforced.

viii. It is contended by the Bank that in respect of every recruitment during the period in question, it was clearly provided that the Pension Scheme is under review. In the letter of offer issued in respect of employees, who were recruited and joined service on or after 1.8.2010 it was clearly provided that the employees would be entitled only to pension under the new pension Scheme, which is contributory. Persons who accepted the appointment on specific terms cannot be allowed to turn around and challenge the terms/conditions of such appointment. They cannot be allowed to approbate and reprobate.

As stated supra, it is settled law that the appointment though originates in a contract, acquires a status and thereafter is governed by the service rules and not by the terms of contract. Consequently, it is impermissible for the Bank to refer to contractual terms at the time of appointment (Union of India v. Arun Kumar Roy, (1986) 1 SCC 675). Constitution Bench in Sukhdev Singh v. Bhagatram Sardar Singh Raghuvanshi, (1975) 1 SCC 421 has decided that "the statutory bodies have no free hand in framing the terms or conditions of service of their employees. The Regulations bind both the authorities and also the public. The powers of the statutory bodies are derived, controlled and restricted by the statutes which create them and the Rules and Regulations framed thereunder. The statute, thereby, fetters the freedom of contract". The Bank cannot even accuse the Petitioners/Respondents therein of approbating and reprobating. This is because the doctrine of "approbate and reprobate" is only a species of estoppel, it implies only to the conduct of parties. As in the case of estoppel it cannot operate against the provisions of a statute. (Vide CIT v. V. MR. P. Firm Muar [CIT v. V. MR. P. Firm Muar, AIR 1965 SC 1216] .)

The Bank cannot stand on the crutches of allegedly providing information as to non-applicability of non-contributory pension at the time of recruitment. This is because, the Bank was and is well aware of the fact that Pension Fund Regulations, 1965 or State Bank of India Officers' Service Rules, 1992 and also any amendment thereto should also be notified in Official Gazette. The Bank indeed has notified amendment to Officers Service Regulations, 1979 of erstwhile Associate Banks and Employees' Pension Regulations, 1995 of the erstwhile Associate Banks in Gazette. But, the State Bank of India has not notified State Bank of India Officers' Service Rules, 1992 or Pension Fund Regulations, 1965 in the Gazette, even though the provisions in this regard are identical. Amendments to these Regulations are not notified in Gazette even though the State Bank of India Act, 1955 and State Bank of India (Subsidiary Banks) Act, 1959 have identical provisions relating to appointment of such number of officers, advisers and employees as it considers necessary or desirable for the efficient performance of its functions, and determine the terms and conditions of their appointment and service (Section 43 of State Bank of India Act, 1955 and Section 50 of State Bank of India (Subsidiary Banks Act) and provisions relating to framing or making of Rules/Regulations (Section 50 of the State Bank of India Act, 1955 and Section 63 of State Bank of India (Subsidiary Banks) Act, 1959. Consequently, even though the Bank was aware that the relevant portions of the Regulations need to be amended and notified in official gazette, it has failed to amend, but it has claimed that it has informed about non-applicability of benefit of the Contributory Pension Scheme at the time of appointment. In case, any person who makes an untruthful suggestion, does not himself believe it to be true, it is defined as 'fraud" as defined in Section 17 of the Contract Act. Therefore, the Bank cannot take shelter under allegedly providing information relating to non-applicability of contributory pension.

In erstwhile Associate Banks, Erstwhile Associate Banks' Pension Regulations, 1995 and Employees' Provident Fund Regulations, 1975 have not at all been amended. In fact, Regulation 48 of Officers' Service Regulations, 1979 which was amended by way of notification in Gazette dated 28.03.2001 vide No.SBD No.2/2001. Regulation 48(3) notified on 28.03.2001 provides that 'Officers joining the Bank's service on or after 29.9.1995, shall be governed by the Pension Scheme'. By applying the statutory provisions, those who are from erstwhile Associate Banks on or after 01.08.2010 are entitled to benefits available in terms of Erstwhile Associate Banks' Pension Regulations, 1995 and Employees' Provident Fund Regulations, 1975. The Regulations have statutory force are binding. They could not have been supplanted by any executive fiat or order or Joint Note, which has no statutory basis. The Joint Note could not have obliterated any of the provisions of the existing Regulations. Pension is required to be paid in terms of existing regulations. Thus, Joint Notes could not have taken away the rights that were available under the 1995 Pension Regulations to the Officer (Bank of Baroda v. G. Palani, (2022) 5 SCC 612). In case of any clause prescribing inapplicability of non-contributory Pension Scheme under Employees' Pension Regulations, 1995 or Employees' Provident Fund Regulations, is opposed to 'Public Policy' and is hit by Section 23 of the Contract Act, 1872

7. We have extensively, explicitly and clearly brought to your kind notice that the Hon'ble High Court of Kerala has not considered or it has not been brought to the notice of the Court that:

a. State Bank of India has not notified State Bank of India Officer's Service Rules, 1992 and Pension Fund Regulations, 1965 in Gazette. Therefore, the Bank cannot take any advantage of amendments effected, if any. Consequently, they are unenforceable;

b. Section 43 of the State Bank of India Act, 1955 provides authority only to appoint officers, advisers and employees and determine the terms and conditions of their appointment and service. There is no authority to frame or make Regulations under Section 43. Therefore, State Bank of India Officer's Service Rules, 1992 does not have force of law and unenforceable;

c. It is a case of taking away vested and accrued right retrospectively, which is impermissible

d. The Bank cannot deny non-contributory pension to those who have joined the Bank on or after 01.08.2010 by invoking what is provided in Rule 8(d), as such action is arbitrary opposed to Article 14 and 16 and benefit granted by Industrial Award, which has force of law;

e. Proviso or provision inserted in State Bank of India Officer's Service Rules, 1992 and Pension Fund Regulations, 1965 disentitling those who have joined on or after 01.08.2010 from receiving non-contributory pension cannot be enforced to take away benefits available in preceding provisions;

f. The Bank cannot say that those who have joined the Bank on or after 01.08.2010 were aware of non-availability of non-contributory Pension, on account of information provided by the

Bank. This is because, the Bank was aware of need to amend Rules/Regulations and notify such amendments in Gazette, as is done by the Bank in case of erstwhile Associate Banks. Therefore, the Bank has either misrepresented or played fraud;

g. There is no estoppel against Statute;

h. This Contract is unconscionable, as contract is between unequal parties and also hit by Section 17 and 23 of the Contract Act, 1972.

In respect of erstwhile Associate Banks:

a. Denial of non-contributory Pension and Provident Fund is clearly against Regulation 48(3) of the Officers Service Regulations, 1979 and Regulation 3(4) of the Bank Employees' Pension Regulations, 1995;
b. Both Joint Note and Bipartite Settlement dated 27.04.2010 cannot take away the Benefit available as per Statutory Regulations framed under Section 63 of the State Bank of India (Subsidiary Banks) Act, 1959;
c. There is no estoppel against the Statute and Statutory benefits need to be paid as per existing Regulations;
d. New Pension Scheme in terms of Joint Note and Bipartite Settlement dated 27.04.2010 cannot be hoisted on account of condition precedent of amending relevant provisions;
e. Pension and Provident Fund are required to be paid in terms of statutory Regulations.

In view of the foregoing, we request you to kindly extend the benefit of non-Contributory Pension in terms of State Bank of India Employees' Pension Fund Regulations, 2014 or erstwhile Associate Banks' Employees' Pension Regulations, 1995 together with Provident Fund in terms of erstwhile Associate Banks' Provident Fund Regulations, 1975. We also request you to kindly provide an option to change the Superannuation Benefit chosen. We do hope you will certainly consider our requests which are based on well established law and decisions of Hon'ble Supreme Court, including that of Constitution Benches.

Thanking you,

With warm regards,

C N Prasad
General Secretary