

**THE BANK OF RAJASTHAN LIMITED
(EMPLOYEES') PENSION
REGULATIONS, 1993**

**(INTRODUCED WITH EFFECT FROM
1ST NOVEMBER, 1993)**

(UPDATED UP TO 15.9.1994)



**THE BANK OF RAJASTHAN LIMITED
(REGD. OFFICE : CLOCK TOWER, UDAIPUR)
(CENTRAL OFFICE : JAIPUR)**

Mr N S Gupta

N.S. Gupta

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CONTENTS

Particulars		Page Nos.
Extract of Memorandum of Settlement		1-8
Bank (Employees') Pension Regulations, 1993 with modifications and clarifications		9-55
Chapter I	Preliminary	9-11
Chapter II	Application & Qualifying Service	12-21
Chapter III	Classes of Pension	22-27
Chapter IV	Rate of Pension	28-30
Chapter V	Family Pension	31-43
Chapter VI	Dearness Relief	44-45
Chapter VII	Commutation	46-50
Chapter VIII	General Conditions	51-54
Chapter IX	Miscellaneous	55
Option Form to be filled in by the Employees who are in the service of the Bank		56-57
Option Form to be filled in by the employees who retired on or after Ist January 1986 and before Ist November, 1993		58-59
Notice Pension Scheme		60
Schedule I-List of Banks		61-62

SCHEDULE - I

LIST OF BANKS

1. Allahabad Bank
2. Andhra Bank
3. Bank of Baroda
4. Bank of India
5. Bank of Maharashtra
6. Canara Bank
7. Central Bank of India
8. Corporation Bank
9. Dena Bank
10. Indian Bank
11. Indian Overseas Bank
12. Oriental Bank of Commerce
13. Punjab National Bank
14. Punjab & Sind Bank
15. Syndicate Bank
16. UCO Bank
17. Union Bank of India
18. United Bank of India
19. Vijaya Bank
20. State Bank of India
21. State Bank of Bikaner & Jaipur
22. State Bank of Hyderabad
23. State Bank of Indore
24. State Bank of Mysore
25. State Bank of Patiala
26. State Bank of Saurashtra

27. State Bank of Travancore
28. Bareilly Corporation Bank Ltd.
29. Bharat Overseas Bank Ltd.
30. Karnataka Bank Ltd.
31. Kashi Nath Seth Bank Ltd.
32. Lord Krishna Bank Ltd.
33. The Bank of Rajasthan Ltd.
34. The Benares State Bank Ltd.
35. The Catholic Syrian Bank Ltd.
36. The Dhanalakshmi Bank Ltd.
37. The Federal Bank Ltd.
38. The Jammu and Kashmir Bank Ltd.
39. The Karur Vysya Bank Ltd.
40. The Lakshmi Vilas Bank Ltd.
41. The Nainital Bank Ltd.
42. The Nedungadi Bank Ltd.
43. The Ratnakar Bank Ltd.
44. The Sangli Bank Ltd.
45. The South Indian Bank Ltd.
46. The Vysya Bank Ltd.
47. ABN-AMRO Bank N.V.
48. American Express Bank Ltd.
49. ANZ Grindlays Bank p.l.c.
50. Bank of America NT & SA
51. The Bank of Tokyo Ltd.
52. Banque Nationale De Paris
53. The British Bank of the Middle East
54. Citibank N.A.
55. The Hongkong & Shanghai Banking Corporation
56. The Sakura Bank Ltd.
57. Sonali Bank
58. Standard Chartered Bank

INTRODUCTION OF PENSION SCHEME IN BANKS AS PER SETTLEMENT

Dated 29th October 1993 on Bank Employees' Pension Regulations 1993.

Memorandum of settlement dated 29th October 1993, between the Managements of 58 banks as represented by the Indian Banks' Association and their workmen as represented by the All India Bank Employees Association, National Confederation of Bank Employees, Indian National Bank Employees Federation and Bank Employees Federation of India and joint note on agreed conclusions with their officers as represented by the All India Bank Officers' confederation, All India Bank Officers' Association and Indian National Bank Officers' Congress on Pension Scheme.

(Under Section 2 (P) and Section 18 (1) of the Industrial Disputes Act, 1947 read with Rule 58 of the Industrial Disputes (Central) Rules, 1957)

Name of the Parties : 58 banks listed in Schedule I to this Memorandum of Settlement and their workmen.

Representing the Employers (Member Banks)

- | | |
|---------------------------|---------------------------|
| 1. Shri J.V. Shetty | 2. Shri S.P. Talwar |
| 3. Shri G.S. Dahotre | 4. Shri Rashid Jilani |
| 5. Shri D. Basu | 6. Shri Ramesh Mishra |
| 7. Dr. Surinder Mohan | 8. Shri J.N. Tandon |
| 9. Shri S. Dalbir Singh | 10. Shri C.N. Kulkarni |
| 11. Shri A.V. Rajagopalan | 12. Shri B.M. Mittal |
| 13. Shri M.N. Dandekar | 14. Shri G. Laxminarayana |

15. Shri T.S. Ramakrishna

16. Shri C. Krishnamurthi

17. Shri Noble Powar

18. Shri A.K. Bakhshy

19. Shri B.D. Sumitra

Duly authorised on behalf
of the Indian Banks'
Association

Representing the Workmen

ON BEHALF OF THE

1. All India Bank Employees Association (AIBEA)

1. Shri D.P. Chadha

2. Shri P.L. Syal

3. Shri P.S. Sundaresan

4. Shri P.N. Tiwari

5. Shri L.N. Bhayal

6. Shri Tarakeswar Chakraborti

7. Shri N. Sampath

8. Shri Sudesh Kumar

9. Shri Sushil Ghosh

10. Shri R.D. Trivedi

11. Shri Rajinder Syal

12. Shri S.D. Dhopeswarkar

13. Shri K. Sreenivasan

14. Shri R.V. Panchaity

15. Shri T.B. Rai

2. National Confederation of Bank Employees (NCBE)

1. Shri O.P. Gupta

2. Shri M.R. Awasthi

3. Shri L. Balasubramanian

4. Shri P. Lakshminarasaiah

5. Shri Milind Nadkarni

6. Shri S.P. Raman

3. Indian National Bank Employees Federation (INBEF)

1. Shri R.P.K. Murugesan

2. Shri Subhash S. Sawant

3. Shri Dinesh Vengurlekar

4. Shri R. Kunjithapatham

5. Shri Shyamal Banerjee

6. Shri Nitin R. Gavand

4. Bank Employees Federation of India (BEFI)

ON BEHALF OF THE

1. All India Bank Officers
Confederations (AIBOC)

- | | |
|------------------------|----------------------|
| 1. Shri S.R. Sengupta | 2. Shri Umed Singh |
| 3. Shri H.R. Shenoy | 4. Shri R.N. Godbole |
| 5. Shri K.D. Kheda | 6. Shri R.C. Agarwal |
| 7. Shri S. Roychoudhry | 8. Shri K.N. Kannan |
| 9. Shri P.V. Mathew | 10. Shri T.R. Bhat |
| 11. Shri K.V. Acharya | 12. Shri H.R. Rao |

2. All India Bank Officers
Association (AIBOA)

- | | |
|-----------------------------|----------------------------|
| 1. Shri Debash Bhattacharya | 2. Shri R.K. Pawar |
| 3. Shri M.N. Parikh | 4. Shri R.J. Sridharan |
| 5. Shri S.K. Srivastava | 6. Shri W.V. Potdar |
| 7. Shri Panchanan De | 8. Shri T.V. Radhakrishnan |
| 9. Shri Gulshan Paul | 10. Shri K.B. Shetty |
| 11. Shri S. Nagarajan | |

3. Indian National Bank
Officers Confederation (INBOC)

- | | |
|---------------------|----------------------|
| 1. Shri K.K. Nair | 2. Shri E.A.G. Moses |
| 3. Shri S. Ganeshan | 4. Shri Shanthakumar |
| 5. Shri P.N. Jha | 6. Shri S.V. Singh |

SHORT RECITAL OF THE CASE

Whereas :

- (a) During the course of negotiations on service conditions of the workmen employees in February, 1990 the Indian Banks' Association (IBA) agreed to introduce pension scheme in banks for the workmen employees in lieu of employers' contribution to the Provident Fund. The pension scheme agreed by IBA was to be broadly on Central Government/the Reserve Bank of India pattern; details of the scheme were to be worked out.
- (b) The AIBEA's initial demand was for pension as third superannuation benefit in addition to CPF and gratuity. This was not acceptable to the IBA. After careful consideration of the IBA's offer for pension as a second retiral benefit in lieu of employer's contribution to contributory provident fund, AIBEA finally conveyed its acceptance of the same but demanded additionally that D.A. should also be reckoned for provident fund contribution and pension purposes. The IBA, however, was not agreeable to treating D.A. as pay for Provident Fund and pension calculations.
- (c) After protracted negotiations, over a period of time, the parties agreed to resolve the dispute by accommodating each other's view points in the interest of industrial harmony.

✓
NOW, THEREFORE IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES HERETO AS UNDER :-

1. The member banks set out in the schedule I hereto shall introduce pension as second retirement benefit scheme in lieu of contributory provident fund where it does not exist for the workmen employees of the member banks with effect from 1st November, 1993.
2. Pension as a second retiral benefit scheme in lieu of contributory provident fund shall be available to the

following category of employees/retired employees from 1st November, 1993 or the date of retirement, whichever is later.

- (i) Employees who join service of the bank on or after 1st November, 1993.
- (ii) Employees in service of the bank as on 31st October, 1993 and who on or before 30th June, 1994 exercise an option in writing in response to bank's notice to this effect to be given not later than 31st December, 1993 to become members of the pension scheme and to cease to be members of the contributory provident fund scheme with effect from 1st November, 1993 and irrevocably authorise the bank or the trustees of the contributory provident fund to transfer the entire contribution of the bank along with entire interest accrued thereon to the credit of pension fund to be created for this purpose.
- (iii) Retired employees who were in service of the bank/ merged bank on or after 31st December, 1985 and retired on or after 1st January, 1986 but before 1st November, 1993 provided that such retired employees apply for it on their own on the format prescribed by each bank and refund within a period of six months reckoned from 1st November, 1993, the bank's entire contribution to the provident fund including interest received with further simple interest at the rate of 6 per cent per annum from the date of withdrawal of the provident fund amount till the date of refund.
- (iv) Permanent part-time employees drawing scale wages.

Note : Wherever in any other bank the existing or agreed package of superannuation benefits comprising CPF/Pension/Gratuity are superior

to the package comprising of Pension and Gratuity under this Settlement, the Bank in concurrence with their Union may opt to continue with their existing or agreed package of retiral benefits.

3. Pension will be payable on retirement to permanent employees who have put in minimum of 10 years qualifying service in the bank or before being merged to a new bank will also be taken as service in the same bank. However, the requirement of qualifying service shall not be applicable for drawing family pension in case an employee dies while in service.

4. The rate of basic pension will be fifty per cent of the average pay as defined in Pension Scheme subject to a minimum of Rs. 375/- per mensem in the case of a full-time employee and proportionate amount in the case of a permanent part-time employee drawing scale wages.

5. Completed service of thirty three years will qualify for full pension.

Employees voluntarily retiring after 20 years of completed service as per provisions to be incorporated in the scheme will get proportionate pension.

The qualifying service of an employee voluntarily retiring on completion of 20 years of actual service shall be increased by a period not exceeding five years, so however, that the total qualifying service of such employee shall not in any case exceed thirty three years and also shall not take him beyond the date of superannuation.

6. Dearness relief to pensioners will be granted at such rates as may be determined from time to time in line with the dearness allowance formula in operation in Reserve Bank of India.

7. A pensioner will be entitled to commute one third of the basic pension.

Dearness relief will, however, be allowed on full basic pension even after commutation.

8. Conditions on which pension in part or full can be withheld or withdrawn shall be set out in the Scheme to be formulated in terms of this Settlement.
9. For the administration of the pension scheme each of the member bank may create a public trust and appoint such trustees and other staff as it deems fit. The pension scheme will be in accordance with the provisions of the Income Tax Act, 1962 and the Indian Public Trust Act.
10. Employees who opt for pension scheme shall only contribute to the Provident Fund at the rate of 10% of basic pay only with effect from 1st November, 1993 with no contribution by the employer.
11. Actual payment of pension in all cases shall commence from 1st November, 1993.
12. Provisions will be made by a scheme, to be negotiated and settled between the parties to this Settlement by 31st December, 1993 for applicability, qualifying service, amounts of pension, payment of pension, commutation of pension, family pension, updating and other general conditions, etc. on the lines as are in force in Reserve Bank of India. Page 12
P15
13. Without prejudice to what is stated in paragraph 10 supra and in partial modification of Paras 7.25 to 7.27 of Desai Award, and subsequent amendments thereto in case of employees who are on the banks' rolls as on 31st October, 1993, 'pay' for the purpose of calculation of contributory provident fund and pension shall include dearness allowance component upto 1150 points only (C.P.I.- 1960 - 4 points slab.) P28
P24
P31
P31

It will not however rank for gratuity or any other purpose. The dearness allowance payable at points above 1150 on 1st November, 1993 and thereafter shall

not rank for any superannuation benefits or for any other purpose unless stated otherwise in any of the subsisting provisions of the Awards/Bipartite Settlement.

- ✓ 14. The terms and conditions hereof shall continue to govern and bind the parties until the Settlement is terminated by either party giving to the other a statutory notice as prescribed in law at the material time.
15. The Workmen Unions on behalf of the workmen employees agrees that during the operation of this Settlement they will not raise any demand of any nature whatsoever on any of the banks in respect of matters covered by this Memorandum of Settlement.
16. Copies of the Memorandum of Settlement will be jointly forwarded by the parties to the authorities listed in Rule 58 of the Industrial Disputes (Central) Rules, 1957 so that terms and conditions thereof are binding on the parties as provided in law.
17. If there is any difference of opinion regarding interpretation of any of the provision of this Settlement the matter will be taken up only at the level of the Indian Banks' Association and the All India Workmen Unions for discussion and settlement.

THE BANK OF RAJASTHAN LTD. (EMPLOYEES') PENSION REGULATIONS, 1993

CHAPTER I

PRELIMINARY

(1) Short title and commencement :

- (i) These Regulations may be called The Bank of Rajasthan Limited (Employees') Pension Regulations, 1993;
- (ii) These Regulations shall come into force with effect from 1st November, 1993;

(2) Definitions

In these Regulations, unless the context otherwise requires :—

- (a) 'Act' means the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/80.
- (b) 'Bank' means (the names of the banks listed in the schedule)
- (c) 'Board' means the Board of Directors of the Bank constituted under the Act and the Chief Executive in India in respect of foreign banks.
- (d) 'Appellate Authority' means such Authority designated by the Board for the purposes of these Regulations.
- (e) 'Competent Authority' means such Authority designated by the Board for the purposes of these Regulations.

(f) 'Employee' means any person employed in the service of the Bank as permanent employee or permanent part-time employee on scale wages but shall not include a person employed on contract basis or on daily-wage basis or on consolidated wages.

(g) 'Family' means (i) wife in the case of male employee and husband in the case of female employee, (ii) son who has not attained the age of twenty five years and unmarried daughter who has not attained the age of twenty five years, including son or daughter adopted legally and (iii) a judicially separated wife or husband, such separation not being granted on the ground of adultery and the person surviving was not held guilty of committing adultery.

Note : A posthumous child is entitled for grant of family pension.

(h) 'Average Emoluments' means the average of pay drawn by an employee during the last 10 months of his service.

(i) 'Pension' means basic pension plus additional pension.

(j) 'Retirement' means cessation from bank's service, under any of the following circumstances :

(i) On attaining the age of superannuation;

(ii) Premature retirement before the age of superannuation as per the provisions of the Service Regulations/Service Rules;

(iii) Voluntary retirement, before the age of superannuation, as per the provisions contained in these Regulations;

(iv) Compulsory retirement as per provisions of the Service Regulations/Service Rules/Settlements.

- (k) 'Date of retirement' means the last date of the month in which an employee attains the age of superannuation or the date on which he is retired by the bank or the date on which he retires in advance of the age of superannuation in accordance with the Service Regulations/Service Rules/Settlements and in the case of an employee who retires voluntarily, as per the provisions contained in these Regulations, the effective date of retirement as approved by the bank.
- (l) 'Pensioner' means an employee who has retired from the bank and is eligible for and/or is drawing pension under these Regulations.
- (m) 'Service Regulations' means the Bank Officers' Service Regulations, 1979/1982.
- (n) 'Service Rules' means the Bank Officers' Service Rules applicable to officers of private sector banks.
- (o) 'Settlements' means industry level Bipartite Settlements arrived at between IBA and Workmen Unions on terms and conditions of service of the workmen.

Regulation 2(o) Clarified :

If Bank level settlements are required to be referred to in the Regulation the word 'Bank level Settlement' may be incorporated in the pension regulations to be adopted by the Board of the bank.

APPLICATION AND QUALIFYING SERVICE

3. Application

These Regulations shall apply to :

- (i) Employees who join service of the bank on or after 1st November, 1993.

Clarified :

When a clerk in the bank gets selected as probationary officer and is appointed in the same bank, the part service rendered by such appointee is reckoned for all benefits except for seniority. Such appointee appointed on or after 1.11.1993 is not eligible to opt between CPF and Pension.

Employees appointed afresh in the bank on or after 1.11.1993 are automatically covered under pension regulations only. No option is available to such appointees.

- (ii) Employees in service of the bank as on 31st October, 1993 and who exercise an option in writing in response to bank's notice to this effect to become members of the pension scheme and to cease to be members of the contributory provident fund scheme with effect from 1st November, 1993 and irrevocably authorise the bank or the trustees of the contributory provident fund to transfer the entire contribution of the bank along with entire interest accrued thereon to the credit of pension fund to be created for this purpose.
- (iii) By way of special dispensation to employees who retired on or after 1st January, 1986 but before 1st

November, 1993 provided that such retired employees apply for it on the format prescribed by the bank and refund by the date decided by the bank, the bank's entire contribution to the provident fund including interest received with further simple interest at the rate of 6 per cent per annum from the date of withdrawal of the provident fund amount till the date of refund.

Clarified :

- (a) Queries have been raised as to whether employees who have retired as at the close of business on 31.12.1985 are eligible for the pension under special dispensation as per Regulation 3 (iii) of Chapter II.

It is clarified that employees retiring on or after 1.1.1986 only are eligible for this special dispensation and this **does not include those employees who** have retired as at close of business on 31.12.1985.

- (b) In case of employees retiring on or after 1.1.1986 and before 1.11.1993, in addition to employer's contribution to provident fund received at the time of retirement, the amount of non-refundable withdrawal from Contributory Provident Fund, if any, should also be refunded to the bank with simple interest at the rate of **6% p. a.** from the date of withdrawal till the date of refund by retirees who opt for pension.

In case of employees retiring on or after 1.11.1993 the rate of interest applicable will be the prevailing rates as applicable to provident fund.

- (c) Pursuant to the discussions held with the unions/officers' organisations on 24.3.94, it

was agreed that 'netting' would be allowed. Accordingly, bank may require the retiree to repay only that amount which remains after deducting the commuted amount of Pension from the amount determined for refund i.e. provident fund balance plus interest thereon.

- (d) Only that part of non-refundable withdrawal which was permitted from the employer's contribution to P.F. is required to be refunded. Ordinarily, only employees contribution to the P.F. is allowed as non-refundable withdrawal. However, in some banks stray cases have been reported where the bank has allowed non-refundable withdrawals from employer's part of contribution also.
- (iv) An employee who is recruited on or after 1st November, 1993 at the age of thirty-five years and above may, within a period of three months from the date of his appointment, elect to forgo his right to pension whereupon he shall be eligible to subscribe to Contributory Provident Fund.

Clarified :

- (a) Employees who have been recruited as on 1.11.1993 and thereafter will not be eligible for option in regard to CPF/Pension but will be compulsorily brought within the purview of the pension scheme.

However, an employee who is recruited at the age of 35 years and above, between 1.11.1993 and the date of finalisation of the scheme may be allowed to exercise his option within 3 months from the date of issue of administrative circular by the banks.

- (b) Employees who have retired as at the close of business on 31.10.1993 are not eligible for reckoning of dearness allowance at 1148 points for the computation of basic pension as per Regulation 20 (iv)(b) of Chapter IV. This is applicable for employees retiring on or after 1.11.1993 only.

Note :

- (a) The options referred to in this regulation once exercised shall be final.
- (b) Option referred in (ii) and (iii) above should be exercised within 6 months and 4 months respectively from the date of notification issued by the IBA.

Modified :

The date for exercising option referred in (ii) and (iii) above have been extended upto 30.9.94 for both section of employees i.e. the retirees as well as those in the service of the bank.

Clarified :

The option given is for opting for pension scheme. If the employee does not opt for the pension scheme then it can be deemed that he wishes to continue with the CPF.

4. Qualifying Service :

Subject to other conditions in these Regulations, employees who have completed 10 years of service in the bank, on superannuation shall be eligible for pension.

Clarified :

The provision of minimum years of service of 10 years is in relation to the service at the time of retirement upon attaining the age of superannuation, i.e. 58 years

or 60 years as the case may be. In other cases, employees should have put in at least 20 years of qualifying service before applying for pension on voluntary retirement.

Clarified :

The terms of appointment of EDs/CMDs are not with reference to Officers' Service Regulations. They are not deemed as employees of the bank. As such tenure as ED/CMD is not to be reckoned as qualifying service for pension in the bank.

Resignation from service ordinarily disqualifies an employee from pension. If the General Manager has voluntarily retired as per service regulations then he would be eligible for pension. However, the IBA has taken up this matter with the Government and shall inform decision of the Government in due course.

As the matter stands now, only service rendered in the bank from where the employee retires can be taken as qualifying service for pension. (Certain recommendations to the government have been made in this regard. Till such time Government gives clearance, the matter stands thus.)

Sup - **Note :** In case of mergers the entire service rendered by an employee in erstwhile bank will be reckoned as qualifying service.

5. Commencement of Qualifying Service

Subject to the provisions of these Regulations, qualifying service of an employee shall commence from the date he is first appointed in any cadre in the bank, on permanent basis.

Notes :

- (i) Period of probation/training if followed by confirmation shall be treated as qualifying service.

- (ii) In the case of a permanent part-time employee, the qualifying service may be deemed to have commenced from the date he is appointed on scale wages.
- (iii) In the case of a permanent part-time employee initially appointed on 1/3 scale wages and later refixed from 1/3 to 1/2 or 3/4 or from 1/2 to 3/4 scale wages or appointed as a full-time employee, the qualifying service may be recalculated proportionately in relation to the rates of scale wages applicable during the part-time service.

6. Broken period of service of less than one year

If the period of service of an employee includes broken period of service of less than one year but more than six months it shall be treated as one year and if such broken period is less than six months it shall be ignored.

Clarified :

The broken period of service is the period of service less than 12 months in the total service rendered by the employee at the time of retirement and broken period of service of six months and less than six months shall be ignored and 6 months and 1 day shall be reckoned as one year.

7. Counting of period spent on extraordinary leave

Extraordinary leave on loss of pay will not count as qualifying service except when the Sanctioning Authority has directed that such leave may count as service for all purposes.

8. Counting of Military Service

An employee who has rendered military service before appointment in the bank shall continue to draw the military pension, in which case his former military service shall not count as qualifying service.

Clarified :

Only service rendered by an employee in the bank should be reckoned as qualifying service. In other words, military service rendered by an ex-servicemen employee, whether in receipt of military pension or not, is not reckoned for pension in the bank.

9. Period of Suspension

Period of suspension of an employee pending enquiry shall count for qualifying service where on conclusion of such enquiry he has been exonerated. In all other cases, the period of suspension shall not count as qualifying service unless the competent authority at the time of passing final orders expressly declares whether and to what extent the suspension period should be treated as counting towards qualifying service.

10. Forfeiture of service

Dismissal, termination of or resignation by an employee from the service except where the Service Regulations/Service Rules/Settlements do not disentitle such employee from receiving superannuation benefits shall forfeit his entire past service and consequently shall not qualify for pension payment.

Modified :

Resignation or dismissal or termination of an employee from the service shall entail forfeiture of his entire service and consequently shall not qualify for pension.

Note : An employee who is deemed to have voluntarily retired from the bank's service in terms of the provisions for voluntary cessation of employment contained in Bipartite Settlement dated 10th April, 1989 shall entail forfeiture of his past service and shall not qualify for pension payment.

11. Period of deputation to Foreign Service

An employee deputed on Foreign Service may opt at the time of deputation to :—

- (i) pay pension contribution in respect of his Foreign Service and count such service as qualifying service for pension under these Regulations;

Clarified :

An employee who while on deputation to a foreign office opts for paying pension contribution to the bank in respect of his foreign service with a view to counting such service as qualifying service for pension in the bank will have to remit in foreign exchange, monthly pension contribution to the bank at the rate as may be prescribed by the bank.

Or

- (ii) avail of the retirement benefits admissible under the rules of the Foreign employer and not count such service as qualifying service for pension under these Regulations.

12. Period of deputation to an organisation in India

Period of deputation of an employee to another organisation in India will count as qualifying service provided the organisation or the employee pays the pensionary contributions to the bank.

Clarified :

The period of deputation to any organisation in India will count as qualifying service for pension if the organisation agrees to pay to the bank pension contribution at the rate as may be stipulated by the bank.

If the organisation to which the employee is being deputed is not agreeable to pay the pension contribution, the employee will have to pay such

contribution to the bank every month during the period of his deputation. A clause to this effect may be incorporated in the terms and conditions of deputation of the employee.

Further Clarified :

If an employee who is on deputation to another organisation as on 1.11.1993 opts for pension then PF contribution standing to his credit will be transferred to the pension corpus. Thereafter, the organisation to which he is deputed will have to agree to make contribution to the pension corpus as determined by the bank on account of such employee, unless the bank waives such condition, for deputation.

13. Addition to qualifying service in special circumstances

At bank's discretion an employee shall be eligible to add to his service qualifying for superannuation pension (but not for any other class of pension) the actual period not exceeding one-fourth of the length of his service or the actual period by which his age at the time of recruitment exceeded twenty five years or a period of five years, whichever is less, if the service or post to which the employee is appointed is one —

- (a) for which post-graduate research, or specialist qualification or experience in scientific, technological or professional fields, is essential ;
- (b) to which candidates of more than twenty five years of age are normally recruited; and
- (c) the candidate was given age relaxation on account of his possessing higher qualifications or experience over and above the maximum age limit fixed for candidates with the minimum qualifications/experience required for the post.

14. Provided that this concession shall not be admissible to an employee unless his actual qualifying service at the time he retires from the bank's service on superannuation is not less than ten years.

Note : The benefit of addition to qualifying service under the provisions of this Regulation is not available in the case of employees recruited in the bank on the basis of relaxation of age limit permitted under the Government guidelines.

Clarified :

This special dispensation is restricted to officers who have been appointed by relaxation of age beyond the age prescribed for the specialist posts considering the additional qualifications or experience over and above what is prescribed for the post. As such it is not available for specialists who are appointed as per normal eligibility.

CLASSES OF PENSION

15. Superannuation Pension

Superannuation pension shall be granted to an employee who has retired on his attaining the age of superannuation.

16. Premature Retirement Pension

Premature retirement pension shall be granted to an employee who is retired by the bank or retires in advance of the age of superannuation in accordance with the provisions of the Service Regulations/Service Rules/Settlements.

Compulsory
retirement
by Bank

Clarified :

All provisions of Service Regulations/Service Rules/Settlements governing premature retirement shall also be applicable in case of Premature Retirement Pension.

17. Pension on Voluntary Retirement

- (i) Notwithstanding anything contained in the Service Regulations/Service Rules an employee may be permitted to voluntarily retire after he has completed 20 years of qualifying service, after giving three month's notice in writing to the Competent Authority.

Clarified :

- (a) An employee resigning from services irrespective of number of years of service put in by him/her is not eligible for pension. The special dispensation for voluntary

retirement after 20 years of service is part of a new dispensation introduced in the pension scheme and will become effective only from the date of introduction of the regulations.

- (b) Voluntary retirement is a special dispensation which forms part of the Pension Regulations and is only for members of the Pension Scheme and not for those who are outside the purview of the Pension Scheme.
- (c) Whether an employee seeking voluntary retirement in terms of pension regulations will also be entitled for other facilities ordinarily available on retirement, such as encashment of leave, etc. !

Sup. ✓ | Consequential benefits on retirement do not flow out of Pension Regulations. The facility of voluntary retirement under the pension regulations is for the limited purpose of pension. Other retirement benefits can be considered if the officer is eligible for the same under the existing Service Regulations/ Service Rules.] *Sup.*

- (d) The pension regulations are currently in draft form only. Unless the requirements of Section 19(1) of the Banking Companies (Acquisition and Transfer of Undertakings) Act 1970/1980 are met, the regulations cannot come into force. Employees, therefore, can be allowed to voluntarily retire, only if permissible under the service regulations. In other words, pending final adoption of pension regulations and the formation of pension trust after getting

necessary clearance from Income Tax, Provident Fund Authorities, etc. banks are not obliged to accept voluntary retirement notices which are not in conformity with the Officers' Service Regulations.

In other words, all the provisions of the pension scheme including voluntary retirement provision will become operative only when all the formalities are completed and pension fund trust is created, etc.

Provided that this sub-regulation shall not apply to an employee who is on deputation or study leave abroad, unless, after having been transferred or having returned to India he has resumed the charge of the post in India and served for a period of not less than one year.

Provided further that this sub-regulation shall not apply to an employee who seeks voluntary retirement from service for being absorbed permanently in any other organisation to which he is on deputation at the time of seeking voluntary retirement.

- (ii) Notice of voluntary retirement given under sub-regulation (i) shall not be effective unless it is accepted by the Competent Authority ;

Provided that where the Competent Authority does not communicate its decision not to accept voluntary retirement before the expiry of period specified in the notice, the retirement shall become effective from the date of expiry of such period entitling the employee for pension.

- (iii) The Competent Authority may, if so requested by the employee permitted to voluntarily retire

pursuant to sub-regulation (i) waive the notice of voluntary retirement with respect to its full period or part thereof if the Competent Authority is satisfied that such waiver shall, if granted, be subject to the condition that the employee shall not apply for commutation of a part of his pension before the expiry of the period of notice of three months.

- (iv) The qualifying service of an employee permitted to voluntarily retire pursuant to sub-regulation (i) shall be increased by a period not exceeding five years so, however, that the total qualifying service of such employee shall not in any case exceed 33 years and does not take him beyond the date of superannuation.

Clarified :

The number of years of service to be added under this regulation is restricted to the number of years of service available to an employee before he completes 33 years of service or the age of superannuation whichever is less. For example, if an employee takes voluntary retirement at the age of 56 years (superannuation by 58 years) and has put in 29 years of service, the number of years to be added to the service is only 2 years (58-56)

- (v) The pension of an employee permitted to voluntarily retire pursuant to sub-regulation (i) shall be based on the average emoluments as defined under Regulation 2(h) of these Regulations and the increase not exceeding five years in his qualifying service shall not entitle him to any notional fixation of pay for the purpose of calculating his pension.

18. Invalid Pension :

- (i) Invalid pension may be granted if an employee retires from the service on account of any bodily

or mental infirmity which permanently incapacitates him for the service.

- (ii) An employee applying for an invalid pension shall submit a medical certificate of incapacity from the Bank's Medical Officer.

Clarified :

- (a) An employee who desires to seek retirement on invalid pension should apply for the same to the competent authority who may direct him to the Bank's Medical Officer for examination. A certificate of incapacity for further service obtained by an employee without prior knowledge of the competent authority will not be valid.
- (b) An employee who is considered eligible for invalid pension should be deemed as retired from the date of his relief which should be arranged expeditiously after the procedure of medical examination and production of medical certificate from the Bank's Medical Officer is completed. If such an employee is already on leave, the retirement should take effect after expiry of the leave already sanctioned.
- (iii) Where the Bank's Medical Officer has declared the employee fit for further service of less laborious character than that which he had been doing, he shall provided he is willing to be so employed, be employed on lower post and if there be no means of employing him even on a lower post, he shall be eligible for invalid pension.

Clarified :

The Bank's Medical Officer should be specially advised that in each case he should first consider whether the employee can be continued in service in terms of sub-regulation (iii) of Regulation 18 and only if there is no such possibility, retirement on invalid pension should be considered.

- (iv) The amount of invalid pension granted shall not be less than the ordinary rate of family pension which would have been payable to his family in the event of his death while in service.

19. Compassionate Allowance

- (i) An employee of the bank who is dismissed or terminated from service shall forfeit his pension except as provided for in Regulation 2(j)(iv) of these Regulations.

Modified :

An employee of the bank who is dismissed or terminated from service shall forfeit his pension.

Provided that the authority higher than the authority competent to dismiss or terminate an employee from service may, if the case is deserving of special consideration, sanction a compassionate allowance not exceeding two-third ($2/3$) of pension which would have been otherwise admissible to him.

- (ii) The compassionate allowance sanctioned under proviso to sub-regulation (i) shall not be less than the amount of minimum pension per mensem payable under these Regulations in the case of full time employee and proportionate amount in the case of permanent part-time employee drawing scale wages.

CHAPTER IV

RATE OF PENSION

20. (i) Basic Pension will be fifty per cent of the average emoluments, i.e. average of pay drawn by an employee during the last 10 months of his service as per Regulation 20 (iv).
- (ii) Additional Pension will be fifty per cent of the average of the allowances which rank for provident fund but not for Dearness Allowance drawn by an employee during the last 10 months of his service.
- (iii) Pension as computed being the aggregate of 20 (i) and (ii) above will be subject to a minimum pension as per Regulation 21.

Note :

- (a) Service of thirty-three years will qualify for full pension. In the case of an employee who has put in less than 33 years of service, pension will be payable on proportionate basis for the number of years of qualifying service, computed as under :—

Average emoluments X	Number of years of qualifying service with a maximum of 33 years
<hr/> 2	<hr/> 33

- (b) Additional pension is reckoned for all purposes except Dearness Relief thereon.
- (iv) Pay for the purpose of computing basic pension will be as under :

(a) In case of an employee who has retired on or after 1.1.1986 and before 1.11.1993 :—

- (i) Basic Pay including Stagnation Increments plus
- (ii) Allowances qualifying for Provident Fund and Dearness Allowance.

Note : In respect of employees who retired between 1.1.1986 and 31.10.1987, Pension will be updated on 600 points Consumer Price Index.

✓ (b) In case of an employee retiring on or after 1.11.1993 :

- (i) Basic Pay including Stagnation Increments plus
- (ii) Allowances qualifying for Provident Fund and Dearness Allowance plus
- (iii) Increment component of Fixed Personal Allowance plus
- (iv) Dearness Allowance component upto 1148 points (4 point slab) in the Consumer Price Index (Base 1960-100).

Notes :

- (i) Average emoluments will mean pay drawn by an employee, during the last ten months of his service. The period of ten months for this purpose should be reckoned backwards from the date of retirement as defined in sub-regulation (k) of Regulation 2.
- (ii) In the case of voluntary retirement where the date of retirement may not always be the last day of the month, the 10 months' period for calculation of average emoluments will be reckoned

backwards from the last day of the notice period or the date as specified in the order waiving the notice period.

- (iii) In the case of premature retirement, such 10 months' period should be reckoned backwards from the date of retirement that may be specified in the concerned order of the Competent Authority.
- (iv) In the case of compulsory retirement, such 10 months' period should be reckoned backwards from the date of retirement that may be specified in the concerned order of the Competent Authority.
- (v) If during the last ten months of his service or any part thereof, an employee had been absent from duty on extraordinary leave on loss of pay or had been under suspension and the period whereof is not to be counted as qualifying service for pension, the aforesaid period of leave on loss of pay or suspension shall not be reckoned in the calculation of average emoluments and an equal period before that date shall be taken into calculation, so as to arrive at a total of 10 months.
- (vi) If during the last ten months of his service an employee had been absent from duty on leave for which leave salary was payable or having been suspended, had been reinstated without forfeiture of service, the pay which he would have drawn had he not proceeded on leave or had he not been suspended, shall be taken into account for determining the average emoluments.

Provided that an increment earned, which was not withheld, though not actually drawn, shall be included in the average emoluments.

21. Minimum pension under these Regulations shall be Rs. 375/- p.m. in respect of employees who retired prior to 1.11.1993 and Rs. 720/- p.m. for those retiring on or after 1.11.1993 and proportionate amount in case of permanent part time employees drawing scale wages.

FAMILY PENSION

22. (i) Without prejudice to the provisions contained in these Regulations, where an employee dies :—

- (a) after completion of one year of continuous service; or
- (b) before completion of one year of continuous service provided the deceased employee concerned immediately prior to his appointment to the service or post was examined by the bank's Medical Officer and declared fit for employment; or

Clarified :

While on probation before completion of one year of continuous service, the family of the employee is entitled for family pension, provided the employee concerned immediately prior to his appointment to service, was examined by the bank's medical officer and declared fit for employment.

- (c) after retirement from service and was on the date of death in receipt of a pension, or compassionate allowance,

the family of the deceased shall be entitled to family pension.

Clarified :

Family Pension is payable only to the persons who are specifically identified for Family Pension in the pension regulations. Parents of an employee, be he unmarried or married, are not eligible for Family Pension.

On the death of an employee who was receiving Invalid Pension, the eligible family member can get family pension in case such member is appointed in the bank on compassionate grounds, subject to fulfilment of conditions laid down in Regulation 22(v) of the Bank (Employees') Pension Regulations, 1993.

Family members of employees who retired during the period 1.1.86 to 31.10.93 and who are since deceased are not eligible to opt for family pension. Unless the retiree has already opted for pension and submitted the option form duly filled into the Bank. Further, the 'family' should arrange for refund of CPF balance plus interest thereon.

Notes : If an employee dies while under suspension before the disciplinary or court proceedings instituted against him are concluded, the period between the date of suspension and the date of death shall be treated as duty for all purposes and his family shall be paid for that period full pay and allowances to which he would have been entitled had he not been suspended. Accordingly, family pension will be paid to the family on the basis of the above pay.

The expression 'one year of continuous service' wherever it occurs in this Regulation shall be construed to include 'less than one year of continuous service' as defined in clause (b).

The requirement of minimum qualifying service shall not be applicable for drawing Family Pension in the case of an employee who dies while in service.

(ii) The ordinary rates of family pension will be as under :—

(a) In respect of employees who retired prior to 1.11.1993 :—

Pay Range (Basic Pay including Stagnation Increments plus allowances which rank for provident fund)	Amount of Monthly Family Pension [For this purpose 'pay' will comprise of the same items as in Regulation 20 (iv) (a)]
Upto Rs. 1500/-	30% of 'pay' (Basic Family Pension) plus 30% of allowances which rank for Provident Fund but not for Dearness Allowance (Additional Family Pension) subject to a minimum of Rs. 375/-p.m.
Rs. 1501/- to Rs. 3000/-	20% of 'pay' (Basic Family Pension) plus 20% of allowances which rank for Provident Fund but not for Dearness Allowance (Additional Family Pension) subject to a minimum of Rs. 450/-p.m.
Above Rs. 3000/-	15% of 'pay' (Basic Family Pension) plus 15% of allowances which rank for Provident Fund but not for Dearness Allowance (Additional Family Pension) subject to a minimum of Rs. 600/-p.m. and maximum of Rs. 1250/-p.m.

(b) In respect of employees retiring on or after
1.11.1993 :

Pay Range (Basic pay including Stagnation Increments plus allowances which rank for provident fund plus increment component of Fixed Personal Allowance plus Dearness Allowance upto 1148 points)	Amount of Monthly Family Pension (For this purpose 'Pay' will comprise of the same items as in Regulation 20 (iv) (b))
Upto Rs. 2870/-	30% of 'pay' (Basic Family Pension) plus 30% of allowances which rank for Provident Fund but not for Dearness Allowance (Additional Family Pension) subject to a minimum of Rs. 720/- p.m.
Rs. 2871/- to Rs. 5740/-	20% of 'pay' (Basic Family Pension) plus 20% of allowances which rank for Provident Fund but not for Dearness Allowance (Additional Family Pension) subject to a minimum of Rs. 860/- p.m.
Above Rs. 5740/-	15% of 'pay' (Basic Family Pension) plus 15% of allowances which rank for Provident Fund but not for Dearness Allowance (Additional Family Pension) subject to a minimum of Rs. 1150/- p.m. and maximum of Rs. 2400/- p.m.

Note :

- (a) In the case of permanent part-time employee the minimum and maximum amounts of Family Pension shall be in proportion to the rate of scale wages applicable.

- (b) Dearness relief is not payable on Additional Family Pension.

Clarified :

1. Pay for the purpose of family pension will mean the pay drawn by an employee immediately before retirement or on the date of his death while in service.
 2. If on the date of death while in service or immediately before retirement (in the case of a Pensioner) an employee was on extraordinary leave without pay, his pay will mean the pay he drew immediately before proceeding on such leave.
 3. If on the date of his death while in service or immediately before retirement (in the case of a pensioner) an employee had been absent from duty on leave with pay and allowances, his pay should be taken at what it would have been had he not been on leave.
 4. If on the date of his death while in service or immediately before retirement (in the case of a pensioner), an employee had been on extraordinary leave in continuation of another kind of leave with pay, his pay will mean the last pay drawn.
- (iii) Where at the time of death the employee has completed 7 years of continuous service, family pension may be paid at the rate of 50% of pay last drawn or twice the ordinary rate of family pension, whichever is less for a period of 7 years or till the deceased employee would have attained the age of 65 years had he survived, whichever is less.
- (iv) In the event of death after retirement, the family pension at twice the ordinary rate of family pension or at the rate of 50% of the pay last drawn, whichever is less, shall be payable from the date following the date

of death for a period of 7 years or till the deceased employee would have attained the age of 65 years, whichever is less, provided that the amount of enhanced family pension as above shall not exceed the normal pension admissible on retirement.

- (v) The period for which family pension is payable shall be as follows :
- (a) in the case of a widow or widower, up to the date of death or remarriage, whichever is earlier ;
 - (b) in the case of a son until he attains the age of twenty five years; and
 - (c) in the case of an unmarried daughter, until she attains the age of twenty five years or until she gets married, whichever is earlier.

Provided that if the son or daughter of an employee is suffering from any disorder or disability of mind or is physically crippled or disabled so as to render him or her unable to earn a living even after attaining the age of twenty five years, the family pension shall be payable to such son or daughter for life subject to the following conditions :—

- (a) if such son or daughter is one among two or more children of the employee, the family pension shall be initially payable to the minor children in the order set out in sub-regulation (viii) of this Regulation until the last minor child attains the age of twenty-five and thereafter the family pension shall be resumed in favour of the son or daughter suffering from disorder or disability of mind or who is physically crippled or disabled and shall be payable to him/her for life;
- (b) if there are more than one such children suffering from disorder or disability of mind or who are physically crippled or disabled, the family pension

shall be paid in the order of their birth and the younger of them will get the family pension only after the elder next above him/her ceases to be eligible;

- (c) where the family pension is payable to such twin children it shall be paid to such children in equal shares;

Provided that when one such child ceases to be eligible his/her share shall revert to the other child and when both of them cease to be eligible the family pension shall be payable to the next eligible single child/twin children.

- (d) the family pension shall be paid to such son or daughter through the guardian as if he or she were a minor except in the case of the physically crippled son/daughter who has attained the age of majority;
- (e) before allowing the family pension for life to any such son or daughter, the competent authority shall satisfy that the handicap is of such a nature so as to prevent him or her from earning his or her livelihood and the same shall be evidenced by a certificate obtained from Bank's Medical Officer or a medical officer not below the rank of a Civil Surgeon setting out, as far as possible, the exact mental or physical condition of the child.
- (f) the person receiving the family pension as guardian of such son or daughter or such son or daughter not receiving the family pension through a guardian shall produce every three years a certificate from Bank's Medical Officer or a medical officer not below the rank of a Civil Surgeon to the effect that he or she continues to suffer from disorder or disability of mind or continues to be physically crippled or disabled.

Notes : The grant of family pension to disabled children beyond the prescribed age limit is subject to the following conditions :

- (1) The disability should have manifested itself before retirement or death of the employee while in service.
- (2) A daughter shall become ineligible for family pension from the date she gets married.
- (3) The family pension to such disabled son or daughter shall be stopped if he or she starts earning his/her livelihood.

As and when the disability referred to above manifests itself in a child which makes him/her unable to earn his/her living, the fact should be brought to the notice of the Competent Authority duly supported by a medical certificate from Bank's Medical Officer or a medical officer not below the rank of Civil Surgeon.

- (vi) If a deceased employee or pensioner leaves behind a widow or widower, the family pension shall become payable to the widow or widower, failing which to the eligible child.
- (vii) Family pension to the children shall be payable in the order of their birth and the younger of them will not be eligible for family pension unless the elder next above him/her has become ineligible for the grant of family pension :

Where the family pension is payable to twin children it shall be paid in the manner set out in proviso (c) to Regulation 22 (v).

- (viii) Where a deceased bank employee or pensioner leaves behind more children than one, the eldest eligible child shall be entitled to the family pension for the period mentioned in para (b) or para (c) of sub-regulation (v)

of this Regulation, as the case may be and after the expiry of that period the next child shall become eligible for the grant of family pension.

(ix) Where family pension is granted under this Regulation to a minor, it shall be payable to the legal guardian on behalf of the minor.

(x) In case both wife and husband are employees of the bank and both or either of them are governed by the provisions of these Regulations and one who is governed by these Regulations dies while in service or after retirement, the family pension in the case of deceased shall be payable to the surviving husband or wife and in the event of death of the husband or wife, the surviving child or children. If both employees are governed by these Regulations, the surviving child or children shall be granted the two family pensions in respect of the deceased parents subject to the following limits :

(a) If the two family pensions are payable at the higher rate, the amount of both the pensions shall be limited to Rs. 2500/- per month in cases of retirees retiring prior to 1.11.1993 and Rs. 4800/- in cases of retirees retiring on or after 1.11.1993.

(b) If one of the two family pensions ceases to be payable at the higher rate, and in lieu thereof the family pension at normal rate becomes payable, the amount of both the pensions shall be limited to Rs. 2,500/- per month in cases of retirees retiring prior to 1.11.1993 and Rs. 4800/- in cases of retirees retiring on or after 1.11.1993.

(c) If both the family pensions are payable at the normal rate, the amount of the two pensions will be limited to Rs. 1,250/- per month in cases of retirees retiring prior to 1.11.1993 and Rs. 2400/- in cases of retirees retiring on or after 1.11.1993.

- (xi) (a) Where the family pension is payable to more widows than one, the family pension shall be paid to the widows in equal shares.

On the death of a widow, her share of the family pension shall become payable to her eligible child;

Provided that if the widow is not survived by any child, her share of the family pension shall not lapse but shall be payable to the other widows in equal shares, or if there is only one such other widow, in full, to her.

- (b) Where the deceased bank employee or pensioner is survived by a widow but has left behind eligible child or children from another wife who is not alive, the eligible child or children shall be entitled to the share of family pension which the mother would have received if she had been alive at the time of the death of the bank employee or pensioner.

Provided that on the share or shares of family pension payable to such a child or children or to a widow or widows ceasing to be payable, such share or shares shall not lapse, but shall be payable to the other widow or widows and/or to other child or children otherwise eligible, in equal shares, or if there is only one widow or child, in full, to such widow or child.

- (c) Where the deceased bank employee or pensioner is survived by a widow but has left behind eligible child or children from a divorced wife or wives the eligible child or children shall be entitled to the share of family pension which the mother would have received at the time of the death of the bank employee or pensioner had she not been so divorced.

Provided that on the share or shares of family pension payable to such a child or children or to

a widow or widows ceasing to be payable, such share or shares, shall not lapse, but shall be payable to the other widow or widows and/or to the other child or children otherwise eligible, in equal shares, or if there is only one widow or child, in full, to such widow or child.

(d) Where the family pension is payable to twin children it shall be paid in the manner set out in proviso (c) to Regulation 22 (v).

(xii) Except as provided in sub-regulation (xi) the family pension shall not be payable to more than one member of the family at the same time.

(xiii) If a male employee dies leaving behind a judicially separated widow and no child or children, the family pension shall be payable to the widow. If the judicial separation is granted on the ground of adultery and the widow was held guilty of committing adultery, no family pension shall be payable to the widow.

(xiv) If a female employee dies leaving behind a judicially separated husband and no child or children, the family pension shall be payable to the husband. If the judicial separation is granted on the ground of adultery and the husband was held guilty of committing adultery, no family pension shall be payable to the husband.

(xv) If a male employee dies leaving behind a judicially separated widow with a child or children, the family pension shall be payable to the widow if she is the guardian of such child or children. If she ceases to be the guardian, then the family pension shall be payable to the person who is the actual guardian of such child or children.

(xvi) If a female employee dies leaving behind a judicially separated husband with a child or children, the family pension shall be payable to the husband if he is the

guardian of the child or children. If he ceases to be the guardian of such child or children, the family pension shall be payable to the person who is the actual guardian of such child or children.

- (xvii) If the son/unmarried daughter eligible for the grant of family pension, has attained the age of 18 years, the family pension may be paid to such son/unmarried daughter directly and no guardian is required to submit a claim for the family pension on behalf of such son/unmarried daughter.

Note : Section 5(1) of the 'Hindu Marriage Act, 1955' stipulates that the marriage cannot be legally solemnized when either party has a spouse living at the time of such marriage. Therefore, any second marriage by a Hindu male after the commencement of the Hindu Marriage Act, 1955, during the lifetime of his first wife will be a nullity and have no legal effect. Such marriage cannot be valid on the ground of any custom. In such cases, the second wife will not be entitled to the family pension as a legally-wedded wife.

- (xviii) (a) If a person, who in the event of death of a bank employee while in service, is eligible to receive family pension under these Regulations, is charged with the offence of murdering the bank employee or for abetting in the commission of such an offence, the claim of such a person, including other eligible member or members of the family to receive the family pension, shall remain suspended till the conclusion of the criminal proceedings instituted against him.

- (b) If on the conclusion of the criminal proceedings referred to in sub-regulation (a) in para (a), the person concerned :—

- (i) is convicted for the murder or abetting in the murder of the bank employee, such a

person shall be debarred from receiving the family pension which shall be payable to other eligible member of the family, from the date of death of the bank employee.

- (ii) is acquitted of the charge of murder of abetting in the murder of the bank employee; the family pension shall be payable to such a person from the date of death of the bank employee.
- (c) The provision of sub-regulations (a) and (b) shall also apply for the family pension becoming payable on the death of a bank employee after his retirement.

CHAPTER VI

DEARNESS RELIEF

23. (i) Dearness Relief on Basic Pension shall be as under :—

(a) In case of employees who retired on or after 1st January, 1986 and before 1st November, 1993, dearness relief shall be payable for every rise or fall of 4 points over 600 points in the quarterly average of the All India Average Working Class Consumer Price Index (General) Base 1960 = 100 at the following rates :

(i)	Upto Rs. 1250/- Plus	0.67%
(ii)	Above Rs. 1250/- to Rs. 2000/- plus	0.55%
(iii)	Above Rs. 2000/- to Rs. 2130/- plus	0.33%
(iv)	Above Rs. 2130/-	0.17%

(b) In case of employees who retire on or after 1st November, 1993, dearness relief shall be payable for every rise or fall of 4 points over 1148 points in the quarterly average of the All India Average Working Class Consumer Price Index (General) Base 1960 = 100 at the following rates :

(i)	Upto Rs. 2400/- plus	0.35%
(ii)	Above Rs. 2400/- to Rs. 3850/- plus	0.29%

(iii) Above Rs. 3850/- 0.17%
to Rs. 4100/- plus

(iv) Above Rs. 4100/- 0.09%

(ii) Dearness relief shall be payable for the half year February to July on the quarterly average of the final index figures published for the months October, November and December of the previous year and for the half year August to January on the quarterly average of the final index figures published for the months April, May and June of the same year.

(iii) In the case of Family Pension, Invalid Pension and Compassionate Allowance, dearness relief will be payable on the basis of the above formula.

(iv) Dearness relief will be allowed on full basic pension even after commutation.

(v) Dearness relief is not payable on additional pension.

CHAPTER VII

COMMUTATION

24. (i) A pensioner may surrender upto maximum of one-third ($1/3$) of the pension admissible to him by way of commutation and receive in lieu thereof lumpsum determined in accordance with the table furnished below :—

COMMUTATION TABLE

Commutation values for a pension of Re. 1 per annum

Age next birthday	Commutation value expressed as number of year's purchase	Age next birthday	Commutation value expressed as number of year's purchase
17	19.28	18	19.20
19	19.11	20	19.01
21	18.91	22	18.81
23	18.70	24	18.59
25	18.47	26	18.34
27	18.21	28	18.07
29	17.93	30	17.78
31	17.62	32	17.46
33	17.29	34	17.11
35	16.92	36	16.72

37	16.52	38	16.31
39	16.09	40	15.87
41	15.64	42	15.40
43	15.15	44	14.90
45	14.64	46	14.37
47	14.10	48	13.82
49	13.54	50	13.25
51	12.95	52	12.66
53	12.35	54	12.05
55	11.73	56	11.42
57	11.10	58	10.78
59	10.46	60	10.13
61	9.81	62	9.48
63	9.15	64	8.82
65	8.50	66	8.17
67	7.85	68	7.53
69	7.22	70	6.91
71	6.60	72	6.30
73	6.01	74	5.72
75	5.44	76	5.17
77	4.90	78	4.65
79	4.40	80	4.17
81	3.94	82	3.72
83	3.52	84	3.32
85	3.13		

Notes : The table above indicates the commuted value of pension expressed as number of year's purchase with

reference to the age of pensioner as on his next birthday. The commuted value in case of an employee retiring at the age of 58 years is 10.46 year's purchase and, therefore, if he commutes Rs. 100/- from his pension within one year of retirement, the lumpsum amount payable to him works out $\text{Rs. } 100 \times 10.46 \times 12 = \text{Rs. } 12,552/-$

- (ii) A pensioner who has commuted a part of his pension, shall receive only the balance of the pension monthly;
- (iii) Commuted portion of the pension will be restored after a period of fifteen years from the date of commutation;
- (iv) If commutation is sought after one year of the date of retirement, it will be granted only after medical examination, by the bank's Medical Officer.
- (v) Employees who have retired from the bank's service on or after 1st January, 1986 and before 1st November, 1993 shall be permitted to commute their pension with effect from the date of their option after due medical examination.

Notes :

- (a) Commutation is admissible in respect of superannuation pension, voluntary retirement pension, premature retirement pension, invalid pension and compassionate allowance.
- (b) In the case of pensioner eligible for Superannuation Pension, Premature Retirement Pension and Pension on Voluntary Retirement no medical examination will be necessary, if the application for commutation is made within one year from the date of retirement. However, if such a pensioner applies for commutation of pension after one year from the date of his retirement, the same will be permitted subject to medical examination.

Medical examination will be necessary, without exception, in the cases of those who are granted commutation of Invalid Pension or Compassionate Allowance.

(c) For the purpose of commutation, the age on the next birthday will be reckoned with reference to the date on which commutation will become absolute as explained in following paras :—

- (i) In the case of an employee retiring on Superannuation Pension who submits an application for commutation of pension before the date of retirement, the commutation will become absolute on the date following the date of retirement.
- (ii) In the case of an employee retiring on Superannuation Pension or on Premature Retirement Pension or on Pension on Voluntary Retirement, if he applies for commutation of pension after the date of retirement but before completion of one year from the date of retirement, commutation shall become absolute on the date the application in the prescribed form for commutation is received by the competent authority.
- (iii) In the case of an employee retiring on Superannuation Pension or on Premature Retirement Pension or on Pension on Voluntary Retirement, if he applies for commutation of pension after one year from the date of retirement, commutation will become absolute on the date of the medical certificate given by the Bank's Medical Officer as explained in paragraph (b) above.
- (iv) In the case of invalid Pension and Compassionate Allowance also commutation will become absolute

on the date of the medical certificate given by the Bank's Medical Officer.

- (v) If a pensioner dies without receiving the commuted value on or after the date on which commutation became absolute, the commuted value shall be paid to his nominee(s). If in any case the amount cannot be paid to the nominee or family members it shall be paid to his legal heirs.

Clarified :

(i) If fraction of pension to be commuted results in fraction of rupee, such fraction of a rupee shall be ignored for the purpose of commutation. For example, 1/3rd of the pension of Rs. 1000/- offered for commutation works out to Rs. 333.33. The fraction in a rupee i.e. 33 paise will be ignored and the pensioner will be allowed to commute Rs. 333/- only. However, if the amount of commutation contains fraction of a rupee, it will be rounded off to the next higher rupee.

(ii) Commutation is permissible on the minimum pension of Rs. 375/720 sanctioned where the actual calculation works out to less than Rs. 375/720 depending on the date on which the employee has retired.

CHAPTER VIII

GENERAL CONDITIONS

25. Pension subject to future good conduct

- (i) Future good conduct shall be an implied condition of every grant of pension and its continuance under these Regulations.
- (ii) The competent authority may, by order in writing, withhold or withdraw a pension or a part thereof, whether permanently or for a specified period, if the pensioner is convicted of a serious crime or is found guilty of grave misconduct.

Provided that where a part of pension is withheld or withdrawn, the amount of pension drawn by a pensioner shall not be less than minimum pension per mensem in the case of a full-time employee, and proportionate amount in the case of a permanent part-time employee drawing scale wages.

- (iii) Where a pensioner is convicted of a serious crime by a Court of law, action under sub-regulation (ii) shall be taken in the light of the judgment of the court relating to such conviction.
- (iv) In a case not falling under sub-regulation (iii), if the Competent Authority considers that the pensioner is prima facie guilty of grave misconduct, it shall before passing an order under sub-regulation (ii) shall follow the procedure for imposing major penalty as contained in Officer Employees' (Discipline and Appeal) Regulations, 1976/Service Rules in respect of retired officer

employees and Bipartite Settlements in respect of retired workmen employees.

- (v) (a) An employee who has retired on attaining the age of superannuation or otherwise and against whom any departmental or judicial proceedings are instituted or where departmental proceedings are pending, a provisional pension equal to the maximum pension which would have been admissible to him would be allowed subject to adjustment against final retirement benefits sanctioned to him upon conclusion of the proceedings but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced or withheld etc. permanently or for a specified period.
- (b) In such cases the gratuity will not be paid to such an employee until the conclusion of the proceedings against him. The gratuity will be paid to him on conclusion of the proceedings subject to decision of the proceedings or any recoveries to be effected from the employee.
- (vi) An employee against whom the departmental or judicial proceedings have been instituted before the date of his retirement or the person against whom such proceedings are instituted after the date of his retirement shall not be eligible to commute a fraction of his provisional pension authorised under sub-regulation (v) of these Regulations, as the case may be, during the pendency of such proceedings.
- (vii) The competent authority may withhold or withdraw a pension or a part thereof, whether permanently or for a specified period, and order recovery from pension of the whole or part of any

pecuniary loss caused to the Bank arising out of malafide acts/frauds if in any departmental or judicial proceedings the pensioner is found guilty of gross misconduct or gross negligence during the period of his service in the bank including service rendered upon re-employment after retirement provided that the Board shall be consulted before any final orders are passed.

Provided further that no departmental or judicial proceedings, if not initiated while the employee was in service, shall be instituted in respect of a cause of action which arose or in respect of any event which took place more than 4 years before such institution.

Where the competent authority decides not to withhold or withdraw pension but orders recovery of pecuniary loss from pension, the recovery shall not ordinarily be made at a rate exceeding one-third of the pension admissible on the date of retirement of the employee provided that where a part of pension is withheld or withdrawn, the amount of pension drawn by a pensioner shall not be less than Rs. 375/720 per mensem in the case of a permanent employee and proportionate amount in the case of a permanent part-time employee drawing scale wages.

Note : Grave misconduct means the communication or disclosure of any secret official code or password or any sketch, plan, model, article, note, document or information such as is mentioned in Section 5 of the Official Secrets Act, 1923 (19 of 1923).

26. **Commercial employment on retirement in respect of officer employees**

If a pensioner takes up any commercial employment without the prior permission of the bank or commits a breach of any conditions subject to which permission to take up any commercial employment has been granted to him, it shall be competent for the bank to declare by order in writing and for reasons to be recorded therein that he shall not be entitled to whole or such part of the pension and for such period as may be specified in the order, provided that no order shall be made without giving the employee an opportunity of showing cause against such declaration.

Note : The guidelines with regard to prior permission for commercial employment shall be as provided in Officer Employees' Acceptance of Jobs in Private Sector concerns After Retirement Regulations, 1980/Service Rules.

The eligibility of officers taking up employment in a public sector institution on retirement from the bank's service to draw pension from the bank will be determined having regard to the terms and conditions of the service during the period of such re-employment.

CHAPTER IX

MISCELLANEOUS

27. The amount of pension/family pension shall be fixed at monthly rates and be expressed in whole rupees and where the pension/family pension contains a fraction of rupee, it shall be rounded off to the next higher rupee.
28. In the matter of the application of this Scheme regard may be had to the corresponding provisions of the Civil Service Regulations or the Liberalised Pension Rules or the Civil Pensions (Commutation) Rules or the Family Pension Scheme for Central Government employees, as the case may be, of the Government of India.

Additions :

Ordinarily, the bank will have a right to recover excess payment made on account of bonafide errors. However, for added precaution, banks may take letter of undertaking to this effect from the pensioner.

The nomination facility is for the limited purpose of payment of commutation amount due to a retiree in the unfortunate event of his dying before receiving the same. In other words, if the retiree dies in the interregnum i.e. after opting for commutation and the same becoming absolute but before the bank disburses the amount to him, the amount payable shall be paid to the nominee/s. Family pension will, however, be paid to the family of the employee in terms of the pension regulations. Needless to add that the nominee for receiving the commutation amount need not necessarily be a person who would be eligible for family pension.

**(OPTION FORM TO BE FILLED IN BY THE EMPLOYEES
WHO ARE IN THE SERVICE OF THE BANK)**

Place

Date

To,
The Assistant General Manager,
Personnel Admn. Department,
The Bank of Rajasthan Ltd.
C-3, Sardar Patel Marg,
C-Scheme, JAIPUR

Sir,

I hereby declare that I have read and understood "The Bank of Rajasthan Ltd. (Employees) Pension Regulations, 1993" and I hereby opt to become a member of the Bank's Pension Scheme as per the provisions of the said Scheme and irrevocably authorise the Bank/Trustees of the Contributory Provident Fund to transfer the entire contribution of the Bank alongwith entire interest accrued thereon to the credit of Pension Fund to be created for this purpose. I, understand that I am required to contribute to the Provident Fund account at the rate determined by the Bank from time to time. I further understand that with effect from 1st November, 1993, the Bank shall not make any contribution to my Provident Fund Account.

Signature :

Name in Full :

Designation :

P.F. Account No. :

Present residential address :

Above signature attested
For **The Bank of Rajasthan Ltd.,**

Dated :

Manager

P.A. No

B/O/Deptt.....

Note : Additions/alterations in the Text of the above form will
render the option invalid

FOR OFFICIAL USE ONLY

Option noted in the Provident Fund Sheet at.....
..... Folio No.....
and Service Sheet at Folio No.....

Senior Manager

**(Option form to be filled in by the employee who retired on or
after 1st January, 1986 and before 1st November, 1993)**

To
The Asstt. General Manager,
Personnel Admn. Department,
The Bank of Rajasthan Ltd.,
C-3, Sardar Patel Marg,
C-Scheme, Jaipur-302 001

Place.....

Date.....

Dear Sir,

I hereby declare that I have read and understood "The Bank of Rajasthan Ltd. (Employees') Pension Regulations, 1993" and I hereby opt the Bank's Pension Scheme as per the provisions of the said Regulations. I undertake to refund the Bank's contribution to Provident Fund together with accrued interest thereon at 6% p.a. from the date of receipt of the same till the date of refund. The amount due from me will be refunded to the Bank within 7 days from the date of receipt of intimation from the Bank.

I also desire to have commutation/not to have commutation 1/3rd or.....part of my basic pension as per rule.

Signature :

Name in Full :

Designation :

Date of Retirement :

Name of the Branch/Office
where from retired :

P.F. Account No. :

Present residential address :
.....
.....

Above Signature, attested
For The Bank of Rajasthan Ltd.

Manager

Date : B/o.....
P/A No.....

- Note :**
- 1) Additions/alterations in the text of the above form will render the option invalid.
 - 2) Please indicate specifically whether you desire commutation or not.
 - 3) Please indicate the fraction of pension you desire to commute with a maximum of 1/3rd of basic pension.
 - 4) Signature of the retired employee to be attested by the Branch Manager under Bank's Seal.

FOR OFFICE USE ONLY

Option noted in the Provident Fund Sheet at.....
..... Folio No.....
and Service Sheet at Folio No.....

Senior Manager

NOTICE

PENSION SCHEME

Indian Banks' Association on behalf of its member banks who are party to the Settlement on Pension signed on 29th October, 1993 wishes to inform employees (**workmen and officers**) who retired on or after 1.1.1986 and on or before 31.10.1993 **that they may, if they so choose, apply in the format prescribed by the bank for membership of the pension scheme.** Only such of the employees who retired from the services of banks who have adopted the Pension Scheme as per the Settlement/Joint Minutes entered into between IBA and the Workmen Unions/Officers' Organisations on 29th October, 1993 would be eligible for **exercising option for the pension scheme.** Retired employees who wish to opt for pension scheme in lieu of Contributory Provident Fund (CPF) should exercise such option within four months reckoned from 1.4.1994 and refund the bank's Provident Fund contribution including interest received thereon along with simple interest of 6% p.a. from the date of receipt of the said amounts till the date of refund. The amount due should be refunded to the bank within 7 days from the receipt of intimation from the bank.

Sup
The details of the Pension Scheme and the format for option may be obtained from the branch/establishment of the bank from which the employee retired. **The option letter should be tendered to the bank not later than 30.9.1994. The option once exercised is irrevocable.** No separate intimation will be sent by Banks to individual retirees.

SECRETARY
INDIAN BANKS' ASSOCIATION

Printed at : Kumar and Company, Jaipur