

# STATE BANK RETIREES' ASSOCIATION

Federation of Erstwhile  
Associate Bank Retirees' Organisations



Dr. A Ananthakrishna Rao  
President

C N Prasad  
General Secretary

Ref No.: BEPR/NPS/838

Date: 31st December 2025

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

Respected Sir,

*Wish you, members of your family and members of State Bank family,  
a Happy and Prosperous New Year, 2026*

## **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 & Contributory Provident Fund.**

This is in continuation with our letter No. BEPR/NPS/818 of the 22nd July 2025, a copy of which is enclosed for your immediate reference. We are representing surviving spouses and dependents of deceased employees and officers who have joined erstwhile Associate Banks on or after 01.08.2010 who are members of our affiliates. This representation is on behalf of these members.

2. Respected Sir, we have come across a Judgment of Hon'ble High Court of Kerala allowing the Writ Appeals filed by State Bank of India in Writ Appeal No.469 of 2018 & connected matters. This is regarding payment of pension in terms of State Bank of India Employees' Pension Fund Regulations, 2014 to those who have retired on or after 01.08.2010, instead of payment under 'New Pension Scheme'. Issue before Hon'ble High Court of Kerala is the same issue of payment of pension as per Pension Regulations, which we are raising. A copy of the Judgment is enclosed/attached, hereto for your immediate reference.

3. Respected Sir, we observe that the Senior Advocate, representing the Bank has made extensive submission and Hon'ble Court has accepted the arguments on behalf of the Bank, regarding amendments carried out by State Bank of India. It is true that the Hon'ble High Court has allowed Writ Appeals of the Bank. What we can safely conclude from whatever stated in the Judgment of Hon'ble High Court of Kerala is that the relevant rules/regulations were amended even before amendment to 2014 Regulations. It is also stated that those who have joined the Bank on or after 01.08.2010 were aware of the proposed amendment and the Hon'ble Court has not found any merit in pleadings which found fault with retrospective amendment, raised by State Bank Staff Union and some individual retirees. We repeat that the Bank has claimed, thereby agreed that amendment of the Rules/Regulations are mandatory requirement for altering any regulation which is prejudicial to the interest of the beneficiaries and/or taking away vested or accrued right. The grain of the pleadings and decision of the Hon'ble Court regarding non-payment of pension in terms of Pension Fund Regulations to those who have joined on or after 01.08.2010 is amendment to Regulations, whether retrospective or otherwise, whether such amendments are validly made or not.



## State Bank Retirees' Association

Consequently, amendment to applicable provisions is a prerequisite to take away and without amendment no benefit can be denied. Not only the Bank, but the Hon'ble Court has accepted and validated this fact. Consequently, in the absence of any such amendment in erstwhile Associate Banks pension under erstwhile Associate Banks' Employees' Pension Regulations, 1995 or Officers Service Regulations, 1979, pension under Pension Regulation 1995 cannot be denied to those who have joined these erstwhile Associate Banks on or after 01.08.2010. It is important and pertinent to note that the Regulation 3(4) of Pension Regulations, 1995 clearly provides for coverage under Pension Regulations, 1995 to all those who have joined the erstwhile Associate Banks on or after the notification date, 29.09.1995.

4. Respected Sir, it is no longer res integra that amendments need to be carried out by the Bank duly following procedure laid down and the same must be notified in the Gazette to make the amended portion enforceable. Specific provision in the Acts or Subordinate Legislations may be absent in respect of mode of notification of such amendments to Acts or Subordinate legislations, but notification in official channel, i.e. in official Gazette is mandatory on account of ratio laid down by Hon'ble Supreme Court in para 24 of Gulf Goans Hotels Co. Ltd. v. Union of India, (2014) 10 SCC 673. In the absence of any such notification, no such amendment is valid and enforceable. This is not at all applicable to erstwhile Associate Banks, because incorporation of any such clause does not pass touch stone of law. Advertisement and Appointment Orders are a part of the contract and insertion of any clause which is opposed to provisions in statutory Regulations is hit by Section 23 of Indian Contract Act. In fact, insertion of any such clause amounts to misrepresentation covered by Section 15 to 19 of Indian Contract Act. Therefore, this portion of the order is inapplicable.

5. Respected Sir, the Bank has invoked one more ground. It is stated by the Bank that the employees were aware of non-applicability of pension in terms of Pension Fund Regulations, 2014 at the time of appointment. Hon'ble Court has decided that 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.

6. Respected Sir, in view of what is stated above which is an admitted position accepted by the Hon'ble Court, those who have joined the erstwhile Associate Banks on or after 01.08.2010 are entitled to Pension under erstwhile Associate Banks' Employees' Pension Regulations, 1995 and all other employees including those who have joined erstwhile Associate Banks on or after 01.08.2010 are entitled to following benefits:

- a. Pension including Dearness Relief in terms of erstwhile Associate Banks' Employees' Pension Regulations, 1995, as on the date of retirement;
- b. Contributory Provident Fund for all employees, including those who have joined erstwhile Associate Banks on or after 01.08.2010;
- c. Pension in terms of erstwhile Associate Banks' Employees' Pension Regulations, 1995, to all employees/pensioners, including those who have joined erstwhile Associate Banks on or after 01.08.2010;

7. Respected Sir, we request you to kindly order extension of all the above benefits to those ex-employees of State Bank of India, who have retired from the Bank and also surviving spouses of those employees including officers who are not with us. We request you to kindly extend these benefits by enforcing statutory provisions. We request your kind self to restore rule of law.

Thanking you,

With warm regards,

(C N Prasad)  
General Secretary