

Subject:	Complaint of PNB
From:	Anil Oberoi (aniloberoi24@yahoo.com)
To:	narendramodi1234@gmail.com;
Cc:	webmaster@iba.org.in; website@pnb.co.in; pf@pnb.co.in; care@pnb.co.in;
Date:	Sunday, November 25, 2018 7:39 PM

Hon'ble Prime Minister,

Sub.- **Misleading reply given by Punjab National Bank to Hon'ble Prime Minister on payment of difference amount of gratuity in disposal of complaint PMOPG/E/2018/0411598 dated 29-08-2018.**

My representation PMOPG/E/2018/0411598 dated 29-08-2018 on payment of difference amount of gratuity to bank officers in view of 'Payment of Gratuity Act, 1972' and various decisions of Assistant Labour Commissioners (ALC) and Regional Labour commissioners (RLC), was forwarded by your good offices to Punjab National Bank HO New Delhi for doing the needful.

PF and Pension Fund Department of Punjab National Bank has given most misleading reply vide letter Pension/22948 dated 19-11-2018 that **"issues raised by your good self is an industrial issue which can only be decided by IBA/Govt of India"**. Thus PNB admitted that the act of PNB in payment of gratuity is disputed on which they want instruction from IBA/Govt. of India. PNB has not informed that whether they have referred the matter to IBA or Govt. of India or not.

Hon'ble Sir, the aforesaid requirement of Punjab National Bank is highly irrelevant and PNB do not need the instruction from IBA/Govt. of India to resolve the issue for which I submit as under:-

1. **Instruction from IBA:-** PNB and all nationalized banks are classified as 'STATE' under Article 12 of Constitution of India whereas IBA is not any legal or statutory authority. IBA has itself confirmed in reply to a complaint that they are volunteer organization. Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 does not permit

'IBA' to act as legal authority/entity and has not authorized 'IBA' to frame any regulation for the employees of any banks. It is bad in law that PNB, being statutory authority is seeking instructions from a non-statutory body i.e. IBA to regulate the service conditions for their employees.

- 2. Instruction from Govt. of India:-** Punjab National Bank has implemented officers service Regulations in 1979 and Govt. of India has enacted 'Payment of Gratuity Act, 1972'. PNB is fully awaked with all provisions of 'Payment of Gratuity Act, 1972'. Govt. of India has already instructed through 'Payment of Gratuity Act, 1972' that any department or institution can frame their own gratuity scheme on better terms but no clause shall be inconsistence with 'Payment of Gratuity Act, 1972'. Hon'ble Supreme Court of India has reiterated in case of Y.K.Singla Vs Punjab National Bank that no clause of gratuity scheme in the bank shall be inconsistence with 'Payment of Gratuity Act, 1972'. Relying on said settled law of Hon'ble Supreme Court of India, ALC and RLC have given their decision along with necessary interpretation, clarification and meaning of clause which is not acceptable to PNB. PNB informed that "judgment given by Hon'ble ALC/RLC on gratuity payment is bank specific and not applied to all similarly placed retirees in other banks". PNB wants decision on it from illegal body 'IBA'. Govt. of India has delegated the authority of controlling authority on Assistant Labour Commissioner (ALC) and Regional Labour commissioner (RLC) as competent controlling authority in taking decision with respect to payment of gratuity to eligible employee in India and thus their authority in interpretation or clarification or guidelines given on any clause of any instrument framed by any other departments or institution are to be followed by other departments too in similar cases. Thus the decision of ALC/RLC is likewise instructions of Govt. of India. **PUNJAB NATIONAL BANK has erred in law in recognizing 'IBA' as superior body to HON'BLE SUPREME COURT OF INDIA and RLC/ALC.** It is also unfair in law that PNB is inclined to seek directions from IBA who is neither statutory force nor any legal body.

In view of these facts, Govt. of India has already given instruction through 'Payment of Gratuity Act, 1972' and thus PNB does not require any instruction from Govt. of India in this regard. The apathetic approach of PNB is prompting employee to move for litigation which has already been decided by various ALC/RLC.

Hon'ble Sir, my representation with reference PMOPG/E/2018/0400332 dated 22-08-2018 has been forwarded by your good offices on the similar issue to IBA which is pending for the last three months despite of my constant follow up. Your good offices are requested to kindly arrange to issue suitable instruction to Punjab National Bank to consider my aforesaid representation and pay the difference amount of gratuity at an early date. I am hopeful that with your kind intervention in matter, several employees will save their time and money due to litigation and they will get their rightful dues which have been withheld by PNB arbitrarily.

With profound regards,

Yours faithfully

(Anil Oberoi)
Ex-Manager, PNB
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E-74, Shastri Nagar
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Hon'ble Shri Narendra Modi

Prime Minister of India
Prime Minister's Office
New Delhi

3. Hard copy sent separately