



UCOBANK RETIREES' ASSOCIATION KARNATAKA (Regd)

(Regd as S.No: 699/97-98 Dated 20/01/1998 with the
Registrar of Societies, Karnataka)

Regd Office: C/o UCOBank, 3rd Floor, 13/22, Kempegowda Road, Bangalore-560009

Website: urakar.com



UBRA-KAR/CIR/0107/2017-20

Date: 26.08.2019

To all members of our unit.

Dear Comrades,

Sub: Gratuity payment – Letter to CEO.

Our Federation has written a letter to CEO, UCO Bank on 22.08.2019 regarding Removal of inconsistencies in calculation of Gratuity vis a vis the provisions of 'Payment of Gratuity Act'. A copy of the letter is appended below.

Members are requested to note the same carefully.

B.Lakshminarayana
Hon.Secretary.



All India Uco Bank Pensioners' Federation



(Affiliated to All India Bank Pensioners & Retirees confederation and All India Uco Bank Officers' Federation)

23 N S Road, 4, Commercial Building (1st Floor), Kolkata - 700001

Mobile no.98308 41700 Phone no.033- 2248 4924 e-mail ID – s.sarkar7039@yahoo.com

Ref No: AIUCBPF/56/2018-20

22nd August, 2019

**The Managing Director and Chief Executive Officer
UCO Bank
10, BTM Sarani
Kolkata – 700001**

Dear Sir,

Removal of inconsistencies in calculation of Gratuity vis a vis the provisions of 'Payment of Gratuity Act'

The Public Sector Banks have their own scheme for payment of Gratuity, the essential component of which are as under.

1. Gratuity is payable at the rate of one month salary for each completed year of service up to 30 years of service subject to a maximum of 15 months
2. Above 30 years of service, Gratuity is payable at the rate of one half of the month's salary for each completed year of service beyond 30 years.
3. The Salary includes Basic Pay, Stagnation Increment, Officiating Allowance, Increment component of Fixed Permanent Allowance (FPA) & Professional Qualification Allowance (PQA)
4. The formula for computation of Gratuity is -

“Salary x 15 days x Number of Years Service / 30 days”

The 'Payment of Gratuity Act' provides following essential component and methodology for computation of Gratuity:

1. Gratuity is payable at the rate of one month salary for each completed year of service up to 30 years of service subject to a maximum of 15 months.
2. Above 30 years of service, Gratuity is payable at the rate of one half of the month's salary for each completed year of service beyond 30 years.
3. The Salary includes Basic Pay, Stagnation Increment, Officiating Allowance, Increment component of Fixed Permanent Allowance (FPA), Professional Qualification Allowance (PQA) & Dearness Allowance.
4. The formula for computation of Gratuity is -

“Salary x 15 days x Number of Years Service / 26 days”

Section 4(5) of The Payment of Gratuity Act provides that nothing in the section shall affect the right of an employee to receive better terms of Gratuity under any award or agreement or contract with their employer. This provision implies that the Gratuity in the Public sector Banks shall be calculated by using both the above mentioned methodologies and the better of the two shall be payable to the retiring employees.

It can be seen that the components 3 & 4 mentioned above in the Banks scheme are at variance and inconsistent with the essential components mentioned as per the Payment of Gratuity Act.

The Payment of Gratuity Act is a self-contained code and Section 14 of the Act overwrites other enactments and since the Act is passed in Parliament, it is superior to the inconsistent provisions in the Gratuity Schemes of Public Sector Banks.

Inconsistency with the provisions of The Payment of Gratuity Act apart, our demand for inclusion of Dearness Allowance as a component of 'Pay' for the purpose of computation of gratuity is also supported by the judgement of the Hon'ble High Court of Madhya Pradesh, which held in the case of All India Gramin Bank Pensioners' Organisation that 'emoluments', 'pay' & 'salary' would include 'Dearness Allowance for the purpose of computation of gratuity.

Similarly, our demand for reckoning of Special Allowance along with 'pay' for the purpose of computing gratuity is supported by the judgement of the Hon'ble Supreme Court which held in the case of Provident Fund Commissioner that any Special Allowance which is payable to all staff across the board And is not associated with discharge of any specific function and is also payable during the period when the employee is on leave, is to be treated as a component of pay for this purpose. As regards an industry level settlement to the contrary, a kind attention is invited to the judgement dated 13.02.2018 of the Hon'ble Supreme Court wherein it was held that any settlement which is against the basic spirit of the regulations/law is null and void. IBA has implemented this judgement in its member banks while correcting the discrepancy in the case of fixation of pension in the case popularly known as 1616 point vis a vis 1684 points.

In view of the foregoing facts and submissions, we request you to modify the Gratuity Schemes in our Bank by incorporating the following essential components:

a. Incorporate Dearness Allowance & Special Allowance carrying Dearness Allowance into the definition of 'Salary'.

b. Modify the formula for computation of Gratuity as it appears under the Payment of Gratuity Act.
"Salary x 15 days x Number of Years Service / 26 days"

Sir, You will appreciate that the requested modifications shall remove the inconsistencies in the Banks' Gratuity Scheme vis a vis the provisions of Payment of Gratuity Act while rendering justice to the Bank Employees and Officers who have been denied their legitimate dues by paying lesser amount of Gratuity hitherto.

Kindly do the needful and oblige.

An early reply is solicited

Thanking you ,

Yours faithfully

(Subrata Sarkar)
General Secretary

Cc to The General Manager, Uco Bank, Personnel Services Department

All Correspondence to:



B.Lakshminarayana, No.1317, 11th Main, 5th A Cross,
Srinivasanagar II Phase, B.S.K. III Stage,
BANGALORE – 560 050.
Mob: 9845443998; Email:balana56@gmail.com