

READ **BHARAT
PENSIONER**

Monthly NEWS Magazine
(RNI REGD DELBIL/2006/17678)
Of Pensioners for Pensioners by Pensioners
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A SYMBOL OF
PENSIONERS'
UNITY

ESTABLISHED IN : 1955

**BHARAT PENSIONERS'
SAMAJ**

(All India Federation of Pensioners' Associations)
(Registered No. 2023 of 1962-63), Recognised by GOI-DOP&PW
Associate NGO International Federation on Ageing.
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No.SG/BPS/01/20/16

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To
The Union Minister of Finance

The Union Minister of Law & Justice

The MOS (PP) PMO

Secy , DOPT

JS, DOP & PW

**Subject : One notional increment to those retired on 30th June
after completion of 365 days**

Madam / Sir,

Constitution of India is sacrosanct, Government Policies & Rules have to be in Synchronization with the constitution. In case of variations Policies & Rules need to be amended to suit the provisions of the constitution of India.

"Article 14 of the **Constitution** ensures **equality among equals** : its aim is to protect **persons similarly placed** against discriminatory treatment. (State of U.P. [(1969) 1 SCC 817]) Pensioners form a homogenous group (**D.S. Nakara & Others vs Union Of India on 17 December, 1982**) **Equivalent citations: 1983 AIR 130, 1983 SCR (2) 165 wherein it was HELD:** Article 14 strikes at arbitrariness in State action and ensures fairness and equality of treatment. Principle underlying the guarantee is that all persons similarly circumstanced shall be treated alike both in privileges conferred and liabilities imposed. Equal laws would have to be applied to all in the same situation and there should be no discrimination between one person and another .

Madam / Sir, Answers to Lok Sabha unstarred Q No 427 & 2027 (copies attached) seek to introduce discrimination among Similarly placed.

Continued

The judgments under reference may be in Persona, REM or Supra. The fact remains that the honorable courts decided an issue relating to pensionary benefit and that UOI was one of the party to the case as such to ensure equality under Article 14 of constitution it need to be applied to all similarly placed and not only to appellants.

Honourable PM (in his speech in Golden Jubilee celebration of Delhi High court) as well as Honourable Supreme Court through pronouncements in several of its judgements has said that the issue once decided should apply to all similarly placed. MOD through its circulars CGDA, Ulan Batar Road, Palam_Delhi Cantt No AN/III/3012/Circular/Vol.VII Dated 30.10.18 and GOI Ministry of Defense D(CMU), Sena Bhawan, New Delhi, Dated 07.09..2018 has provided application of Court judgments to all similarly placed.

Govt. of Tamil Nadu. too has applied court judgment on the same issue for all similarly placed pensioners vide FINANCE (PAY CELL) DEPARTMENT G.O.Ms.No.140, Dated: 25th April, 2018. Irony is that PM & Apex court desires application to all similarly placed the Service/ Pension issues once legally decided. MOD too provides application of Court judgments to all similarly placed (which includes Defence civilians also). But DOPT and DOPPW do not agree to it.

Bharat Pensioners Samaj once again request you not to push pensioners who are in the evening of their lives to courts to seek redress on issues already decided. ***Please have MERCY on them.***

Thanking You

Yours truly,



S C Maheshwari

Secy General Bharat Pensioners Samaj