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PENSIONER**

A Monthly Magazine 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
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By email

NoBPS/SG/AGM/Grievance/023/01

Dated: 18.12.2023

To

1. The Secy,
GOI M/O Personnel, AR, PG & Pensions
2. The Secy,
DOE-M/O Finance
3. The Secy,
DOPT M/O Personnel
4. Secy,
M/O Law & justice

Subject : Resolutions adopted under the category of grievances by the
68thBPS AGM held at Delhi on 18.11.2023

Sir/Madam,

Bharat Pensioners Samaj, the largest Federation, an umbrella organization of Pensioners Associations in the country with over 10 lac membership held its 68th AGM on 18.11.2023 in New Delhi. 450 delegates of 225 pensioners Associations from 21 States attended and highlighted the following issues under the category of grievances which cannot be rejected as policy matters. The 68th AGM unanimously decided to urge the govt. through you for urgent redressal.

Resolution No 5 this AGM is aggrieved to note that the Government of India has not so far implemented the recommendations Constitutionally constituted under the Act of Parliament of India's the recommendations Department-related Parliamentary standing Committee made in their reports reports Nos 110 in para 3.14, 3.24 to, 3.28, 3.33, 5.16 report No 113 in para 3.30-32 & by the Department-Related Parliamentary Standing Committee on Health and Family Welfare report no 143 chapter 3 para 3.9 wherein The Committee has observed that CGHS rates for treatment and diagnosis have not been revised many years ago and therefore, the committee recommends that the same may be revised keeping in view the present market rates.

Resolution No 6: Extension of Court Judgements to similarly placed Pensioners / Family Pensioners:-
68thAGM of Bharat Pensioners Samaj is constrained to note that: Though there are various Court(s) judgments in favour of pensioners/family pensioners. The benefits accruing out of these judgments are not being extended Suo-motto by GOI to similarly placed pensioners/family pensioners which is against the settled principle of law. "GOI should not force similarly placed pensioners/family pensioners to approach the courts in the evenings of their lives to seek redressal on the same issues. This causes uncalled for harassment, loss of peace and financial drain on them. The Hon'ble Apex Court has laid down this ratio in a catena of judgments including Ram Prakash Dhawan vs State of Punjab (1997(2) SCT 589); Sathyapal Singh vs State of Haryana (1999 (2) SIJ 371) & Gopal Krishan Sharma vs. State of Rajasthan (1993 SCC (1&S 544)". In Amrit Lal vs Collector of Central Excise, Delhi (1975 (1) SLR 153 SC), the Hon'ble Apex Court held as under:

“When a citizen aggrieved by the Govt. department has approached the court and obtained a declaration of law in his favour, others in like circumstances should be able to rely on the senses of responsibility of the department concerned and to accept that they will be given the benefits of declaration without need to take their grievances to the court.” The glaring example of government’s indifferent attitude towards similarly placed pensioners/family pensioners is the denial of Notional increment to those retired on 30th June. In spite of number of judicial decisions on this subject matter which of general nature.

The government of India agreed to implement judgments in ‘rem’ to all similarly placed. The Hon’ble Madras High Court in C.L.Pasupathy vs The Engineer In Chief(Wro) on 29 August, 2008 W.P.No.3002 of 2007 in Para 28 of their judgement defined ‘rem’ (reported in 2009 (2) MLJ 491) This judgement has achieved legal finality & is Law now. However, to deny the benefit to similarly placed the Department of Law & Justice GOI ignoring this description of ‘rem’. Is invariably Classifying all judgments favourable to pensioners /family pensioners as in Persona. The Madras High court judgment in WP 15732/2017 P. Ayyamperumal vs The Registrar on 15 September 2017 which has gained legal finality is a judgement on the subject matter of increment & therefore, is covered by the definition of ‘rem’ provided by the Honourable High Court of Madras. Moreover, GOI’s plea that this judgment is in persona stands rejected by Delhi high court in their judgement dated 31.05.2023 in W.P.(C) 1731/2020 & CM APPL. 24540/2023. The pensioners community in the country is aggrieved that despite the facts quoted the said judgment is not being applied to all similarly placed. Instead, it violated all legal norms & Article 14 of the constitution. The said judgment is applied only to those who went to the courts thereby creating inequality within the similarly placed pensioners of the same group.

Hoping for the early resolution of the above grievances.

With regards

Truly yours,



S.C.Maheshwari

Secy Genl. Bharat Pensioners Samaj