



Sanchar Nigam Pensioners' Welfare Association

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To

The Hon'ble Chief Justice of India,
Supreme Court of India, New Delhi .

Subject: Humble and Dispassionate Appeal for taking Suo Motu Cognizance of the Amendments of the Statutory Pension Rules through Finance Bill 25 which is Ultra Virus of the Basic Structure Doctrine of the Constitution and also in Blatant Violation and contemptuous disregard of the Landmark Judgments of the 13 Judge Constitutional Bench of the Apex Court in Keshavananda Bharti VS State of Kerala and also five Judge Constitution Bench in D.S.Nakkara VS U.O.I

Hon'ble Sir,

With profound reverence for the Supreme Court, the sentinel of the Constitution, I write to respectfully urge and implore Your Lordship to take suo motu cognizance of the recent Amendments of the Statutory Pension Rules in the Finance Bill 25 enacted by the Government of India. ,

At the very outset, bypassing the well defined Parliamentary procedure for Amending Statutory Rules, these Amendments are, in sharp contrast, part of the Finance Bill 25 adopted by both Houses of the Parliament.

The crux and the alarming objective of these Arbitrary Amendments is to Annul and Obliterate, in their entirety, the Landmark Constitutional Judgments of the Apex Court delivered since 1972 by ante dating these Amendments from 1.6.1972 and, therefore, to Annul all Amendments that were brought about since 1.6.1972 to Augument the Statutory Provisions of Pension Rules. These Amendments are Arbitrary and Discriminatory in as much as they infringe upon and are violative of Articles 14 and 21 of the Constitution which are the cornerstones of the Fundamental Rights

The Amendments brought about through Finance Bill 25 are unambiguously intended to render infructuous the Hon Apex Courts Constitutional Judgments in landmark cases such as D.S. Nakara v. Union of India (1983) and Keshavananda Bharati v. State of Kerala (1973) This retrospective enactment is a clear ploy to subvert judicial authority, defeat the doctrine of finality of judgments, and abrogate the constitutional protections extended by the aforesaid Judgments

In the historic **Keshavananda Bharati case**, a **13-Judge Constitutional Bench** categorically held that while Parliament may amend the Constitution, it cannot alter, abrogate, or destroy its **Basic Structure**. Fundamental Rights — especially those under **Article 14 (Right to Equality)** and **Article 21 (Right to Life and Dignity)** — form an essential part of that Basic Structure Doctrine and **cannot be overridden by Legislation interventions**.

Further, in **D.S. Nakara VS U.O.I**, the Hon'ble Supreme Court laid down that **classifying Pensioners on the basis of their date of retirement is not only Arbitrary and Discriminatory but is also Violative of Article 14 of the Constitution**

The Amendment of the CCS Pension Rules wef 1972 contained in the Finance Bill 25 now precisely **reintroduces a provision that was found to be Violative of Article 14 and hence was Struck down by Constitutional Bench in 1983**.

The Hon'ble Supreme Court itself has reaffirmed in *Minerva Mills v. Union of India* (1980) and *Indira Nehru Gandhi v. Raj Narain* (1975) **that the Basic Structure Doctrine enunciated in Keshvananda Bharti VS State of Kerala is inviolable, and that any Legislative action seeking to dilute or undermine the Basic Structure Doctrine is legally infructuous, untenable and null and void**.

In view of the grave and threatening implications that the said retroactive Amendments from 1.6.1972 will have on the Pensioners, I most humbly solicit Your Lordships benign intervention by initiating suo motu proceedings to examine the legality and constitutional validity of the said Amendments of Pension Rules contained in Finance Bill 25, and, thereby, ensure that the rule of law and constitutional supremacy prevails and that Legislative Action overriding Judicial Pronouncements that safeguard the Fundamental Rights envisaged in Basic Structure Doctrine of the Constitution prevail.

Millions of pensioners who are all senior citizens— the most vulnerable section of our society — look up to the Hon'ble Court for justice and protection of their fundamental rights.

With the highest regard and trust in the Hon'ble Supreme Court,

Yours faithfully,



(G.L.Jogi)