

The Honorable Chief Justice of India,

August , 2015

The Supreme Court of India,

Tilak Marg,

New Delhi -110201.

Your Esteemed Honour

Petition of the Citizens of Advanced Age

We the senior citizens of India aged 80 and above and 75 and above most politely bring to your kind attention our plight for over 20 years that the existing systems of redress have not been able to help us with even when our age is further advancing. We all experience an utter helplessness in the closing years of life.

We are retired employees and officers of the public sector banks of the country. During about 35 years of our work in these banks we made a sincere and valuable contribution to the economic development of our country. And at this stage in life we ourselves are subjected to economic hardships that also are unjust in terms of law.

The number of advanced-age bank pensioners in the country may be over 1 lac out of the total public sector bank pensioners numbering almost 5 lacs. This petition is on behalf of all such advanced-age pensioners. We are constrained to limit our expenses and also depend on our children or others affecting our self-dignity. We are sad to add that thousands of our colleagues have breathed their last during the last 20 years with a feeling of dismay and denial on account of this condition. In the absence of your kind intervention, we wonder if we too will be lamenting the same way when we join them one day.

Our adverse condition concerning pension arises out of 3 points :

1. The amount of our basic pension has remained the same for about 20 years as it was when we retired. The government pensioners' basic pension is upgraded periodically (with each Pay Commission), but ours is not. And this in spite of the provision to update pension as per the Pension Regulations, 1995 which govern our Pension Scheme..
2. Our Dearness Allowance on the basic pension for those who retired prior to 2002 is nearly 50% lower than those who retired after 2002. This is a discrimination ruled by courts as violative of the Constitution.
3. The Family Pension to our spouses is only 15% of our basic pension. For government pensioners it is 30%.

It is important to note here that these grievances have been resolved in respect of the pensioners of the Reserve Bank of India.

We stated at the beginning that the existing systems in the country to redress such grievances have been of no avail to us for such a long time. We like to elaborate this point for your kind appreciation of our pathetic situation.

- Primarily, the banks themselves should have addressed our grievances during this long time. But far from that, they have gone even to the extent of disowning their statutory responsibility to the pensioners declaring now that they have no contractual relationship with the pensioners.

Banks also have maintained that they do not have the paying capacity to meet the demands of the pensioners. This argument is patently wrong. Various pensioners have collected authentic data including under R. T. I. on Pension Funds of banks. This data reveals that at the end of March 2015, the public sector banks had a total pension fund of **1,80,459 crores of rupees**. It further reveals that for discharging Banks' pension liability every year, even the annual returns on pension investments are more than adequate. During the current financial year 2015-16 these pension funds will surpass **Rs.2 lac crores**. On this background the argument of Indian Banks' Association about banks having no funds to meet our legitimate demands falls flat. Apart from this, for discharging a statutory liability, funds cannot be a reason for refusing to discharge it.

- Another mechanism available to pensioners is Negotiations between unions of bank employees and Indian Banks' Association. During the recent (March 2015) 5-Yearly Bipartite talks between I. B. A. and the employee Unions, their prolonged 2 year negotiations ended up in the most retrograde step by the two sides as regards the grievances of the pensioners. The two parties signed the so-called Record Note attached to the Agreement declaring that the banks had no contractual relationship with the pensioners. This was to take a stand that the forum of such Bipartite Negotiations will not include the demands of pensioners. This stand is untenable legally. Pension is ruled to be a **deferred wage** and as such this relationship continues even after retirement. Also the provision in the Pension Regulations 1995 for **disciplinary action** on pensioner's misconduct would be invalid in the absence of such contractual relationship.
- The third systemic remedy available to us is through the judiciary. During the last 20 years a number of cases have been filed by the retirees and they are at various stages in different courts. These cases are filed individually, collectively and also by organizations of bank retirees. We cannot have a country-wide data with us about such cases. But even after such a long period, the cases are not decided. This makes us strongly believe that delays are caused deliberately by I.B.A. and the Government at the cost of being humane to the aging pensioners. Banks are flouting the norms even of the National Litigation Policy. And these are not ordinary cases but of the old-aged citizens of the country.

We know of only one case that is before the Hon'ble Supreme Court and that is **C A 3762/2014**. Even this case has been prolonged inordinately after the first verdict of Madras High Court.

- The fourth platform available to us is the Human Rights Commission. However, they have regretted their inability to help us as the matter pertains to service conditions.

All these platforms have not been helpful to us, and Your Honor, our advancing age is increasing our anxieties and helplessness day by day. We, therefore, send this fervent petition to your kind selves to hear our case directly.

The rich tradition of Indian judiciary to give justice, respect and understanding to the pensioners began about 33 years ago when the judgement of the Supreme Court was delivered on 17th December, 1982 in the case of D. S. Nakara vs the Government. We like to quote here a few portions of the observations of the Bench of the five judges in that case which makes us proud of the country's judiciary.

“The most practical raison d’etre for pension is the inability to provide for oneself due to old age. One may live and avoid unemployment but not senility or penury if there is nothing to fall back upon”

“---the retiral benefit is grounded on consideration of state obligation to its citizens who having rendered service during the useful span of life must not be left to penury in their old age”

“let us therefore examine what are the goals that pension scheme seeks to subserve? A pension scheme consistent with available resources must provide that the pensioners would be able to live: (i) free from want, with decency, independence and selfrespect and (ii) at a standard equivalent at the pre-retirement level).

The Honorable Supreme Court had prophetically observed several years ago what we are actually and poignantly experiencing all these years.

At the end of this PETITION, Your Honor, with your benign and urgent action, may we hope for justice before several others of us conclude life?

We remain yours most humbly,

Sr. No.	Name of Petitioner and Address	Telephone	Running age	Date of Birth	Year of Retirement	Signature

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