

READ **BHARAT
PENSIONER**

Monthly NEWS Magazine
(RNI REGD DELBIL/2006/17678)
Of Pensioners for Pensioners by Pensioners
2/13-A - LGF Backside, Jangpura - 'A',
New Delhi - 110 014
Telephone : 011-24376642
E-mail : bharatpensioner@gmail.com
Website : www.pensionersmedia.in



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.
Toronto (Canada)
2/13-A - LGF Backside, Jangpura - 'A',
New Delhi - 110 014
Mobile : 09868488199/08860412898

DO No BPS /SG/Pension/2020/5

Dated 23.08.2020

Dear Madam Seema Gupta ji,

(By e-mail)

Subject : Spl cell for pensioners, Pay pension at home

Rference : Judgement dated 20.08.2020 of HIGH COURT OF JUDICATURE AT BOMBAY, NAGPUR BENCH, NAGPUR in LD-VC-CW-665 OF 2020 Shri Naini Gopal S/o Dharendra Mohan Roy vs UOI & others

Madam, as Director (PW) GOI M/O P, PG & Pensions-DOP&PW, you are the guardian of pensioners. As such Bharat pensioners Samaj requests you to take note of the observations of honourable Bombay high court vide their Para 16 to 18, 19(5) and 20 of the judgement under reference and to initiate action to get Spl cell for pensioner for payment of Pension at home constituted as desired by the honourable Court. Citation of the said judgement & text of relevant Para is quoted hereunder (pdf of full judgement is also attached with this e.mail)

Form Spl cell for pensioners, Pay pension at home Bombay H C to Govt.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY, NAGPUR BENCH, NAGPUR LD-VC-CW-665 OF 2020

Shri Naini Gopal S/o Dharendra Mohan Roy, Aged About 85 Years, Occupation – Pensioner, R/o F-37/B, Central Railway Colony, Ajni, Nagpur-440 003. ... Petitioner

Versus

- 1. The Union of India, Ministry of Defence, Through its Secretary, New Delhi.**
- 2. The Principal Controller of Defence Accounts (Pension), Office of Principal Controller of Defence Accounts, Allahabad, Uttar Pradesh-211 014.**
- 3. The General Manager, State Bank of India, Centralized Pension Processing Centre, 5th Floor, Premises No.T-651 and T-751, I.T.C. Belapur, CBD Belapur Railway Station Complex, Navi Mumbai-400 0614.**
- 4. The General Manager, Ordnance Factory, Bhandara. ... Respondents**

CORAM : R.K. DESHPANDE & N.B. SURYAWANSHI, JJ.

Date of Reserving the Judgment : 13 th August, 2020 Date of Pronouncing the Judgment : 20 th August, 2020

**Exrract of judgement-
para 16 to 19(5) & 20**

16. Before parting with this Judgment, we need to remind the Bank that the pension payable to the employees upon superannuation is a 'property' under Article 300-A of the Constitution of India and it constitutes a fundamental right to livelihood under Article 21 of the Constitution of India. The deprivation, even a part of this amount, cannot be accepted, except in accordance with and authority of law. Article 41 of the Constitution of India in the Part IV of Directive Principles of State Policy has created an obligation upon the State to recognize a right of public assistance in the case of old age, sickness and disablement. Article 46 therein requires the State to promote with special care the economic interests of the weaker sections of the people. In short, the foresaid provisions of the directive principles of State policy create an obligation upon the State to enact suitable laws, making the provisions to recognize a right of public assistance, to promote economic interests, to protect the life and property of senior citizens, to treat them with respect and dignity and to give wide publicity to it.

17. Unfortunately, the time has come to tell the Bank that the aging is natural process, which leads to weakening of the body and mind. The productivity, working ability and mobility decreases or paralyzes with growing age. The traditional norms, values and culture in the Indian Society demand to treat the senior citizens with respect, dignity and lay stress on providing security, care and assistance to them. It becomes a part of the human right of the senior citizens. The senior citizens are the persons who had shouldered the responsibility of building a nation in general and society or community in particular, while in service. Utilizing their experience in the life and working, the strong shoulders are created of young persons to substitute and rest the responsibility upon them, while demitting the office. The bank officials must realize that tomorrow it may be their turn, upon superannuation, to fight for the pension or post-retiral benefits. The thought process, therefore, to be adopted should be of a person in a situation like the petitioner. The respect, dignity, care, sensitivity, assistance and security would automatically follow.

18. We have, however, seen and can take judicial note of the fact that the security of the senior citizens always remain in peril. We have seen the senior citizens anxiously waiting for credit of the pension amount in their account and standing in a queue for withdrawal. Once the amount is withdrawn personally either from the Bank or from the ATM, a serious threat starts posing to the life from the watchdogs roaming around involved in pick-pocketing and stealing. We have actually seen the old aged persons – men and women, counting the currency with cramping hands and trying to secure the amount at some hidden place in the body. It is then after waiting in the premises of the Bank and taking stock of the situation and the atmosphere with scared mind and the feeling of insecurity, the escape route and time is chosen to reach to their destination safely. It is a high time for the Banks to create a separate cell and to devise a method to provide personal service through the men of confidence, at the door-step to the old aged, disabled and sick persons who are the senior citizens. They have to be treated with respect and dignity. The sensitivity to the problems of the senior citizens need to be addressed. The mechanism for immediate redressal

of grievance needs to be provided. The officers having a degree or master's degree in Social Work or Psychology, who can be in personal touch with and genuinely understand and redress the grievances or complaints of the senior citizens, can be appointed.

19. In the result, this petition is allowed and the following order is passed : (1) The action of the respondent No.3- Bank in deducting an amount of Rs.11,040/- per month with effect from October, 2019 is hereby quashed and set aside. (2) We direct the respondent No.3- Bank to immediately credit an amount of Rs.3,27,045/-, recovered from the pension account of the petitioner, along with interest at the rate of 18% per annum from the date of recovery of each of the installments, till the date of credit of this amount in the pension account of the petitioner. (3) The respondent No.3- Bank is restrained from recovering any amount from the pension payable to the petitioner on the basis of the action, which we have quashed and set aside. (4) We direct the respondent No.3- Bank to pay the compensation of Rs.50,000/- to the petitioner and credit the said amount in the pension account of the petitioner within a period of eight days from today, failing which the additional costs of Rs.1,000/- for each day's delay will have to be paid. **(5) We direct the Registry of this Court to forward the copies of this Judgment to the Centralized Processing Pension Centres of all the Nationalized Banks and also to the Reserve Bank of India and the Chief Secretary, Government of Maharashtra, to consider the question of constitution of separate cell and release of appropriate guidelines so as to attain the constitutional goal of providing respect, dignity, care, sensitivity, assistance and security to all the pension account holders in the Banks.** (6) This Judgment be uploaded under the digital signature of the Private Secretary.


20. Rule is made absolute in the aforesaid terms. No order as to further costs.

(N.B. SURYAWANSHI, J.) (R.K. DESHPANDE, J.)

Hoping for early favourable action
with regards

Yours sincerely,

To


S C. Maheshwari
Secy genl BPS

Smt.Seema Gupta
Diector (PW)
GOI M/O P,PG & Pensions-DOP &PW

Copy to JS DOP &PW for necessar action at his level please

S.C.Maheshwari