

DESPERITY HAS BEEN CREATED BY 6TH PAY COMMISSION

The 6th Pay Commission has created a discrimination by dividing a homogenous class of pensioners. The classification of pensioners is not based on any discernible rational principle. The criteria devised by creating pay Bands is thoroughly arbitrary and is with a deliberate aim to create a differential between the pensioners it is in total violation of Article 14 of Constitution of India and is unconstitutional. Article 14 of the Constitution of India guarantees that the same rule of law should be applicable to all persons within the Indian territory or that the same remedies should be made available to them irrespective of differences of circumstances. It means 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. In the case of pensioners their position is substantially the same. The Hon'ble Supreme Court has authoritatively ruled that pension is a right and the payment of it does not depend upon any one's discretion. It is only for qualifying the amount having regard to service and other allied matters that it may be necessary for

authorities to pass an order to that effect but the right to receive pension flows by virtue of Rules.

The pensions to all Defence Armed Forces Employees and Civil employees is administered in India as a compensation for service rendered in the past.

The 6th Pay Commission has created a disparity amongst pensioners by recommending different rates of benefits for fitments of revised pension. The recommendation in clause 4.2 of the notification dated 1.9.2008 for pensioners pre-2006 that the revised pension is not to be lower than 50% of sum of minimum pay in the pay band plus grade pay corresponding to the pre-revised pay structure is big force deliberately created between the pensioners. Only pensioners in pay band IV and higher scale get the benefit of this provision. This provision has divided the pensioners in two categories viz (a) Pensioners who retired from scales now included the pay Bank I, II, III and (b) pensioners who retired from scales now included in pay band IV and in higher scales. In case of pensioners included in pay band IV and higher scales the increase may be more than 100%. Thus this concept of dividing the 40 Lac pensioners is against the very concept of establishment of social society (at least within the government establishment) as envisaged in preamble of the Constitution of India and also Articles 14, 39(e),

41, 43(3) of India. The IVth Central Pay Commission and 5th Pay Commission provided the uniform increase of 40% to both past pensioners in fixation of revised pension and serving personnels/officers in fixation of pay thus a full parity in past and future pensions.

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