

One Rank

One Pension

A I F R U C T O

May - 2024

**ALL INDIA FEDERATION OF RETIRED UNIVERSITY
AND COLLEGE TEACHERS ORGANISATIONS**

*We are one
One for all*

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*We will win
all for one*

EDITORIAL

Dear Friends

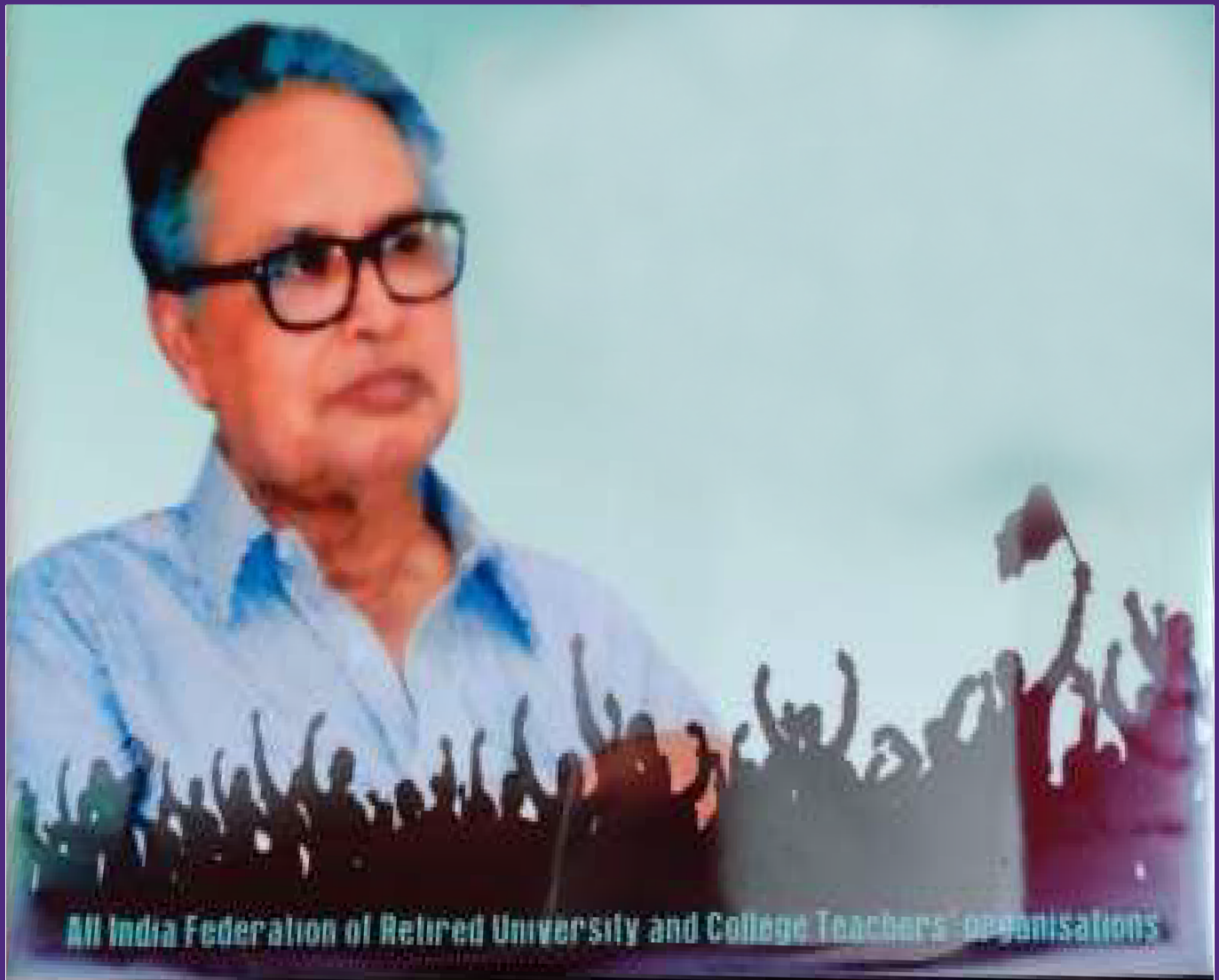
It is my pleasure to write extend our compliments to TANRECTA team of teachers' for their wonderful conference conducted on 17th of March,2024 at University of Madras, Chennai. My special thanks to senior teachers who volunteer themselves even at the age of 80-85y involved in all activities of the conference with humbleness. This is one of the guidelines to all of us.It is so necessary to write someof the points about our organisation. The main purpose of this news magazine is to communicate important issues of each organisation/States, Ifevery oneis involved in activities of their unit and communicateat least some informationabout development in each statethrough their association is more appropriate to reach every member of AIFRUCTOand is appreciable.Hencemy earnest request to each and every office bearers of all organisations to mobilise each and every member to involve them in their activities andsendreport to publish in our regular news magazine. Publishing a News Magazine periodically is a reciprocate of activeness of each member/ organisation. It is my earnest request to write all your activities report and recent development in your State.

As you know some of the stateGovernments implemented the benefits of pension as per UGC norms, some states have followed their own permutation and combinations while some states are yet to introduce the pension to the teachers' even after their dedicated services for more than 30-35 years. Some states have extended the pension benefits toGovt. College teachers' but this benefit of pensionis not extended togrant-in-aidteachers'. This is not fair enough to tolerate the irresponsible attitude of the Governments . We the members of this wonderful organisation should fight for uniform pension formula for every pensioner who were onUGC scales.

WE ARE ONE and FIGHT for UNIFORM PENSION

Dr. Halesh.R
Executive Editor

Respectful Homage
Professor Mrinmoy Bhattacharya



21st November 2023

ALL INDIA FEDERATION OF RETIRED UNIVERSITY AND COLLEGE TEACHERS' ORGANIZATIONS

AIFRUCTO - CIRCULAR

April 03, 2024

Dear Friends,

At the very outset, I would like to congratulate our members, past and present office bearers, patrons & well-wishers as the AIFRUCTO is now a decade-old organisation. It is a source of great satisfaction and pride that the first AIFUCTO Conference was organised by Tamil Nadu Retired College Teachers Organisation-TANRECTA and the current one has also been organised by TANRECTA, both in Chennai. This is a testimony to the great leadership of the organisation in strengthening the retired teachers' movement in India and the unflinching commitment of the TANRECTA leadership to the cause of our movement.

The phenomenal success of this Statutory Conference organised by TANRECTA will remain a hallmark of organising standards in future AIFRUCTO conferences. We are now confident that the outstanding successes of our successive conferences statutory and academic, have set up a high standard for the future. A very scintillating feature of this TANRECTA-organised conference has been a very large number of participants from Tamil Nadu. The Conference has been extremely successful by all parameters. We heartily congratulate Prof. V Swaminathan and his team members who have worked tirelessly for the grand success of the Conference.

Homage to Prof. Mrinmoy Bhattacharyya

The Conference paid homage to the memory of our legendary leader Prof. Mrinmoy Bhattacharya. Prof. Sudhakar S. Mankar. Prof J.N. Shukla & Prof. Swaminathan unveiled a photograph of Prof. Bhattacharya and paid rich tribute to him and noted his lifelong service to the causes of the teaching community. The conference was dedicated to his memory.

Proceedings of the 4th Academic Conference

The conference started with the presentation of the General Secretary's report for approval. After the welcome of the distinguished guests, delegates, Patrons, and media persons and expressing thanks to TANRECTA for organising the conference very meticulously, the General Secretary read out important points of the report before the house with the permission of the President Prof. Sudhakar S Mankar. The printed copy of the report was made available to the delegates and other participants and a soft copy was sent to them by email and WhatsApp. The General Secretary reiterated to continue the struggle for the nine-point charter of demands of AIFRUCTO and conveyed the house efforts made by the organisation after the Lucknow Conference.

The General Secretary also proposed the following names to fill the vacant posts of office-bearers for approval:

Dr R K Indira Devi – Zonal Secretary – Zone I

Prof Biswajit Bhuiyan – National Secretary

Prof Hari Om Pandey – Zonal Secretary – Zone III

Prof Iqwal Singh Sindhu – Vice President

The General Secretary also proposed the name Prof Vijay Kumar Ari as convenor to form an AIFRUCTO unit in Rajasthan.

The General Secretary also proposed the following committees:

Movement Resolution Committee – Prof G K Nanda (Convenor), Princ. Kranti Jejurkar and Prof Harish Sarkar.

Resolution committee – Prof S A Bojagar (Convenor), Prof. R Ramchandruppa.

The general secretary paid tribute to the departed leaders for their distinguished role in strengthening the teachers' movements in the country who left us during this period. Two minutes of silence were observed in the house to pay homage to the departed souls.

Treasurer, Prof Sadanand Bhattacharjya presented the annual account before the house. He appealed to the affiliates to clear the dues for the remaining period. He also emphasised the need to become Life Members and a Medical Fund for members. Prof Gopal Krishna Nanda, National Secretary initiated the discussion on the general secretary's report

and supported the report. He expressed his concern about people suffering at the international level due to war, poor health, and poverty.

Inaugural Session

The inaugural session started with the Lightening the Lamp and welcome address of Prof A Manoharan, General Secretary of TANRECTA, and Prof V Swaminathan, President of TANRECTA, the Organising Secretary of the conference. Prof Swaminathan informed the house that the chief guest The Minister of Higher Education, Tamil Nadu would not be able to inaugurate the conference due to unavoidable engagements. Therefore. He proposed the name of Prof Ram Singh, our Patron and former President to inaugurate the conference.

Hosts felicitated the Chief Guest, Patrons, and office bearers with momento and *angvastram* Later on, a souvenir was released by the Chief guest and President Prof Mankar.

After the inaugural address Prof Gnanasekaran, Treasurer, TANRECTA presented a Vote of thanks.

Business Session I

The session started with the welcome address by Dr Usha Raghotham, Vice President of AIFRUCTO followed by the address of Prof Sudhakar S Mankar, the President of AIFRUCTO. He appealed to the National Secretaries and Zonal Secretaries to go around in their zones to form new units at the university and state levels. It is a need of the day that state federations along with university-wide units should be strong as most of our demands are in the jurisdiction of states. Hence role of state federations is most important for pressurizing our demands.

Prof J N Shukla, General Secretary, introduced the Theme of the Conference, “Challenges Before Higher Education in India”. Dr V B Athreya, former professor of Bharathidasan University, Tiruchirappalli, gave a keynote address on the Theme of the Conference.

In his keynote address, Prof Athreya expressed his views on NEP 2020 at length. He focussed on the poisonous impact of NEP 2020 on increasing commercialization, Privatisation, and centralization in the country and the policy will exclude the underprivileged. He mentioned that more than 15000 educational institutions will have no

access to economically weaker sections. He also talked about Indian traditions and the need for pluralization and diversification to preserve our culture.

Prof Asok Barman, the Patron addressed his concern about the shortage of funds and many confusions created by the faulty implementation of NEP20.

Prof B. Vijay Kumar, the Patron emphasised the role of AIFRUCTO in retaining the benefits of Pension. He also expressed the need for a Medical Fund because of the expensive cost of treatment.

Prof B Parthasarathy emphasised the need for uniform pension rules throughout the country and pensions for Aided College teachers in Punjab, Meghalaya and Manipur, etc.

Prof Tarun Kumar Patra, the Patron enlightened the house about the challenge before higher education in India and the need to oppose the privatisation of education in the country.

Prof Ghanshyam Singh, the Patron addressed his concern that NEP20 was framed without the participation of stakeholders, just like teachers and students, and without focus on infrastructure. Educational institutions have become centers of admission and examination only. We have to wait and watch patiently.

Prof R Halesh, Executive Editor of News Magazine expressed his view on NEP20 and about the publication of the magazine and the necessity of Medical Fund. He also declared a donation of Rs. 1 lakh for the proposed Medical Fund. He informed the house current status of pensioners in Karnataka.

Prof Parvathi Gopalan, Vice President of AIFRUCTO presented a Vote of Thanks.

Business Session II

The session started with a discussion on the general Secretary's report and presentation of State reports. It is worth mentioning that 15 states and affiliates have sent their detailed reports for publication in the Souvenir of the Conference which can be seen for further information. Prof. A. Pullaiah General Secretary, Telangana Retired Teachers Association and National Secretary discussed the problems, such as irregular payment of DR, pension on 20 years of service, the need for zonal meetings every six months and the problem of recruitment of permanent teachers. Prof V N Chandramohan, General Secretary, Kerala Govt. College Retired Teachers Association demanded the extension of a grant by the Central Govt. for paying UGC scale to the state. Prof Pratip Banerjee, National Secretary expressed

the grave situation of teachers of West Bengal. The state Govt. has not implemented the 7th UGC pay scale with no pension revision and less DA due to the anti-teacher spirit of the state Govt. NEP 20 implemented. WBCURTWA & WBCUTA oppose the anti-teacher policy of the state gov. He pointed out that the name of the late Prof Anil Bhattacharya was not included in the GS report. Prof. Ramchandrapa, General Secretary FUCRTAK, and National Secretary AIFRUCTO expressed his concern that university teachers have no separate organisation in Karnataka. and they are joining college retired teachers' organisations. He also provided detailed information of pensioners in his state. Princ. Kranti Jejurkar, National Secretary and General Secretary MUCRTWA Mumbai expressed her views about zonal meetings, medical facilities, and participation of retired teachers in teacher's movements. Prof Chandana Jha, zonal Secretary and general secretary FRUCTAB – Bihar, prof R S Pawan, National Secretary from Panjab, Prof Mahadev Desai, Vice President from Gujarat, Prof L Randhoni Devi, vice president from Manipur, Prof Biswajit Bhuiyan, National Secretary from Assam, Prof Patricia Fernadez from Mumbai, Prof Santosh Chowdhary from West Bengal, veteran teachers leader Prof V Gona Reddy from Telangana, Prof S Rajeswar Rao Zonal Secretary, Prof Adi Narayan Reddy, S V University Retired Teachers Association, Tirupati, AP, Prof S A Bojagar, National Secretary from Kolhapur, Maharashtra, Prof S Solaimalaichami Zonal Secretary from Puducherry, prof Iqwal Singh Sindhu, Vice president and other delegates presented the reports.

Concluding Session

The following resolutions were presented by Prof S A Bojagar and accepted at the Conference:

1- Resolution By AKGCRTA

A central grant should be made available to state Governments towards the additional expenditure for the UGC pension revision.

AIFRUCTO should raise demand for the restoration of the Old Pension scheme repealing the PFRDA Act 2004.

University/college teachers in Kerala are denied the arrears of UGC 7th pay revision from 1.1.2016 due to the denial of the grant of Rs. 750.90 crores, withheld by the Central Govt. on flimsy grounds. AKGCRT demands immediate release of the grant.

2- Resolution by Aided College Retired Teachers' Welfare Association Punjab:

AIFRUCTO condemns the dilly delaying attitude of the Punjab Govt. in issuing notice for the release of 7th UGC pay scales to pre-1.1.2016 retired teachers of the Punjab Govt. to issue notification at the earliest. AIFRUCTO affiliates are requested to write letters to the Chief Minister of Punjab to resolve the pension issue with immediate effect.

3- Resolution by All Odisha Retired University and College Teachers Association:

Fixation of pension of retired teachers as per concordance table.

Payment of enhanced gratuity to the retired aided college teachers for the period of 1.1.2006 to 30.11.2008.

Health insurance benefits to all retired aided college teachers.

Movement Resolution

Because of the prevailing situation in the country, it is necessary for us to take the initiative, all concerned retired teachers of colleges and universities, to expand and unite all retired teachers and bring them under the umbrella of AIFRUCTO.

To strengthen the AIFRUCTO at the zonal level and state level in such a way that the objective and message may reach all the retired teachers of colleges and universities.

To organise at least one or more programmes for retired teachers of UGC level to create educational, social, and socio-economic awareness at state and zonal levels.

To extend cooperation and joint action programmes organised by fraternal organisations to achieve common acceptable programmes on education, pension, health and other matters at the state and national levels.

To organise and participate in possible forms of the programmes relating to NEP20 by fraternal organisations coping with the objective of AIFRUCTO to save education, to save the nation.

To retain the old pension scheme state units are requested to be alert and join hands with other working employees at the state and central levels.

To draw the attention of the Govt. at the centre/ state some form of action programme may be adopted after July – August at the state/ national level to achieve our old demands including a professor scale for college teachers, a Medical Scheme for retired teachers, etc.

The General Secretary thanked all delegates and participants who attended the 4th academic conference in Chennai for the fruitful discussion on the GS report and other issues of retired college and university teachers of the country. This conference is very significant because delegates from 18 state and Union territories participated in the deliberations. The General Secretary extended thanks to the speakers for their valuable suggestions and assured the house that necessary amendments would be made at the relevant place in the report.

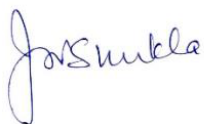
The General Secretary expressed thanks and gratitude to Prof V B Athreya for a very significant and valuable presentation on the theme of the Conference. In his concluding remarks general assured the house that AIFRUCTO would continue its fight for the Old Pension Scheme, Pension to Aided College Teachers of Punjab, Manipur, and Meghalaya, and in other states and for our long-standing 9-point Charter of demands. The sustained efforts of AIFRUCTO will make a phenomenal difference in transforming the lives of retired college and university teachers in the country.

Prof Asok Barman in his valedictory address highlighted the role of superannuated teachers in rendering service to the community. Prof Barman emotionally quoted from the book of his leader and mentor Prof Mrinmoy Bhattacharya “Never Give Up”. Values must be given their due place. The importance of values is of paramount importance. Compassion, cooperation, and peace are healthy and must be emphasised while teaching and interacting with our fellow citizens. Prof Barman again quoted his Guru “Education without values is like a ship in the mid-ocean without its crew”.

The conference ended with a vote of thanks by Prof S Bhattacharjya, the Treasurer and a singing of the National Anthem.

Long Live AIFRUCTO!

Long Live Teachers ' Unity!



Dr J N Shukla

General Secretary

**All India Federation of Retired University and College Teachers' Organisations
(AIFRUCTO)**

General Secretary's Report

17th March 2024

Dear Friends,

Warm greetings!

We feel immense pleasure and pride in organizing this 4th Academic Conference of All India Federation of Retired University and College Teachers' Organisations in this historic city of Chennai on the 17th day of March 2024 in this magnificent Auditorium of Madras University. Chennai City is famous for its ancient temples, vibrant arts, natural wonders and bustling culinary traditions. This capital city of Tamil Nadu is one of the most popular tourist destinations of the country located on the Coromandel Coast. This busy metropolis is also known as the "Health Capital of India". The city has an economic base anchored by the automobile, software service, medical tourism, hardware manufacturing and financial services and a very rich cultural heritage.

We extend our heartfelt gratitude to the Tamil Nadu Retired College Teachers Association (TANRECTA) - a pioneer of the retired teachers' movement - for hosting this conference. In fact, TANRECTA is a cornerstone of AIFRUCTO. The very foundation of this all-India organisation was laid on March 16, 2014, in the famous Presidency College, Chennai. During this journey of 10 years, AIFRUCTO has more than 50 affiliated units in 23 states of the country. I congratulate our retired teachers for their strenuous efforts and unwavering support in strengthening the organisation. We are to note that AIFRUCTO is the sole organisation looking after the interest of retired University and College teachers in the country.

Let me now briefly remind some of the important national and international events:

International scenario:

This has been a very disturbing international turn of events as the war between Ukraine and Russia shows no sign of coming to an end. The conflict has resulted in a large number of deaths and huge destruction. Despite several efforts to bring an end to the hostility, no solution is in sight. We want this devastating war to come to an end and peace be restored.

Another blood bath is continuing in the West Asia front where Israel and Hamas-Palestine are fighting each other causing huge deaths and destruction. The casualty among the children of Palestine is horrifying. Hunger and lack of adequate medical aid have resulted in untold misery for the people of Palestine. It is unbelievable that the international community has been unable to bring an end to the cruel war raging in West Asia.

We call upon the international organisations to immediately adopt measures so that the wars in both places come to an end. It is really painful to see that such barbaric acts are continuing unabated.

We are also deeply disturbed at the most unfortunate faceoff between India & Canada regarding some issues. India-Canada bilateral ties are based on shared values of democracy, pluralism, expanding economic engagement, regular high-level interactions and long-standing shared values. There are a large number of Indian diasporas in Canada. Even then, recently there has been some strain between the two countries.

We urge the two governments to sort out the differences in the interests of the people of both countries through dialogues.

We would like to highlight the fact that Indians have proved to be of very high quality and assumed high positions in Western countries by sheer merit & efficiency. There are numerous examples of Indians and Indian origin persons in many top posts. We are proud of them.

Growing pollution and dangers to nature & human beings & our role

The emission of greenhouse gases is causing great damages to human health & environment. Scientists have been warning us about the danger of growing pollution. All needed measures must be taken to control the growing pollution. As the most conscious segment of society, we must take up the role of the vanguards in this 'Protect Our Environment' movement. Our sincere participation in the 'Save Our Planet' movement is of paramount importance.

Participation in social welfare programs

At this conference, we would like to renew our pledge to work for the service of the poor, backward sections of our society. We remember the valuable services led by our legendary leader Prof. Mrinmoy Bhattacharya and his team. Many of our members are working to help the needy sections of our society to the best of their abilities. We salute them and request all our members to do their best for this cause.

Technological progress & knowledge explosion and our responsibility

There has been tremendous progress in the field of knowledge. The exponential progress in the field of knowledge in general and the growing application of Artificial Intelligence in every sphere including education are likely to change the entire gamut of our lives. Our classrooms are going to transform substantially. However, one thing is certain: the divide in the education tech-aid scenario would change significantly. We need to follow the developments very carefully and suggest measures in the best interest of our students.

Economic scenario:

In an aggregative sense, in the post-COVID period, India is performing rather well economically, with strong growth projections for the coming years. Key drivers for this growth include good domestic demand, a growing middle class and a recovering services sector. India is also a major and growing exporter of goods and services and a major recipient of foreign direct investment.

However, in a more disaggregated sense, several developments are causing great concerns. The official statistics show that insufficient jobs and incomes are the most worrying issues. The signs are visible in the social and political arenas. Farmers are demanding better prices and informal sector workers and contract workers are agitating for fair wages and social security. The economy cannot be in good shape when most Indians are devoid of economic well-being. The recent official statistics about the expenditure pattern of Indians present a gloomy picture of its high population concentration. Further, the income tax data point to the highly skewed nature of income distribution with only 0.68 per cent of people paying effective taxes.

Educational scenario: New Education Policy and fund crunch:

India has significant scope for progress owing to the huge demographic dividend as India has the distinct advantage of huge resources for young people over other countries of the world. Educated, skilled and motivated youth is the greatest advantage of India. So far this asset could not be utilised properly due to the lack of proper policies as well as inadequate resource allocation for the education sector. Not that there was no merit in the earlier policies; the lack of financial resources stood in the way of properly educating the students in India.

The latest edition of education policy christened as the 'New Education Policy' is no exception. A very ambitious policy was undertaken with much fanfare but even after nearly

four years, the policy remained mostly a paper document. Despite repeated assertions- right from the Kothari Commission to the latest NEP, the budgetary allocation is far from adequate. The result is a mushrooming of private educational ventures: from private schools to private universities.

Though we have reservations about some of the recommendations, the New Education Policy recommended many good & useful measures highlighting the strengthening of government funding. This policy has not recommended privatisation, but the non-availability of requisite funds would further privatise education at all levels. There has been a substantial knowledge deficit during the COVID period. To rectify that deficit additional funds are necessary. That again requires more funds from the budgetary allocation.

Political scenario:

The General elections to elect the members of the 18th Lok Sabha are expected to take place in the coming months of April and May. India is the largest democracy in the world & elections are the biggest festival of a vibrant democracy. We believe a free, fair and peaceful parliamentary election will take place to elect a stable government.

Our condolences:

I would like to pay tribute to our departed leaders for the distinguished role they played in strengthening the teachers' movements of the country. Prof. Mrinmoy Bhattacharya was the longest-serving general secretary of AIFUCTO, former general secretary of FISE and our Patron, and left for his Heavenly abode. He is celebrated as an exceptionally articulate teacher, an inspiring leader, a determined fighter and a profound philosopher. His guidance and warm-hearted approach have left an indelible mark on countless lives.

We would also like to pay homage to Prof. Anil Bhattacharya, former President AIFUCTO ,Prof. O. Chouaba Devi, our zonal secretary from Manipur, Prof. K. K. Sharma, Zonal Secretary from Jharkhand and other teachers' leaders and members who left us during this period.

Organisational developments & activities:

- Meeting of JFME was held on July 15, 2022, at Surjeet Bhavan New Delhi. The protest program was finalized for the withdrawal of National Education Policy 20 and demands were made to initiate dialogue with stakeholders along with other relevant

demands. The meeting was attended by leaders of AIFUCTO, FEDCUTA, DUTA, primary teachers and NGOs along with the general secretary of AIFRUTO.

- The first National Secretariat meeting of the newly elected office bearers was held in Hotel Brij Palace, New Delhi on August 2, 2022, and the charge was handed over by former office bearers to newly elected office bearers. The following representation was finalized:
 1. Fixation of pension of retired Associate Professors of colleges in Professor scale. Since the post of professor has been given by the UGC in its 7th Pay Revision to Colleges and Associate Professors are being promoted as Professors, the pension of retired Associate Professors should also be fixed in the Professor scale.
 2. The 6th CPC has recommended payment of 20% additional quantum of pension for pensioners above 80 years of age w.e.f. Jan 2006. Some states have awarded an additional quantum of pension to pensioners aged 75 years 15%, 10% at 70 years and 5% to pensioners aged 65 years. We demand that this scheme should be implemented uniformly across the country.
 3. One notional increment should be given to those who retire from the service on June 30, since the date of increment falls on the next day of retirement i.e. 1st July. The Hon'ble Supreme Court of India has already established law in the case Union of India vs. P. Ayyamperumal R. P. (c) No. 1731/2019 in SLP (C) No. 22008/2018.
 4. The commutation period of pension should be reduced from the current 15 years to 10 years throughout the country due to a drastic decrease in the interest rates.
 5. Senior pensioners of Universities and Colleges should also be given the benefit of a 20% additional quantum of pension from the first day of the calendar month in which it falls due and not from the date of completion of 80 years of age.
 6. We request the Govt. of India to formulate a 'Medical Scheme' for university and college retired teachers that will help them to get lifesaving treatment.
 7. Our organisation requests the Govt. of India to implement the 7th UGC Pay Scale and pension based on the concordance table without any

modification to all retired university and college teachers in all states and union territories.

8. We request the Govt. of India to give some sort of relief to all pensioners in the payment of income tax. Either the slabs of income tax should be modified or the ceiling amount should be increased.
9. We demand a uniform pension scheme for all retired university and college teachers in all states and union territories. There are still some states where pensions are not being paid to university and college retired teachers. For instance, Punjab, Himachal Pradesh and some Northeastern states like Manipur, and Meghalaya do not pay any form of pension to the retired aided-college teachers.

- On August 3, 2022, Secretariat members attended the massive Dharna at Jantar Mantar New Delhi organized by AIFUCTO.
- On September 11, 2022, the General Secretary visited Purnia in Bihar and attended the joint session of Purnia University Retired Teachers Association & B. N. Mandal University Retired Teachers Association Madhepura. Both the university associations requested affiliation with AIFRUCTO and also resolved to form a state-level association in Bihar. Later on, a state-level conference was organized in the auditorium of MIT Purnia on 1st June 2023 in which more than 100 retired teachers from 10 universities participated in the deliberations. A newly elected executive committee was formed in my presence. Prof. Yogeshwar Singh from Magadh University, Prof. Chandana Jha from B. N. Mandal University, Madhepura and Prof. Sikandar Yadav from Purnia University were elected President, General Secretary and Treasurer respectively along with other office bearers and Federation of Retired University and College Teachers of Bihar (FRUCTAB) was constituted.
- The General Secretary also attended the first executive committee meeting of FRUCTAB on September 03, 2023, at Patna and interacted with the executive members. The meeting was well attended.
- On the call of AIFUCTO for Dharna before UGC in Delhi on 16,17 and 18 November 2022, retired teachers from Uttar Pradesh and Bihar actively participated.

Friends, After the successful Conference in Lucknow, Uttar Pradesh on 25-26 June 2022 we organized our NEC in Kalaburagi, Karnataka. NEC was hosted successfully by Gulbarga University College Retired Teachers Association on December 11, 2022, in the campus of

Gulbarga University in a natural ambience. We express a deep sense of gratitude for their wonderful hospitality. Participation of NEC members was also very encouraging. Hon'ble Dr. Umesh G Jadhav Member of Parliament, Lok Sabha was the Chief Guest and Prof. Dayanand Agasar, vice Chancellor of Gulbarga University and Hon'ble Shashil G Namoshi MLC were the Guest of honour. We appreciate the efforts of Prof. R.M. Patil President, Prof A. R. Sherikar, General Secretary and members of the executive committee GUCRTA. We are also grateful to Prof. Shanta Bhimsen Rao, Vice President AIFRUCTO and a noted teacher leader Prof. S. K. Satnoor for their active cooperation. The General Secretary and treasurer presented their report for discussion in the NEC. In the meeting vacant posts of office bearers were filled by the following leaders:

- Princ. Dr Kranti Jejurkar – Mumbai - National Secretary (Women Quota)
- Princ. Dr. R. S. Pawan-Panjab – National Secretary
- Prof. Chandana Jha – Bihar – Zonal Secretary
- Prof. O. Choaba Devi – Manipur - Zonal Secretary
- Prof. K.K. Sharma – Jharkhand – Zonal secretary
- Prof. S. Rajeswar Rao – Telangana – Zonal Secretary

In addition to this NEC, resolved to nominate former President Prof. Ram Singh and former General Secretary Prof. B. Parthasarathy as Patron of AIFRUCTO.

After the presentation of state reports NEC focused on the following issues for further action:

- 1- Additional quantum of pension at the age of 65,70,75 and 80 years.
- 2- Notional increment to pensioners who retire on 30th June and its benefit in the calculation of pension.
- 3- The commuting period should be decreased from 15 to 10 years.
- 4- The issue of RCTA-AP was taken seriously by the NEC. Prof. A. Pullaiah and Prof. Keshavulu Reddy were assigned the task of resolving the issue.
- 5- The following resolution regarding the pension issue of Punjab was moved by Prof. R. S. Pawan, National Secretary:

“The NEC unanimously press and urge the Govt. of Punjab to grant pension and other allied perks to the employees and teachers of Govt. Aided Privately Managed Colleges at par with their counterparts working in Govt. Colleges of the state.”

A letter conveying the spirit of the resolution has been sent to the Punjab Chief Minister, Minister for Higher Education and Minister for Finance.

President Prof. Sudhakar S. Mankar in his concluding remark stressed the importance of evolving a road map for action to achieve our goals.

A virtual office bearers meeting was arranged on 9th April 2023. The following decisions were taken in the meeting:

- The Following Editorial Board of the AIFRUCTO News Magazine was constituted:
 - Prof. J.N. Shukla, General secretary, Chief Editor
 - Prof. R. Halesh, Executive Editor
 - Prof. Gangotri Prasad, U.P. Member
 - Prof. Venkat M. Gona Reddy, Telangana, member
 - Prof. Sarita Tiwari, Punjab, Member
- Lifetime Achievement Award to a Veteran Teachers leader every year.
- For the year 2022, the name of Prof. Mrinmoy Bhattacharya was finalized.
- The following committee was formed to prepare the Logo of AIFRUCTO:
 - Prof. J. N. Shukla, Prof. R. Halesh, Prof. S. Bhattacharjya, Prof. G. K. Nanda, Prof. V. Swaminathan, Prin. Kranti Jejurkar, Prof. R. S. Pawan.

The logo has been approved by the committee.

The National Executive Committee was organized by the Federation of Retired University Teachers of Jharkhand (FRUTAJ) on 2nd July 2023. The meeting was extremely successful as a result of superb planning and immaculate execution. We express our thanks and gratitude to FRUTAJ led by Prof. Babban Choubey, President and Dr. M.P. Sharma, General Secretary of FRUTAJ. A dedicated team led by Prof. Hari Om Pandey worked for days together along with Prof K. K. Thakur, Prof. R. A. Tiwari, Prof. Amal Chaudhary, Prof. B.N. Pandey and others to organize this highly successful NEC meeting with all-round outstanding performance. The coordination between the FRUTAJ and the young research scholars working as volunteers was perfect. Our sincere thanks to them. The cultural program based on the rich folk culture of Jharkhand was superb. The high quality of the entire arrangement touched the hearts of all participants and will be remembered for the time to come. Also, this meeting will encourage other affiliates to organize such meetings of high order in future. Prof. Mahadev Desai, Vice President presided over the NEC in the absence of President Sudhakar S. Mankar. He could not attend the meeting due to health reasons. NEC unanimously approved the proposals of office bearers meeting held on April 9, 2024,

regarding the Editorial Board of Digital News Magazine, Lifetime Award and Logo committee.

The request for affiliation with the following associations was approved unanimously:

- Association of Kerala Govt. College Retired Teachers' (AKGCRT)
- Punjab Govt. College Retired Teachers' Welfare Association (PGCRTWA)
- Retired University and College Teachers Association, Pune (RUCTAP)
- Sri Venkateswara University Retired Teachers Welfare Association (SVURTWA)
- Karnataka State College Teachers' Pensioners Association, Bengaluru.
- Federation of Retired University and College Teachers' Association of Bihar (FRUCTAB).

Prof. Gurjant Singh Chahal from Punjab was nominated Zonal Secretary of Zone 6th unanimously.

A committee to explore the possibility, ways and means was constituted to establish a Medical Fund for needy retired teachers. This committee comprises Prof. S. Bhattacharjeya, Prof. V. Swaminathan and Princ. Kranti Jejurkar is working on it. This idea was suggested by Prof. B. Vijay Kumar, our Patron.

Other Organisational activities:

The National Secretariat meeting in virtual mode was held on November 10, 2023.

The following important decisions were taken:

- All secretariat members hailed the proposal of TANRECTA to hold the AIFRUCTO Conference on the 16th and 17th of March in Chennai.
- Nominated veteran teachers Prof. K.K. Theckedath our Patron for Lifetime Achievement Award for the year 2024.

18-11-2022: Met Joint Secretary Higher Education Govt. of India along with Hon'ble Rita Bahuguna, Member of Lok Sabha and requested to fulfil our pending demands.

15-01-2023: Met Hon'ble Defense Minister of India, Shri Raj Nath Singh at his residence at Lucknow along with a delegation of University College Retired Teachers Welfare Association U.P. regarding our demands. Hon'ble Minister forwarded the representation for consideration to the Union Education Minister.

In addition to these efforts on August 9, 2023, Prof. Venkat Gona Reddy met Hon'ble Revanth Reddy M.P. and Hon'ble Kamtiredy Venkat Reddy and forwarded our representation to the Hon'ble Prime Minister and Union Education Minister. Prof. K.V. Ramanna Reddy our Vice President also utilized his contacts and sought the help of Hon'ble Mithun Reddy, Member of Lok Sabha. Another delegation included Prof. V.R. Kesavulu, National Secretary. Dr. G. Rajendra Naidu and Dr. Azmathulla met Smt. D. Purandheswari, President B. J. P. Andhra Pradesh is seeking her help in arranging an appointment with the Union Education Minister regarding the redressal of our demands. Prof. S. N. Sachan, a senior retired teacher of Uttarakhand, also managed to forward a letter from Prof. Ram Gopal member of Rajya Sabha in support of our demands. I extend my thanks to them. So many requests have been made for an appointment with the Union Education Minister but no response to date.

The Lifetime Achievement Award was given to Prof. Mrinmoy Bhattacharya on August 1, 2023, at his Kolkata residence.

13-09-2023: JFME Dharna at Jantar Mantar New Delhi. More than 25 retired teachers participated in Dharna including Prof. Mankar, President, Princ. Kranti Jejurkar and her team from Mumbai, Prof. A. Manoharan and his team from TANRECTA, Prof. S. Bhattacharjya Treasurer and Prof. J. N. Shukla GS AIFRUCTO.

14-09-2023: Met along with Smt. Rita Bahuguna, member of Lok Sabha to newly transferred Joint Secretary Higher Education Smt. Rina Sonowal in her chamber at Shastri Bhavan New Delhi and requested to take quick action to fulfil our demands. She assured me to do the needful.

AIFRUCTO has been approved by the Income Tax Dept. under section 12- Sub- clause(A) of clause (iv) of first proviso to sub-section (5) of section 80G of Income Tax Act.

Our Executive News Editor Prof. R. Halesh is trying to publish News Magazine regularly, but he is not getting sufficient cooperation from state units. Next edition of the News magazine will come after the Conference.

Zonal Meetings:

The First Zonal meeting of Zone V was organized on September 30, 2023, by Zonal Secretary Prof. S. Rajeshwar Rao in the auditorium of the Institute of Management at Hyderabad with the active cooperation of Prof. A. Pullaiah, National Secretary and Prof.

Sridhar Reddy, Vice president AIFRUCTO. Many local retired teachers participated in the meeting. All India leaders, Prof B. Parthasarathy, Patron, Prof. Sudhakar S. Mankar, President, Prof. J.N. Shukla, General Secretary and Prof. S. Bhattacharjya, Treasurer addressed the meeting.

The problems of retired teachers were discussed in detail.

The next day on October 1, Prof. Mankar, Prof. Shukla Prof. Bhattacharjya Prof. Pullaiah and Prof. Rajeshwar Rao visited Rajahmundry, Andhra Pradesh to attend the RCTA-AP executive committee meeting to sort out their grievances and misunderstandings against AIFRUCTO. We tried to resolve their issues and left them to decide in their next meeting. I am grateful to veteran leader Prof. Ram Krishna Reddy, President of RCT-AP for allowing us to clear our stand.

The Zonal Council of Zone IV was organized by the Uttarakhand University and College Teachers Association in DBS College, Dehradun on October 8, 2023. The meeting was presided over by Dr Harishandra, President of Uttarakhand unit and addressed by Prof. S. N. Sachan Patron and other office bearers of the unit, Prof. P.R. Yadav, Zonal Secretary, Prof. J. N. Shukla GS and Prof. Ghanshyam Singh, Patron AIFRUCTO. The problems of retired teachers of both states were discussed in the meeting.

The Zonal Council meeting of Zone VII was organised by Prof. S. K. Mathpati, Zonal Secretary in the Academic Guest House of Pune University at Pune on Jan.05, 2024, from 11 am. The meeting was hosted by Retired University and College Teachers, Pune. Office bearers from all units of Maharashtra and Gujarat participated in the meeting. Prof. Mathpati welcomed the delegates. Prof. Magan Tate & Prof Kanhu Giramkar felicitated the guests. Prof. Rekha Mahadeshwar from Mumbai University and College Retired Teachers Welfare Association & Delegates from RUCTAS Solapur, delegates from Kolhapur SUTA and Prof. Mahadev Desai from Gujarat reported in the meeting. Prof. Sudhakar S. Mankar President and Prof. J.N. Shukla General Secretary also addressed the meeting. Prof. S. P. Lawande, President of MFUCTO also graced the occasion. The meeting was a great success.

The zonal council meeting of Zone IX was held on Jan. 07, 2024, at Puducherry. It was well organized by Zonal Secretary Prof. S. Solimalaichami in Hotel Jayaram. Delegates from TANRECTA Tamil Nadu and Puducherry presented their reports. AIFRUTO General Secretary Prof. J.N. Shukla, Treasurer Prof. S. Bhattacharjya, Patron Prof. B. Parthasarathy,

Vice Presidents, Prof. Usha Ragotham, and Prof. Parvathi Gopalan addressed the meeting. In addition to this AIFRUCTO National Secretary Prof. A. Pullaiah and Zonal Secretary Zone V Prof. S. Rajeswar Roa also graced the occasion. General Secretary TANRECTA Prof. A. Manoharan, Vice President, Prof. Madhu and Treasurer, Prof. Gnanasekaran participated in the deliberations. Prof. D. Shiv Kumar General Secretary PUREGOCOTA presented the State report. All participants demanded an early solution to AIFRUCTO's demands.

Letters written by the General Secretary:

- 1- To His Excellency Governor of Bihar Dated – 10-12-2023, Requesting immediate intervention to set aside Bihar Govt. orders against teacher leaders of Bihar.
- 2- To Chief Minister and Education Minister of Gujarat Dated- 23- 08-2023 regarding discrepancies in the payment of pension to principals and teachers of colleges and universities of Gujarat, who retired before 01-01-2006.
- 3- Appeal to the Hon'ble Prime Minister for immediate action to end violence in Manipur.

I submit this report for discussion before this august house.

Long Live AIFRUCTO!

Long Live Teachers Unity!



Dr. J.N. Shukla
General Secretary



Website : www.aifructo.org

AIFRUCTO

Reg. No. : 29/2017

ALL INDIA FEDERATION OF RETIRED UNIVERSITY AND COLLEGE TEACHERS' ORGANISATIONS

PROF. SUDHAKAR S. MANKAR
PRESIDENT
MAHARASHTRA
9423815307

PROF. J.N. SHUKLA
GENERAL SECRETARY
UTTAR PRADESH
9450186103

PROF. S. BHATTACHERJYA
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Uttar Pradesh
Dr Sridhar Reddy
Telangana
Prof. Mahadev A Desai
Gujarat
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Andhra Pradesh
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Tamil Nadu
Prof. Shanta Bhimsen Rao
Karnataka
Prof. Parvathi Gopalan
Tamil Nadu

National Secretaries:
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Telangana
Dr S. A. Bojagar
Maharashtra
Prof. V. R. Kesavalu Reddy
Andhra Pradesh
Dr V. Swaminathan
Tamil Nadu
Dr R. Ramchandruppa
Karnataka
Prin. Dr. Kranti Jejurkar
Mumbai

Zonal Secretaries:
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Jharkhand
Prof. Chandana Jha
Bihar
Dr P. R. Yadav
Uttar Pradesh
Prof. S. K. Mathpati
Maharashtra
Prof. S. Solaimalaichami
Puducherry
Prof B. V. Vijay
Karnataka
Prof. S. Rajeshwar Rao
Telangana
Prof. Gurjant Singh
Punjab
Editor, News Magazine
Prof. R. Halesh
Karnataka

Draft
Receipts and Payments Account upto 14.03.2024

Receipts

As on 1.4.2023
Cash in hand - 20,529.70
Cash at Bank - 5,53,534.03
5,74,063.73

Collection

Life Membership - 82,000/-
Membership - 1,134,450/-
Bank Interest - 11,366/-
2,27,816

Total — 8,01,879.73

Payments

Publication - 9,800/-
Income tax - 37,996/-
Print, Post, Stamp - 5983/-
Travelling All. 1,07,644/-
Zonal meeting + Life Time achievement 46,600/-
Auditor fee 3,000/-
Bank Penalty 193.76
2,11,216.76

Cash in hand - 23,649.70
Cash at Bank - 5,67,013.27
8,01,879.73

Associations cleared all dues upto 31.3.24

1. GERTA (Andhra Pradesh)
2. TMBHURTA (Bhagalpur)
3. MUCRTWA (Mumbai)
4. PRGCTA (Puducherry)
5. GERTA (Punjab)
6. UCRTWA (Uttar Pradesh)
7. WBCURTWA (West Bengal)
8. K.S.C.T.P.A (Bengaluru)

Sudamande Bhattacharyya
Treasurer
AIFRUCTO

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WP / 5042 / 2016+

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5042 OF 2016

Association of College and University
Superannuated Teachers, (Maharashtra)
A society registered at No. MAH-853/2009
Under the provisions of the Societies
Registration Act, having its Head office at
20, Sawarkarnagar, N-5 (South) CIDCO,
Aurangabad, through its President and
Convener, Principal Dr. M.A. Wahul

.. Petitioner

Versus

- 1] Union of India
Through its Under Secretary
Department of Education,
New Delhi

(Copy to be served on Assistant Solicitor
General of Union of India, High Court of
Judicature of Bombay Bench at Aurangabad)
- 2] The State of Maharashtra
Through its Secretary, Department of Higher
and Technical Education, Mantralaya,
Mumbai – 32.
- 3] The Director
Higher Education, Maharashtra State,
Pune
- 4] The University Grants Commission,
Bahadurshah Jafar Marg,
New Delhi – 110 001
- 5] The State of Maharashtra
Through its Finance Department,
Mantralaya, Mumbai – 32.

.. Respondents

**AND
WRIT PETITION NO. 4554 OF 2016**

Association of College and University
Superannuated Teachers, (Maharashtra)
A society registered at No. MAH-853/2009
Under the provisions of the Societies
Registration Act, having its Head office at
20, Sawarkarnagar, N-5 (South) CIDCO,
Aurangabad, through its President and
Convener, Principal Dr. M.A. Wahul

.. Petitioner

Versus

- 1] Union of India
Through its Under Secretary
Department of Education,
New Delhi

(Copy to be served on Assistant Solicitor
General of Union of India, High Court of
Judicature of Bombay Bench at Aurangabad)

- 2] The State of Maharashtra
Through its Secretary, Department of Higher
and Technical Education, Mantralaya,
Mumbai – 32.
- 3] The Director
Higher Education, Maharashtra State,
Pune
- 4] The University Grants Commission,
Bahadurshah Jafar Marg,
New Delhi – 110 001
- 5] The Under Secretary,
Department of Higher & Technical Education
Mantralaya, Mumbai – 32.
- 6] The State of Maharashtra
Through its Finance Department,
Mantralaya, Mumbai – 32.

.. Respondents

...
Advocate for petitioner in both WPs : Mr. S.V. Adwant
Addl. GP for the respondent – State : Mr. S.B. Yawalkar
Standing Counsel for respondents no. 1 and 4 in both WPs : Mr. S.W. Munde
...

**CORAM : MANGESH S. PATIL &
NEERAJ P. DHOTE, JJ.**

**RESERVED ON : 8 NOVEMBER 2023
PRONOUNCED ON : 2 FEBRUARY 2024**

JUDGMENT (MANGESH S. PATIL, J.) :

Heard. Rule. Rule is made returnable forthwith. Learned Additional GP and learned advocate for respondents no. 1 and 4 in both writ petitions waive service. At the joint request of the parties, the matters are heard finally at the stage of admission.

2. By way of these writ petitions, the teachers who are governed by the Maharashtra Civil Services (Pension) Rules, 1982 (**Pension Rules**) are alleging about discrimination between them who all stood retired between 01-01-1996 and 31-12-2005 on the one hand and teachers who retired prior to 01-01-1996 and who would retire after 01-01-2006.

3. It is being the stand that in order to implement the sixth central pay commission recommendations, the State Government appointed a three member State Pay Revision Committee styled as 'Hakim Committee' which inter alia recommended modification of the pension and the family pension. Pursuant to such report of the committee by issuing a government resolution dated 27-02-2009, the State decided to revise the pension and introduced the modification of

Pension Rules as applicable to the state government employees and other employees governed by the Pension Rules. Accordingly, rule 110(1) was modified and it provides that it is only applicable to the retirees after 01-01-2006 and holding them to be entitled to 50% of the basic pay or average basic pay received during the last 10 months, whichever is more, as the minimum pension payable.

4. Learned advocate Mr. Adwant would submit that conspicuously this amendment in the Pension Rules though effected in the year 2016 was brought into effect with effect from 01-01-2016. However, by issuing government resolution dated 05-05-2009, the government pegged down pension receivable by the persons like the petitioners who retired between 01-01-1996 and 01-01-2006, to 40% increase on basic pay. He would submit that in respect of the employees who retired prior to 01-01-1996 even their pension was fixed at 50% of the revised pay scale introduced by fourth pay commission. He would thus submit that the pension that was made payable to the employees who retired prior to 01-01-1996 according to the revised pay scale under the fourth pay commission and the employees who stood retired after 01-01-2006 during sixth pay commission revision, their pension has been fixed @ 50% of the revised pay scale under the respective pay commission. As against it, it is only the petitioners who retired during the fifth pay commission

between 01-01-1996 and 01-01-2006 have been discriminated and their pension has been fixed @ 40% increase on the basic pay.

5. Mr. Adwant would submit that the government resolution dated 05-05-2009, is, therefore, violative of Article 14 and 16 of the Constitution of India. He seek reliance on the decision of the Supreme Court in the matter of ***All Manipur Pensioners Association by its Secretary V. State of Manipur; (2020) 14 SCC 625*** and ***D.S. Nakara V. Union of India; (1983) 1 SCC 305***.

6. Per contra, learned AGP Mr. Yawalkar would submit that there is no discrimination. The employees retiring during different time span would form distinct classes. Merely because all of them are government servants, no such parity can be claimed. If some benefits have been extended pursuant to the Hakim committee recommendations to the employees retiring after 01-01-2006, it would be a matter of setting a cut off date for accepting the recommendations. The petitioners who retired prior thereto would form a different class and cannot seek to derive the benefit similar to the one conferred upon the employees retiring after 01-01-2006. He would place reliance on the following judgments :

1) *Kirshena Kuma Vs. Union of India; AIR 1990 SC 1782*

2) *Indian Ex-Services League and others Vs. Union of India; AIR 1991 SC 1182*

- 3) *Union of India Vs. P.N. Menon and others*; AIR 1994 SC 2221
- 4) *State of Rajasthan & Another Vs. Prem Raj*; AIR 1997 SC 1081
- 5) *Commander Head Quarter, Calcutta and others Vs. Capt. Biplabendra Chand*; AIR 1997 SC 2607
- 6) *State of Rajasthan and another Vs. Amrit Lal Gandhi and others*; AIR 1997 SC 782
- 7) *T.N. Electricity Board Vs. R. Veerasamy and others*; AIR 1999 SC 1768
- 8) *State of W.B. & Another Vs. W.B. Govt. Pensioners Associations & others*; AIR 2002 SC 538
- 9) *State of Bihar & Ors. Vs. Bihar Pensioners Samaj*; AIR 2006 SC 2100
- 9-A) *K.I. Rathee Vs. Union of India*; AIR 1997 SC 2763
- 10) *State of Punjab & Ors. Vs. Amar Nath Goyal & Ors.*; AIR 2006 SC 171
- 11) *S.C. Chandra & Ors. Vs. State of Jharkhand & Ors.*; AIR 2007 SC 3021
- 12) *T.M. Sampath & Ors. Vs. Secretary, Ministry of Water Resources and Ors.*; AIR 2015 SC (Supp) 367
- 13) *Suchet Singh Yadav & Ors. Vs. Union of India & Ors.*; AIR 2018 SC 1319
- 14) *State of Maharashtra & Anr. Vs. Bhagwan & Ors.*; AIR Online 2022 SC 20
- 15) *BALCO Employees Union (Regd.) Vs. Union of India & Ors.*; AIR 2002 SC 350
- 16) *Anand Swarup Singh Vs. State of Punjab*; AIR 1972 SC 2638
- 17) *Arjun Krishna Golatkar & Ors. Vs. State of Maharashtra Ors. (Writ Petition No. 1797 of 2014)*
- 18) *Bhaskar Anandrao Pende Vs. State of Maharashtra & Ors. (Petition for Special Leave to Appeal (C) No. 15786 of 2018)*

7. Mr. Yawalkar would also refer to the division bench judgment of this Court in the matter of **Arjun Krishna Golatkar and**

others Vs. State of Maharashtra and others (writ petition no. 1797 of 2014) decided on 13-12-2017. He would also point out that similar argument was repelled by the division bench. The decision was challenged by the petitioner in Special Leave to Appeal no. 15786 of 2018 but the Supreme Court did not interfere.

8. To begin with, similar arguments were advanced by the petitioner in the earlier round of litigation before the Division bench of this court in WP 4292/2013. This court had appreciated the argument and had observed that there was a substance in the contention of the petitioner that Hakeem committee recommendations were not applicable to category of teaching staff and the state was further directed to consider the entire issue afresh. Paragraphs nos. 26 and 27 of the order dated 09/06/2015 read as under:

26. The State Government shall also consider the contention of the petitioner that, recommendation of Hakeem Committee are not applicable for deciding the pensionary benefits for the category of teaching staff working in universities and colleges in Maharashtra in general and the Government Resolution dated 5th may, 2009 and Government Resolution dated 12th August, 2009. The Respondent - State is directed to hear the petitioner on the aspect that, the superannuated teachers retired between 1/1/1996 to 31/12/2005 are entitled for minimum 50% pension of the revised pay scales introduced w.e.f. 1/1/2006 as a result of implementation of 6th pay commission and to take decision within four months from today.

27. In the light of discussion in foregoing paragraphs, we direct the Respondent State Government to reconsider the entire issue/controversy

keeping in view observations made in foregoing paragraphs, office memorandums issued by the Union of India on the recommendation of the U.G.C., orders issued by other State Governments, judgments of the various High Courts and the Supreme Court, and take the fresh decision within four months from today and communicate the same to the petitioner.

9. Even respondent no. 4 - UGC has also maintained the stand that petitioners are denied the benefits and have been discriminated. It has taken a stand that the full pension should not be less than 50% of the minimum of the revised pay scale introduced by the Pay Commission for the post last held by the employee at the time of retirement. The government has issued an Office Memorandum directing all heads of departments to revise the pension/family pension as per the provisions mentioned, with effect from 01.01.2006 and further stated that point no.8 (g) of MDHR letter dated 31/12/2008 is mandatory in nature.

10. Even Constitutional Bench of the apex court in the matter of **D. S. Nakara** (*supra*) has specifically held that pensioners form a class as a whole and cannot be micro-classified by an arbitrary, unprincipled and unreasonable eligibility criterion for the purpose of grant of revised pension. In paragraph no. 42 following observation have been made:

42. If it appears to be undisputable, as it does to us that the pensioners for the purpose of pension benefits form a class, would its upward revision permit a homogeneous class to

be divided by arbitrarily fixing an eligibility criteria unrelated to purpose of revision, and would such classification be founded on some rational principle? The classification has to be based, as is well settled, on some rational principle and the rational principle must have nexus to the objects sought to be achieved. We have set out the objects underlying the payment of pension. If the State considered it necessary to liberalise the pension scheme, we find no rational principle behind it for granting these benefits only to those who retired subsequent to that date simultaneously denying the same to those who retired prior to that date. If the liberalisation was considered necessary for augmenting social security in old age to government servants then those who, retired earlier cannot be worst off than those who retire later. Therefore, this division which classified pensioners into two classes is not based on any rational principle and if the rational principle is the one of dividing pensioners with a view to giving something more to persons otherwise equally placed, it would be discriminatory. To illustrate, take two persons, one retired just a day prior and another a day just succeeding the specified date. Both were in the same pay bracket, the average emolument was the same and both had put in equal number of years of service. How does a fortuitous circumstance of retiring a day earlier or a day later will permit totally unequal treatment in the matter of pension? One retiring a day earlier will have to be subject to ceiling of Rs 8100 p.a. and average emolument to be worked out on 36 months' salary while the other will have a ceiling of Rs 12,000 p.a. and average emolument will be computed on the basis of last 10 months' average. The artificial division stares into face and is unrelated to any principle and whatever principle, if there be any, has absolutely no nexus to the objects sought to be achieved by liberalising the pension scheme. In fact this arbitrary division has not only no nexus to the liberalised pension scheme but it is counter-productive and runs counter to the whole gamut of pension scheme. The equal treatment guaranteed in Article 14 is wholly violated inasmuch as the pension rules being statutory in character, since the specified date, the rules accord differential and discriminatory treatment to equals in the matter of commutation of pension. A 48 hours' difference in matter of retirement would have a traumatic effect. Division is thus both arbitrary and unprincipled. Therefore, the classification does not stand the test of Article 14.

11. Pertinently, **D.S. Nakara** (*supra*) has been followed in **All Manipur Pensioners Association** (*supra*). Relevant paragraphs in the case of **All Manipur Pensioners Association** are as follows:

2. The facts leading to the present appeal in a nutshell are as under : that the State of Manipur adopted the Central Civil Services (Pension) Rules, 1972, as amended from time to time. As per Rule 49 of the Central Civil Services Rules, 1972, a case of a government employee retired in accordance with the provisions of the Rules after completing qualifying service of not less than 30 years, the amount of pension shall be calculated at 50% of the average emoluments subject to a maximum of Rs 4500 per month. It appears that considering the increase in the cost of living, the Government of Manipur decided to increase the quantum of pension as well as the pay of the employees. That the Government of Manipur issued an office memorandum dated 21-4-1999 revising the quantum of pension. However, provided that those Manipur Government employees who retired on or after 1-1-1996 shall be entitled to the revised pension at a higher percentage and those who retired before 1-1-1996 shall be entitled at a lower percentage.

2.1. Feeling aggrieved by office memorandum dated 21-4-1999 providing two different revised pensions viz. the higher percentage of revised pension to the government employees who retired on or after 1-1-1996 and the lower percentage of revised pension to those who retired on or before 1-1-1996, the appellant herein - All Manipur Pensioners Association approached the learned Single Judge of the High Court of Manipur by way of Writ Petition (C) No. 1455 of 2000. It was the case on behalf of the original writ petitioners that all the pensioners who retired on or after 1-1-1996 and those who retired before 1-1-1996 form only one class as a whole and therefore the classification between those who retired on or after 1-1-1996 and those who retired on or before 1-1-1996 for the purpose of granting the benefit of revised pension is arbitrary, unreasonable and violative of Article 14 of the Constitution of India. It was submitted that the date of retirement cannot form the very criterion for classification. Before the learned Single Judge, reliance was placed heavily on the decision of this Court in *D.S. Nakara v. Union of India*. The writ

petition before the learned Single Judge was opposed by the State Government and the aforesaid classification was sought to be justified solely on the ground that considering the financial constraints of the State, the State was justified in granting revised pension differently to those who retired after 1-1-1996 and those who retired before 1-1-1996. It was the case on behalf of the State that considering the financial constraints of the State, the State was not in a position to extend the benefit of pension making the percentage given by the Government of India in its memorandum dated 17-12-1998 to the pre-1996 pensioners and accordingly a decision was taken to extend the benefit of revised pension at certain percentage for the pre-1996 pensioners and higher percentage for the post 1996 pensioners. Relying upon the decision of this Court in D.S. Nakara case, by the judgment and order dated 24-3-2005, the learned Single Judge allowed the writ petition and held the classification between those pensioners who retired prior to 1996 and those who retired after 1996 as arbitrary and violative of Article 14 of the Constitution of India and consequently directed the State Government to pay the revised pension uniformly to all the pensioners irrespective of any cut-off date i.e. those who retired pre-1996 or those who retired post-1996.

8. *Even otherwise on merits also, we are of the firm opinion that there is no valid justification to create two classes viz. one who retired pre-1996 and another who retired post-1996, for the purpose of grant of revised pension. In our view, such a classification has no nexus with the object and purpose of grant of benefit of revised pension. All the pensioners form one class who are entitled to pension as per the pension rules. Article 14 of the Constitution of India ensures to all equality before law and equal protection of laws. At this juncture it is also necessary to examine the concept of valid classification. A valid classification is truly a valid discrimination. It is true that Article 16 of the Constitution of India permits a valid classification. However, a valid classification must be based on a just objective. The result to be achieved by the just objective presupposes the choice of some for differential consideration/treatment over others. A classification to be valid must necessarily satisfy two tests. Firstly, the distinguishing rationale has to be based on a just objective and secondly, the choice of differentiating one*

set of persons from another, must have a reasonable nexus to the objective sought to be achieved. The test for a valid classification may be summarised as a distinction based on a classification founded on an intelligible differentia, which has a rational relationship with the object sought to be achieved. Therefore, whenever a cut-off date (as in the present controversy) is fixed to categorise one set of pensioners for favourable consideration over others, the twin test for valid classification or valid discrimination therefore must necessarily be satisfied.

8.1. *In the present case, the classification in question has no reasonable nexus to the objective sought to be achieved while revising the pension. As observed hereinabove, the object and purpose for revising the pension is due to the increase in the cost of living. All the pensioners form a single class and therefore such a classification for the purpose of grant of revised pension is unreasonable, arbitrary, discriminatory and violative of Article 14 of the Constitution of India. The State cannot arbitrarily pick and choose from amongst similarly situated persons, a cut-off date for extension of benefits especially pensionary benefits. There has to be a classification founded on some rational principle when similarly situated class is differentiated for grant of any benefit.*

We are of the considered view that these observations are squarely applicable to the matters in hand.

12. Since it is a matter of payment of pension, one need to revert to the specific provisions contained in Chapter IX of the Pension Rules and particularly, rule 110. The rule as it stands now, post amendment dated 18-01-2016 whereby sub-rule 2 was substituted with effect from 01-01-2006, reads as under :

110. Amount of pension.

(1) *In the case of a Government Servants retiring on Superannuation, Retiring, Invalid servant retiring or Compensation Pension before completing qualifying service of ten years, the amount of service gratuity shall be calculated at the rate of half month's pay for every completed six monthly period of qualifying service.*

(2) (a) *In case of Government Servant retiring on Superannuation, Retiring, Invalid or Compensation Pension in accordance with the provisions of these rules after completing qualifying service of not less than twenty years, the amount of pension shall be calculated at fifty per cent of the 'Pensionable Pay' subject to maximum of rupees two lakhs twenty thousand.*

(b) *In the case of a Government Servant retiring on Superannuation, Retiring, Invalid or Compensation Pension in accordance with the provisions of these rules before completing qualifying service of twenty years but after completing qualifying service of ten years, the amount of pension shall be calculated at fifty per cent of the 'Pensionable Pay' subject to maximum of rupees two lakhs twenty thousand and in no case the amount of pension shall not be less than rupees seven thousand five hundred per month.*

(3) *In calculating the length of qualifying service, fraction of a year equal to three months and above shall be treated as a completed one-half year and reckoned as qualifying service.*

(4) *The amount of pension finally determined under clause (a) or clause (b) of sub-rule (2), shall be expressed in whole rupees and where the pension contains a fraction of a rupee it shall be rounded off to the next higher rupee.*

13. Obviously since this provision had come into being with effect from 01-01-2006, the government servant retiring on superannuation etc. thereafter is entitled to pension to be calculated @ 50% of the pensionable pay subject to maximum of Rs.2,20,000/-.

14. Previously, this rule read as under:

110. Amount of pension-

(1) In the case of a Government servant retiring on Superannuation, Retiring, Invalid or Compensation Pension before completing qualifying service of ten years, the amount of service gratuity shall be calculated at the rate of half month's pay for every completed six monthly period of qualifying service.

(2) (a) In the case of a Government servant retiring on Super- annuation, Retiring, Invalid or Compensation Pension in accordance with the provisions of these rules after completing qualifying service of not less than thirty-three years, the amount of pension shall be calculated at fifty per cent of the "Pensionable Pay", subject to a maximum of Rs. 4.000 per month.

(b) In the case of a Government servant retiring on Superannuation, Retiring. Invalid or Compensation Pension in accordance with the provisions of these rules before completing qualifying service of thirty-three years but after completing qualifying service of ten years, the amount of pension shall be proportionate to the amount of pension admissible under clause (a) and in no case the amount of pension shall be less than rupees three hundred and seventy-five per mensem.

(3) In calculating the length of qualifying service, fraction of a year equal to three months and above shall be treated as a completed one-half year and reckoned as qualifying service.

(4) The amount of pension finally determined under clause (a) or clause (b) of sub-rule (2), shall be expressed in whole rupee and where the pension contains a fraction of a rupee it shall be rounded off to the next higher rupee.

15. As can be noticed, as far as the quantum of pension is concerned, even sub-rule 2 of rule 110 as it stood prior to 01-01-2006 provided that the pension should be 50% of the pensionable pay. There is no dispute about the fact that the employees who retired during 4th pay commission prior to 01-01-1996 obviously were paid

minimum of 50% of the revised pay scale introduced by the pay commission. Similarly, even the employees who would retire post 01-01-2006 under the sixth pay commission would also be entitled to pension to be fixed at 50% of the revised pay scale. As against this, the employees who retired during these two dates, between 01-01-1996 and 01-01-2006 under the fifth pay commission, in our considered view, were also governed by sub-rule 2 of rule 110 as it stood then, meaning thereby they should get pension @ 50% of the basic pay and not 40%. It appears that without actually modifying or amending sub-rule 2 of rule 110 of the Pension Rules, by government resolution dated 05-05-2009, the government simply decided to peg down the pension of the teachers who retired after 01-01-1996 to 40% of the revised pay.

16. Conspicuously, while accepting State pay revision committee report (Hakim Committee), recommendations in respect of revision of pension and family pension, the State government ensured that corresponding modification / amendment is made in rule 110 of the Pension Rules and the commutation of Pension Rules. However, the impugned resolution dated 05-05-2009 apparently was merely a half hearted attempt to reduce the pension without effecting any modification in the rules. One need not emphasize the fact that since the pension rules are framed under Article 309 of the Constitution of

India, the impugned government resolution dated 05-05-2009 purportedly passed under Article 162 of the Constitution of India could not have superseded rule 110(2). This precisely seems to have happened in the matter in hand. If the state government was intending to peg down the pension @ 40% of basic of the revised pay, it should have modified the rules framed under Article 309. Instead, it proceeded to implement the government resolution, which action would not be sustainable in law.

17. In substance what transpires is that the Pension Rules and particularly rule 110 has been consistently maintaining that the pension is to be fixed @ 50% of the basic pay and at no point it read 40% of basic of the revised pay. The impugned government resolution dated 05-05-2009 requires this to happen. The government resolution cannot, therefore, be not only violative of Article 14 since it discriminates between employees who retired between 01-01-1996 and 01-01-2006 as against ones who retired prior to 01-01-1996 and who would retire after 01.01.2006, it would also be illegal being contrary to rule 110(2).

18. The decisions cited by the learned AGP Mr. Yawalkar are not applicable to the fact situation of the matter in hand. Those were the cases providing for cut off dates for extending the various

pensionary benefits and not pertaining to the calculation of the pension. Even the decision in the matter of **Arjun Krishna Golatkar** (supra). would not be strictly applicable to the fact situation of the matter in hand. It was also a matter of making beneficial provision applicable to one set of employees who would retire after 01-01-2006 as against the employees who stood retired prior thereto.

19. The petitioners are seeking a declaration to the effect that the Hakim committee recommendations are not applicable to its members. In this respect, suffice for the purpose to observe that as indicated herein-above while deciding writ petition no. 4292 of 2013, this Court had already taken a view finding substance in the similar stand to the effect that the Hakim committee recommendations were not applicable to the category of teaching staff and further directed the State government to consider the petitioner's grievance independently. Since this issue has already been dealt with and has reached finality, a prayer for seeking such a declaration again would be redundant.

20. There is one more aspect to be emphasized. Admittedly, pursuant to sixth central pay commission recommendations, the Government of India under Ministry of Human Resources Development (**MHRD**) issued a communication addressed to the University Grants Commission (**UGC**) dated 31-12-2008 elaborately laying down the

specific heads as also the modalities to be followed for implementation of revision of pay of teachers and equivalent cadres in universities and colleges. Pursuant to this communication, the UGC also notified all the State governments vide its communication dated 30-06-2010 regarding the directions received from the MHRD, Government of India.

21. Pursuant to such directives, the State of Maharashtra by the impugned Government decision dated 15-02-2011 sought to implement some of the recommendations as indicated therein. Pertinently, the MHRD communication to the UGC contained a specific clause 8(p) regarding applicability of the scheme. Sub clause (v) of this paragraph 8(p) expressly provide that the scheme as was being proposed could be extended to the universities, colleges and other higher educational institutions coming under the purview of the State legislature, provided the State governments wish to adopt and implement the scheme, however, subject to certain conditions. This condition stipulated in clause (a) to (g) that 80% of the financial burden would be shouldered by the State government. Conspicuously, it was also stipulated that State governments could modify the scales but on higher scales. More importantly, sub-clause (g) of clause (v) of clause 8(p) expressly require the State governments if at all they were so intending, to implement the scheme comprehensively. Similar was the

stipulation in the communication made by the UGC to the State governments dated 30-06-2010 directing the State governments if at all they intended, to implement the scheme as a whole.

22. It appears that in spite of such a state-of-affair, by the impugned Government decision dated 15-02-2011, the State of Maharashtra sought to implement these directives by carving its own exception particularly in respect of the pensioners like the present petitioners. Therefore, though not strictly, inasmuch as the State of Maharashtra has its own pension rules and, therefore, the stipulation in the MHRD communications as far as pension is concerned may not be strictly applicable, still, it mandated in clause 8(g) that the recommendations of the sixth pay central pay commissions in respect of pension of the Central government employees including the eligibility of full pension i.e. 50% of the average pay or the last pay drawn, shall be adopted to all the teachers who were already on pension in the central universities, colleges etc. As we have indicated herein-above, in-fact, rule 110 of the Pension Rules never provided for calculation of pension @ 40% of the last pay drawn. Therefore, the stand of the State government in spite of acceptance of the scheme sponsored by the Central government to make some exception as regards the teachers like the petitioners would be contrary to the stipulation in the

scheme and the directions of the UGC, as has been the stand of the UGC in the affidavit in reply.

23. However, since, the Government decision dated 15-02-2011 does not specifically touch the aspect of pension, even though by way of amendment of the writ petition, a reference is made to clause 6.8 of the UGC communication dated 30-06-2010 and when that schedule annexed to the communication does not expressly deal with the aspect of pension, we see no reason to struck down the government resolution dated 15-02-2011.

24. The upshot of the above discussion, the Hakim committee recommendations would not be applicable to the teachers like the members of the petitioners who are governed by the UGC regulations. In the absence of any modification in rule 110 of the Pension Rules, the rules having been framed under Article 309 of the Constitution could not be superseded by administrative instructions issued under Article 162 of the Constitution in the form of Government Resolutions dated 05-05-2009 and 12-08-2009, which are liable to struck down. Consequently, the members of the petitioner and similarly situated persons who stood superannuated between 01-01-1996 and 31-12-2005 would be entitled to fixation of pension on the basis of the revised pay scale to be determined in accordance with the recommendations of the sixth pay commission. However, the

government resolution dated 15-02-2011 which does not have any bearing on the rights being claimed in these petitions, cannot be struck down.

25. The writ petitions are partly allowed and the rule is made absolute in the above terms. The respondent shall take appropriate steps in the light of the above observations and conclusions and shall revise the pension of the members of the petitioners and all similarly situate persons as early as possible and in any case within four (4) months and shall pay the arrears within four (4) months thereafter.

[NEERAJ P. DHOTE]
JUDGE

arp/

[MANGESH S. PATIL]
JUDGE

Some of the Photos of 4th Academic Conference held at Chennai on 17-3-2024



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