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### **Stand of Pensioners Fully Vindicated – Govt's Unconstitutional Methods Exposed by Hon'ble Supreme Court.**

In yet another landmark judgment, the Hon'ble Supreme Court has struck down the Tribunal Reforms Act, 2021 on the clear ground that Parliament cannot simply re-enact, in another form, a law which has already been invalidated by the Court.

This goes to the heart of what Pensioners' Associations - including our Forum of Civil Pensioners and SNPWA - have been consistently arguing against the Finance Bill, 2025:

No Government can use clever drafting or "re-enactment" to defeat the basic structure of the Constitution or to nullify settled constitutional rights of pensioners, already upheld by Constitution Benches of the Supreme Court.

### **The Finance Bill, 2025 attempts, in effect, to re-write and dilute the protections flowing from two historic decisions:**

1. Keshavananda Bharati vs State of Kerala (1973) - where a 13-Judge Bench held that Parliament cannot alter the Basic Structure of the Constitution, including Article 14 (equality) and Article 21 (right to life with dignity).
2. D.S. Nakara vs Union of India (1983) – where the Court held that discriminating between pensioners on the basis of their date of retirement is a blatant violation of Article 14 and is therefore unconstitutional.

Despite these clear constitutional limits, the Finance Bill, 2025 has been re-enacted and retrospectively backdated to 01.06.1972, with the obvious intent of bypassing Keshavananda Bharati and Nakara , and of freezing or diluting pension rights which have already been judicially recognised.

### **Today's Judgment - A Turning Point.**

#### **In striking down the Tribunal Reforms Act, 2021, Hon'ble Chief Justice B. R. Gavai and the Bench have:**

Slammed the Government's attempt to bring back, in a new form, what the Court had already rejected;

Described it as "old wine in a new bottle - the wine whets not the judicial palate, only the bottle dazzles"; and

Sent a powerful message that Parliament cannot use the device of "re-enactment" to overrule or sidestep the Supreme Court's binding judgments.

The Court also strongly deprecated the Government's attempt to delay the hearing until the retirement of the present Chief Justice by citing the non-availability of the Attorney General. The Bench firmly refused to be drawn into such tactics and delivered the judgment just on the eve of the Chief Justice's retirement.

Hats off to Hon'ble Chief Justice B. R. Gavai for this courageous and uncompromising defense of judicial authority and constitutional supremacy.

#### **Impact on Finance Bill, 2025 and Pensioners' Fight:**

This judgment is a huge boost - a real shot in the arm - for pensioners and their organisations who have already approached, the Supreme Court against the Finance Bill, 2025.

### **It strengthens our case in several ways:**

It reinforces that re-enacting a framework which effectively overturns Nakara and undermines Keshavananda Bharati is constitutionally impermissible.

It confirms that basic pension rights, once recognised as part of equality and dignified livelihood under Articles 14 and 21, cannot be nullified by clever statutory devices or retrospective cut-off dates.

It gives strong judicial backing to our core contention that the Finance Bill, 2025 violates the basic structure of the Constitution and openly discriminates among pensioners based on arbitrary dates, which Nakara has already forbidden.

### **Our Collective Role and Contributions:**

#### **From the very beginning, Forum of Civil Pensioners, SNPWA and sister organisations have:**

Alerted pensioners to the grave dangers embedded in the Finance Bill, 2025;

Explained, in simple language, how it attempts to sideline Keshavananda Bharati and Nakara through retrospective provisions;

Mobilised opinion across associations, unions and civil society; and

Initiated the process of legally challenging the Finance Bill, 2025 before the Hon'ble Supreme Court.

Our detailed representations to the Prime Minister, Finance Minister and other authorities have consistently invoked Keshavananda Bharati and D.S. Nakara and have warned that treating pensioners as “ unfunded, non-contributory liabilities” is not only economically misleading but also constitutionally unsustainable.

Today's judgment fully vindicates that stand.

#### **It proves that pensioners were right to resist:**

The branding of pensioners as “parasites fed by taxpayers' money”, and

The attempt to re-write constitutional guarantees through a re-enacted Finance Bill, 2025.

#### **The Road Ahead:**

This historic judgment on Tribunal Reforms Act, 2021 comes at a crucial juncture:

When Finance Bill, 2025 is already under challenge or being readied to be challenged by pensioners' bodies;

When Government narratives are trying to portray pensioners as a “fiscal burden” instead of rightful beneficiaries of earned, deferred wages; and

When lakhs of elderly pensioners feel abandoned and humiliated.

#### **We must now:**

Intensify our united legal and organisational efforts against Finance Bill, 2025;

Widely disseminate the key observations of the Supreme Court in today's judgment; and

Reassure pensioners that the Constitution, the Supreme Court and our collective struggle stand firmly on their side.

This judgment is not just a legal victory - it is a moral and constitutional vindication of India's pensioners and of the stand consistently taken by our Associations.

**Let us move forward with renewed confidence, unity and determination to ensure that Finance Bill, 2025 too meets the same constitutional scrutiny – and fate – that Tribunal Reforms Act, 2021 has met today.**