

रक्षा मंत्रालय / Ministry of Defence
पूर्व सैनिक कल्याण विभाग / Department of Ex-Servicemen Welfare
रक्षा(पेंशन/नीति)/D(Pension/Policy)

Room No. 220A, B-Wing,
Sena Bhawan, New Delhi-110011.

Subject: Issues raised by Ex-Servicemen/Associations -reg.

This Department has been receiving several representations from Ex-Servicemen and their Associations related of pensionary and other matters in respect of Armed Forces Personnel.

2. In this regard, after going through the representations received in this Section, some of the issues have been compiled and on the basis of information available in this Section, the point-wise comments on those issues are as under:

Sl. No.	ISSUES	STATUS
1.	Fitment factor for JCO is only 2.57 and for Officers it is 2.81.	The 7 th CPC has applied an 'index of rationalisation' while making enhancement of levels from Pay Band 1 to 2, 2 to 3 and 3 onwards on the premise that role, responsibility and accountability increases at each step in the hierarchy. At the PB-1, this index is 2.57, increasing to 2.62 for personnel in PB-2 and further to 2.67 from PB-3. Recognizing the significantly higher degree of responsibility and accountability at levels corresponding to Senior Administrative Grade, the entry pay is recommended for enhancement by a multiple of 2.72. The same multiple is also being applied at the HAG and HAG+ levels. At the apex level the index applied is 2.81 and for the Service Chiefs/Cabinet Secretary the index has been fixed at 2.78.
2.	Benefit of OROP not applicable for PMR retirees who got PMR w.e.f. 01.07.2014.	As per MoD letter dated 07.11.2015 and 04.01.2023 for revision of pension under OROP, Personnel who opt to get discharged on or after 01.07.2014 on their own request under relevant Rules are not entitled to the benefits of OROP. The principle of OROP contained in Govt. letter dated 07.11.2015 has been upheld by Hon'ble Supreme Court vide its order dated 16.03.2022.
3.	Equal MSP should be fixed for JCOs as well as Officers.	The Military Service Pay was introduced by the 6 th CPC. While deciding the rate of MSP in case of JCO/ORs, the 6 th CPC finalized the amount of Rs.

		<p>1000/- p.m. as they were not paid any rank pay in the 5th regime similar to the Officers (Para 2.3.26 of 6th CPC Report). However, the Government increased the amount to Rs. 2000/- p.m. for JCO/ORs in the 6th CPC. Further, the 7th CPC vide its para 6.2.113 stated that the Commission does not see any merit in disturbing the existing structure of grant of MSP at slab rates for four categories and the 7th CPC vide Para 5.2.22 specified the rates of MSP for Officers at Rs. 15,500/- and JCOs/ORs at Rs. 5200/-. The Govt. accepted the recommendations and accordingly, Armed Forces Pay Rules/Regulations 2017 were issued.</p>
4.	<p>Officers have been more benefitted than Jawans and Honorary ranks in fixation of pension under OROP-II.</p>	<p>OROP rates are average of minimum pension and maximum pension for a rank of a particular qualifying service from live data of retirees of year 2018 and the pension for those drawing above the average shall be protected. The above policy is equally applicable for officers as well as JCOs/ORs. Further, The policy of the Govt. issued vide MoD letter dated 07.11.2015 has been upheld by the Hon'ble Supreme Court vide order dated 16.03.2022 in WP(C) No. 419/2016 filed by Indian Ex-Servicemen Movement.</p>
5.	<p>Request for grant of widow pension equal to service pension.</p>	<p>As per existing policy, the Ordinary Family pension is calculated as 30% and 50% of the reckonable emoluments at normal rate and enhanced rate respectively. This provision is equally applicable for Officers and Jawans. There is no change in the existing policy. On the recommendations of the Standing Committee on Defence (2016-17) vide para 16 of its 32nd report, the proposal regarding increasing the pension of widow equal to the pension of deceased soldier was examined in consultation with all stakeholders and the same was not found feasible to implement. The 7th CPC had also examined the issue and not recommended any change in the existing rates of family pension.</p>
6.	<p>Demands for granting equal disability pension to officers and Jawans.</p>	<p>As per existing policy, the Disability Pension (Disability Element and Service Element) for all ranks is calculated at a uniform rate. The rate Disability Element is 30% of reckonable emoluments for 100% disablement subject to proportionate reduction in</p>

		case of disability less than 100%. The Service Element is calculated at 50% of the reckonable emolument. In this way total of Disability Pension (Service Element and Disability Element) for 100% disability is 80% of the reckonable emoluments. There is no change in the existing policy.
7.	Request for grant of service pension to the personnel who rendered service less than 15 years and participated in 1965 and 1971 Wars.	As per existing pension rule, the minimum qualifying service for earning a service pension is 20 years in case of Commissioned Officers and 15 years in case of Personnel Below Officer Rank. Further, there is no special provision for relaxing the said provision of minimum qualifying service for pension in respect of personnel who participated in any War/Operation.
8.	Demands for Enhancement of Reservists Pension and granting benefit of OROP to them.	As per extant policy, a reservist who is not in receipt of service pension shall be granted, on completion of the prescribed combined colour and reserve qualifying service of not less than 15 years, a reservist pension equal to 2/3 rd of the lowest pension admissible to a Sepoy, but in no case less than minimum pension prescribed by the Govt. from time to time. At present the minimum pension is Rs. 9000/- pm under the 7 th CPC regime. Further, the matter related to extending the benefit of OROP to Reservist was referred to One Member Judicial Committee which has submitted its report to Ministry. The Report is under examination in this Ministry.
9.	Rank weightage as mentioned in the Gol, MoD letter dated 1(13)/2012/D(Pen/Policy) dated 17.01.2013 should be restored for calculation of pension as lateral entry system as recommended by the 6 th CPC vide Chapter 2.4 has not been implemented to date.	Prior to 6 th CPC regime, the full pension was linked with the qualifying service of 33 years. For service lesser than 33 years, the pension was reduced proportionately. Hence, the concept of weightage appropriate to the ranks was given. However, after implementation of the recommendations of the 6 th CPC, the linkage of full pension with 33 years of qualifying service has been dispensed with. At present the pension is calculated@ 50% of the reckonable emoluments irrespective of length of service. Hence, the concept of weightage of years in qualifying service has become irrelevant.
10.	Demand of 75% pension of last pay drawn.	As per existing provision, service pension is calculated at rate of 50% of last emolument drawn by Defence Forces Personnel. Further, there is no proposal under examination for changing the existing policy.

11.	Benefits of MACP may be extended to pre-2006 retirees also.	The MACP benefits is for serving personnel as one of the improved service conditions and is allowed based on fulfilment of certain prescribed conditions. Hence, the same cannot be allowed to those who have not earned the benefit being retiree of prior to the implementation of the scheme.
12.	Implementation of recommendation of OMJC.	Report submitted by OMJC on OROP is under examination in this Ministry.
13.	Payment of Ex-gratia award to ECO's/SSCOs who participated in 1965 and 1971 Wars.	At present, no such policy to grant Ex-Gratia award to ECOs/SSCOs on participation of any war exist.

9. It is requested that the representations received in the matter may be disposed of at your end on the basis of above mentioned facts.


(B L Meena)

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5. D(Pension/Grievance)

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