

**RAJYA SABHA
COMMITTEE ON PETITIONS**

HUNDRED AND FORTY-SECOND REPORT

ON

PETITION PRAYING FOR GRANT OF ONE RANK ONE PENSION TO THE
ARMED FORCES PERSONNEL

(Presented on 19 December, 2011)



**RAJYA SABHA SECRETARIAT
NEW DELHI**

December, 2011

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**Composition of the Committee
(2010-11)**

1. Shri Bhagat Singh Koshyari - *Chairman*
2. Shri Ram Vilas Paswan
3. Shri Nandi Yellaiah
- **4. Shri Rajeev Shukla
5. Shri Avinash Pande
6. Shri Balavant *alias* Bal Apte
- *7. Shri P. Rajeeve
8. Shri Veer Pal Singh Yadav
9. Shri Paul Manoj Pandian
10. Shri Rajaram

Secretariat

Shri Deepak Goyal, *Joint Secretary*
Shri Rakesh Naithani, *Joint Director*
Shri Ashok K. Sahoo, *Deputy Director*
Shri Goutam Kumar, *Assistant Director*

* Nominated w.e.f. 6th December, 2010 in lieu of Shri Moinul Hassan

** Ceased to be Member w.e.f. 12th July, 2011 on being inducted into Council of Ministers

INTRODUCTION

I, the Chairman of the Committee on Petitions, having been authorized by the Committee to submit the Report on its behalf, do hereby present this one Hundred Forty-second Report of the Committee on the petition signed by Shri K. Sanjay Prabhu, r/o Bengaluru and others praying for grant of one rank one pension to the armed forces personnel **(Appendix-I)**. The petition was countersigned by Shri Rajeev Chandrasekhar, Member, Rajya Sabha,

2. The petition was admitted by Hon'ble Chairman, Rajya Sabha on 15th March, 2011 under the provisions of Chapter X of the Rules of Procedure and Conduct of Business in the Council of States. In accordance with Rule 145 of the said Rules, the petition was presented to the Council on 18th March, 2011 by the Member who had countersigned it, after which it stood referred to the Committee on Petitions for examination and report in terms of Rule 150 *ibid*.

3. The Committee issued a Press communiqué inviting suggestions from interested individuals/organizations on the subject matter of the petition. In response thereto, more than 200 hundred memoranda were received by the Secretariat. The Secretariat scrutinised those memoranda and a gist thereof has been suitably incorporated in the Report.

4. The Committee heard the petitioner and others on the petition in its sitting held on 4th May, 2011. The Committee also heard certain organizations/ individuals, who had submitted their memoranda on the issues raised in the petition in its sitting held on 16th May, 2011. The Committee heard the Secretary, Department of Ex-Servicemen Welfare (M/o Defence) on 27th May, 2011 and Secretaries, Department of Expenditure (M/o Finance) and Department of Pensions and Pensioner's Welfare (M/o Personnel, Public Grievances and Pensions) on 15th July, 2011 on the issues connected with the petition.

4.1 Based on the inputs received, the Committee once again heard Secretaries, Department of Expenditure (M/o Finance) and Department of Ex-Servicemen Welfare (M/o Defence) on 1st August and 14th November, 2011, respectively. It considered the draft Report in its sitting held on 16th December, 2011 and adopted the same.

5. The Committee while formulating its observations/recommendations, has relied on the written comments of the concerned Ministries, oral evidence of witnesses-official as well as non-official, feedback received in response to the Press Release, observations of the Members of the Committee and interaction with others.

6. For facility of reference and convenience, the observations and recommendations of the Committee have been printed in bold letters in the Report.

NEW DELHI
December 16th, 2011
Agrahayana 25, 1933 (Saka)

BHAGAT SINGH KOSHYARI
Chairman
Committee on Petitions

REPORT

A petition signed by Shri K. Sanjay Prabhu, a resident of Bengaluru and others countersigned by Shri Rajeev Chandrasekhar, M.P. (Rajya Sabha) praying for grant of one rank one pension to the armed forces personnel was submitted to the Council of States on 29th October, 2010 (**Appendix-I**).

2. The petitioners have contended that various associations/movement and other organizations of Ex-servicemen of Country's Armed Forces have time and again pleaded to the Government of India demanding for one rank one pension in order to address the sense of hurt, injustice and dishonour in the armed forces and bring parity in the pensionary benefits for the retired personnel of Armed Forces. They have submitted that prior to the Third Central Pay Commission, the pension of Armed Forces personnel was regulated by Pension Regulation exclusively keeping in view the peculiarity and gravity of the service conditions to which the soldier is subjected to in peace, and the danger to which he is exposed in war, the inevitable need to retire a soldier much earlier than the normal age of superannuation enjoyed by the other central Government employees, the difficulty in getting a soldier to rehabilitate in civilian work of life after retirement, and last but not the least, the sacrifice that the family, and more so, the children of the soldier are called upon to offer to the country. It was decided by the then Government to grant pay and perks that a soldier deserves by virtue of his contributions to the motherland and to keep his status and living standards quite high without comparison with civilian employees. At that time, the pension was based on the rank of retirement provided that he has put in the minimum required years of service. Every armed forces personnel are entitled for one rank one pension which took care of his needs and it was based on principles of reward for his sacrifices.

2.1 But unfortunately, after the Third Central Pay Commission, the pension formula as applicable in that civilian pension rules was extended to the armed forces pensioners also through a Government administrative order. This ex-parte decision has denied one rank one pension to the ex-armed forces personnel which is the cause of all troubles and resentment amongst them. Accordingly, the petitioners have prayed that the Government should accept the long pending demand of Ex-servicemen for one rank one pension on priority basis to honour those who defended our motherland and the commitments made by the Government from time to time on this issue be honoured without any stipulations or conditions.

Concept of One Rank One Pension

3. One Rank One Pension (OROP) implies that uniform pension be paid to the Armed Forces Personnel retiring in the same rank with the same length of service irrespective of their date of retirement and any future enhancement in the rates of pension to be automatically passed on to the past pensioners. This implies bridging the gap between the rate of pension of the current pensioners and the past pensioners, and also future enhancements in the rate of pension to be automatically passed on to the past pensioners. In armed forces, equality in service has two components, namely, rank and length of service. The importance of rank is inherent in armed forces as it has been granted by the President of India and signifies command, control and responsibility in consonance with ethos of service. These ranks are even allowed to be retained by the

individual concerned after his/her retirement. Hence, two armed personnel in the same rank and equal length of service should get same pension irrespective of date of retirement and any future enhancement in rates of pension be automatically passed on to the past pensioners.

4. The Ministry of Defence (Department Ex-servicemen Welfare) which is the nodal Ministry for the petition in their initial comments has mentioned that this grievance of armed forces personnel has been got examined by various Committees/Commissions¹ in the past but it was not found acceptable by the Government due to various reasons. The Ministry has further stated that the improvement in pension of armed forces personnel is an ongoing process and substantial improvement in the pension of ex-servicemen has been brought about as a result of implementation of the Cabinet Secretary Committee's recommendations.

4.1 That said Committee of Cabinet Secretary did not agree to the demand of one rank one pension, but it made seven recommendations aimed at narrowing the gap between earlier and current pensioners. All the recommendations made by the Committee were accepted by the Government and orders implementing the same were also issued. With the implementation of that Committee's recommendations, the following improvements have been brought about by the Government:-

- (i) Pre 10.10.1997 Post Below Officers Rank (PBOR) pensioners have been brought at par with post 10.10.1997 pensioners.
- (ii) The enhanced rate of classification allowance will be reckoned *w.e.f.* 01.01.2006 on notional basis for the purpose of calculation of pension.
- (iii) Pension of all pre 01.01.2006 PBOR pensioners will be reckoned with reference to notional maximum in the post 01.01.2006 revised pay structure corresponding to the maximum of pre Sixth Pay Commission pay scales as per fitment table of each rank with enhanced weightage awarded by Group of Ministers.
- (iv) Linkage of full pension with 33 years of qualifying service has been removed *w.e.f.* 1.1.2006 instead of 1.9.2008 in the case of Commissioned Officers.
- (v) Separate pay scale of ₹ 67000-79000 has been created to address the issue of disparity in pension of pre and post 1.1.2006 pensioners at the level of Lt. General and equivalents in other two Services, so as to enable them to get pension at ₹ 36,500/-.
- (vi) Benefit of broad banding of percentage of disability/war injury pension has been provided for pre 1.1.1996 disability/war injury pensioners.
- (vii) Cap on war injury element of pension in the case of disabled pensioners belonging to category E stands removed.

¹Third Central Pay Commission, 1973, Fourth Central Pay Commission, 1986, High Level Empowered Committee, 1991, Fifth Central Pay Commission, 1996, Inter-Ministerial Committee, 2003, Group of Minister, 2005, Sixth Central Pay Commission, 2006, Cabinet Secretary Committee and Standing Committee on Defence.

Petitioners' oral submission (4th May, 2011)

5. The petitioners have submitted that ex-servicemen have been getting lower pension than their younger counterparts in the same rank, particularly after implementation of Third Central Pay Commission Report. The petitioners made a power-point presentation *inter alia* covering various Supreme Court judgments on the issue, comparison of pay and pension scheme for armed forces in countries like the USA, UK and Singapore, justification for the prayer for one rank and one pension, etc. The petitioners also submitted that the prayer for grant of one rank one pension has been opposed by the Government mainly on financial, legal and administrative grounds which could be resolved with the intervention of the Committee. The petitioners prayed to the Council of States for one rank one pension for ex-servicemen irrespective of their date of retirement.

Deposition of Department of Ex-Servicemen Welfare (M/o Defence) (27th May, 2011)

6. The Secretary (ESW), Ministry of Defence in her deposition stated that the concept of one rank one pension signifies that for the same length of service for the same rank, the incumbent must get the same benefit, same emoluments and same pension. Any enhancement in any of these at any point of time by the Government must be passed on to all the past employees. She also informed that Government over the years has found it difficult to accept this concept of OROP *in toto* due to three reasons which are financial, administrative and legal.

6.1 Under financial constraint, she informed that if OROP is to be implemented *in toto*, the financial burden incurred as calculated by Central Government Defence Accounts is ₹ 3,000cr per year. Under administrative constraint, it was contended by her that to implement the OROP and to pass on all the benefits to all those ex-servicemen living today is administratively, a gigantic task. There is retention schedule of records of the defence pensioners and after a period of 25 years, the records are no longer available. There is administrative difficulty in introducing of concept for which there is no cut-off date, as records of early 80s are manually maintained. Coming to the legal constraint, she informed that the Law Ministry in its opinion and Supreme Court in its judgement have said that a cut-off date for any emolument given by the Government to its employee is valid under the Constitution and the Government is entitled to have a cut-off date for any emolument. Further, she added that if today's pension and emoluments are passed on automatically to somebody who retired 30 years ago there will be inherent discrimination against the terms and conditions of service or the qualifications of service that one is entitled to fulfill, which would also lead to discrimination under the Constitution. She added that the Ministry of Law, based on these two basic tenets and the judgements of the Supreme Court gave an opinion against full OROP.

6.2 The representatives of the Indian Army submitted that the OROP was in existence before the Third Pay Commission. With the conversion of running pay band under Sixth Central Pay Commission, a large number of ranks were grouped and one

running pay band was made and the pensioners were given the benefits of the lowest of a pay band, which means the pension of a retired Lieutenant Colonel and the pension of a retired Major General was fixed at ₹ 37400 in PB-4. He further added that if the previous regime was continuing, then pensions would have been fixed at the lowest of the pay scales on which they were retiring. Thus, the disparity has aggravated after the implementation of the Sixth Central Pay Commission.

6.3 He further added that the Assured Career Progression (ACP) scheme introduced in Sixth Central Pay Commission was not passed on to the past pensioners, although, precedent regarding implementation of such schemes to the past pensioners exists in armed forces. For example the rank pay which was not in existence before 1986 has been extended to even pre-1986 pensioners. Therefore, ACP which has been introduced from 1st September 2008 should also be extended to the previous pensioners.

6.4 He further submitted that there is administrative difficulty on the part of the Ministry that pensioners cannot be given increment every year. So, perpetually they will never be at par with current retirees. As a way out, he suggested fixing a period of five years or every Pay Commission to Pay Commission, for bringing all pensioners at par. He suggested a similar exercise for the family pensioners also.

6.5 The representative of the Air Force submitted that to bridge this gap the suggestion regarding fixation of pay in five-year period or Pay Commission to Pay Commission was a good one and informed the Committee that the long pending issue may be sorted out this way.

6.6 The representative of the Indian Navy apprised the Committee about the unique life and difficulties which were experienced by a man in uniform. He stated that the family as well as the men in uniform was living in such a difficult conditions and they had to sacrifice so much in their life that special recognition should be given to boost the morale of the Armed Forces. He also added that even after retirement, a man in uniform cannot pursue any other business and they have a very limited job opportunity after retirement.

Deposition of Department of Expenditure (M/o Finance) (15th July & 1st August, 2011)

7. The Secretary (Expenditure) submitted that the figure relating to defence personnel's pension was being maintained in the Office of Controller General of Defence Accounts, which was under the administrative control of Ministry of Defence. He submitted that the figure, as available in the Office of Controller General of Defence Accounts, had been procured by the Ministry of Finance in accordance of which ₹ 1,300 crore approximately would be an immediate additional burden on Union Government in case 'one rank one pension' is given to ex-servicemen only prior to 01-01-2006. Mentioning break-up of ₹ 1,300 crores, he said that ₹ 1,065 crores would be given to the retirees belonging to the Posts Below Officer Rank (PBOR) and ₹ 235 Crores would be given to the retired Commissioned Officers. The said total figure would be increasing taking into account minimum 10% annual increase which would go to ₹ 1,430 crores in 2012-13, ₹ 1573 crores in 2013-14, ₹ 1,730 crores in 2014-15, ₹ 1,903 crores in 2015-16

and in 2016-17, that amount would be increased to ₹ 2,379 crores taking into account 25% increase due to impact of forthcoming Seventh Central Pay Commission recommendations. In total, in six years, the financial liability on account of Defence personnel's pension would be ₹ 10,135 crores approximately. Besides that, there would be additional burden on the national exchequer on account of payment of enhanced pension to the civilian employees which would be ₹ 7,840 crores as on today; which would increase to ₹ 62,218 crores in the year 2016-17 taking into account annual increase of 10% and 25% increase in view of impact of forthcoming Seventh Central Pay Commission recommendations. It was also pointed out by him that the State Governments might implement the enhanced pension scheme given to the civilian employees by the Union Government, to their employees which would cost ₹ 1,61,307 crores to the States' exchequer.

Deposition of Department of Pensions and Pensioners welfare (M/o Personnel, Public Grievances and Pensions) (15th July, 2011)

8. The Secretary has submitted that the Reports of various Pay Commissions have not supported the concept of OROP but on the other hand, there are a lot of other measures which have been implemented and which have narrowed down the gap between past and the new pensioners of the Armed Forces considerably. With the grant of weightage for the purpose of calculation of pension on the basis of the recommendations of the Group of Ministers and a revision of pay of all pre-1.1.2006 PBOR pensioners with reference to notional maximum in the post-1.1.2006 revised pay structure corresponding to the maximum of pre-Sixth Pay Commission pay scales with enhanced weightage, almost a complete parity between pre-2006 and post-2006 pensioners has been brought. He further mentioned that the other notable decisions taken on the recommendations of the Committee under the Chairmanship of the Cabinet Secretary include bringing pre-10th October 1997 PBOR pensioners at par with post-10th October, 1997 pensioners; reckoning of enhanced rate of classification allowance with effect from 1.1.2006 on a notional basis for the purpose of calculation of pension; removal of linkage of full pension with 33 years of qualifying service with effect from 1.1.2006 instead of 1.9.2008 in the case of Commissioned Officers; and creation of a separate pay scale of Rs.67,000-79,000 to address the issue of disparity in the pension of pre-1.1.2006 and post-1.1.2006 pensioners at the level of Lt. General and equivalents in other two services. These measures have already narrowed down the differences.

8.1 He raised apprehension that if OROP is accepted for the Armed Forces, then there will be similar demands from the civilian pensioners also, which will lead to a heavy financial implication for the State exchequer, and the Cabinet Secretary's Committee has brought in a financial implication of around Rs.8,000-Rs.9,000 crores *per annum* tentatively if this principle is accepted.

Suggestions/Viewpoints of Stakeholders and concerned Organisations/Individuals

9. The Committee has received more than two hundred memoranda from various organizations/individuals expressing views on the subject matter of the petition. The petition was supported by all organizations/individuals. The Committee gave opportunity to some of the organizations/individuals who requested for an audience

before it. A list of organizations/individuals those appeared before the Committee is at **Annexure-I**. The views expressed in the memoranda as well as during the oral evidence by witnesses have been summarised and given below:-

- (i) The Armed Forces of the Union are 'rank based structure' organisations. The ex-servicemen are associated with their rank even after their retirement and death. There is strong bondage between serving and ex-servicemen community as in most of the cases the siblings of ex-servicemen join defence services as a matter of honour and pride. Their mindset, attitude, commitment and dedication to the Nation do not change even after their retirement. Till 1950, armed forces were enjoying an edge over their civilian counterparts in respect of pay and pension. The pension for armed forces was almost 90 percent of their last pay drawn, which was gradually reduced to 50 percent of their last pay whereas the pension of civilian employees was enhanced from 33 percent to 50 percent of their last pay drawn in due course;
- (ii) Pay and pension of Armed Forces personnel was governed by separate Pay Commission which was substituted with Common Pay Commission for both civilian and defence personnel *w.e.f.* Third Pay Commission;
- (iii) Armed forces have to retire early as a matter of policy of Government which causes loss of earnings to them because the benefits given by successive Pay Commissions which could have accrued to them if they were made to retire at the normal retirement age of sixty. They are made to retire at a point of time when they have maximum liability of their family on them, nearly eighty five percent of armed forces retire at the age of 38; ten percent retirements take place at the age of 46 and remaining 5 percent retirements happen at the age of 56 to 58;
- (iv) The demand for one rank one pension has its basis in the past precedence as well as truncated service career of the armed forces which causes loss of earning to them. Furthermore, armed forces personnel are deployed in toughest terrain and roughest weather including Siachin Glacier during their service career;
- (v) The pension of Armed Forces of United States of America was quoted as precedent where they get 15 to 20 percent higher pension compared to their civilian employees which is known as hundred per cent neutralisation of pay and pension of the armed force;
- (vi) The ex-servicemen are a class by themselves; differential pension for ex-servicemen in the same rank led to a class within the class like pre and post 2006 retirees, which goes against the principle of equality;
- (vii) Almost all political parties have favoured inclusion of one rank one pension demand of ex-servicemen in their election manifesto. Five Prime Ministers of the country were found to be sympathetic to the demand of one rank one pension and had constituted a number of committees to examine the demand but the same still remained unaddressed due to bureaucratic apathy;
- (viii) The stakeholders referred to the non-functional financial upgradation for the civil servants of class-I organised Central Services after Sixth Pay Commission given to the civilian employees which in substance means one rank one

persons for the civil servants. Therefore, their demand also needs to be met with; and

- (ix) The retired officers from para-military forces, particularly the Border Security Force also spoke for one rank one pension. They submitted that like Army, they have made supreme sacrifice for the Nation and secured the border of the country in Pakistan and Bangladesh sectors with commitment and dedication.

Findings of the Committee

10. The demand of the ex-servicemen for one rank one pension has been included in Election Manifestos of leading political parties. Department-related Standing Committee on Defence (2009-10) (Fifteenth Lok Sabha) in its Seventh Report on Action Taken by the Government of the recommendations/observations of the Committee contained in their First Report (Fifteenth Lok Sabha) on Demands for Grant (2009-10) has recommended that "the Committee still recommend that the Government should implement One Rank One Pension in a holistic manner so that large number of ex-servicemen can be benefitted. The Government should also ensure that the various benefits provided to the ex-servicemen due to implementation of the recommendation of the Committee headed by the Cabinet Secretary along, with the arrears if any, are paid expeditiously".

10.1 The Committee observed that these issues were being considered by the Government since 1973 in Third Central Pay Commission, Fourth Central Pay Commission considered it in 1986. In the year 1991, the Sharad Pawar Committee considered it. In 1996, it was considered by Fifth Central Pay Commission. In 2003, the Inter-Ministerial Committee considered it. In 2005, Group of Ministers considered it. The Sixth Central Pay Commission considered it and finally Cabinet Secretary Committee considered it. Measures taken by the Government on this demand by constituting various Committees indicate that there is merit in the demand for One Rank One Pension by Armed Forces Personnel, otherwise the matter would not have been considered time and again by various committees of the Government and Central Pay Commissions. It could have been rejected once and for all and principle of *res judicata* would have been applied to this demand. Hence, it definitely deserves attention of the Parliamentary Committee as well as the Government.

10.2 The Committee observes that One Rank One Pension was in vogue till 1973 when the Third Central Pay Commission took *ex-parte* decision against the One Rank One Pension formula. If this formula was working satisfactorily for more than 26 years after the country's Independence what was the harm in continuing this formula? The same procedure could very well be followed even though this demand is accepted by the Government. The Ministries in their submissions have attempted to draw a rosy picture about the pension being given to the Armed Forces Personnel according to length of service. If this is beneficial to them then why are the ex-servicemen consistently demanding for One Rank One Pension Formula? Why they are agitated? They serve the nation with utmost devotion and selflessness but their demands are consistently being ignored, not by the heads of Armed Forces, but by the bureaucrats. It's a typical example of bureaucratic apathy.

10.3 To continue this apathy, the Ministries apprised the Committee that if OROP to be implemented to the armed forces personnel, similar demands may be raised from the civilian Government employees. To this argument, the Committee finds that it is a baseless apprehension of the Government as soldiering is a different profession and they retire by rank while civilian Government employee retired by age. The terms and conditions of armed forces are tougher and harsher than the civilian Government employee. There are restrictions of fundamental rights to the armed forces. Risk to life of a soldier is always higher as they work under severe strain and sense of insecurity with undefined and unlimited working hours. Transfers and dislocation alongwith bleak career prospects are other disadvantages attached with the armed forces. Their family life is also non-comparable with that of civilian Government employee. The Armed Forces are also subjected to Court Martial system for the shake of military discipline. In view of aforesaid uniqueness of Armed Forces it can not be equated with a civilian Government employee.

10.4 The Committee is distressed to note that the defence personnel of our country have returned their service medals to the President of India in view of the Governments' apathetic attitude towards their demand of grant of OROP.

Observations/recommendations of the Committee

11. **The Committee takes note of the fact that a sum of Rs.1300 crores is the total financial liability for the year 2011-12 in case OROP is implemented fully for all the defence personnel in the country across the board. The Committee is informed that out of this, ₹ 1065 crores would go to retirees belonging to Post Below Officer Ranks (PBOR) while the Commissioned Officers would be getting the remaining i.e. ₹ 235 crores. The Committee feels that ₹ 1300 crores is not a very big amount for a country of our size and economy for meeting the long pending demand of the armed forces of the country. The Committee understands that this ₹ 1300 crores is the expenditure for one year which might increase at the rate of 10 percent annually. Even if it is so, the Committee does not consider this amount to be high, keeping in view the objective for which it would be spent. Needless for the Committee to point out here that our defence personnel were getting their pension and family pension on an entirely different criteria before the Third Central Pay Commission came into force. Till the recommendations of the Third Central Pay Commission were implemented for the defence personnel of the country, they were satisfied and happy with dispensation meant for their pension/ family pension.**

11.1 **The Committee is satisfied to note the efforts made by Government over the period to meet the demand of OROP of defence personnel. It is heartening to note that Government has on the basis of the recommendations of Cabinet Committee, spent ₹ 2200 crores for the purpose of meeting the grievance of defence pensioners. The net result is that while the demand for OROP stands almost met in the case of PBOR, the officers' category remains much behind the target. Keeping in view the fact that Officers constitute a small proportion of the entire defence force and only a small proportion of the funds needed, i.e., ₹ 235 crores out of ₹ 1300 crores stand allocated to their share for implementing the**

demand in the officers' category, the Committee strongly recommends that this may be implemented so as to keep up the morale of the service. The fact that there are large numbers of vacancies in the defence services at the officer's level corroborates the requirement of suitable corrections in the officer's category and make their service conditions more acceptable and attractive.

11.2 The Committee is not convinced with the version of the Ministry of Finance that the grant of OROP to the defence personnel would eventually generate similar requests from the civilian work force of the country under the Central Government and the State Governments. The Committee feels so because of the quite different terms and conditions of service of the two different categories of employments. The terms and conditions of armed forces are tougher and harsher than the civilian Government employee. There are restrictions of fundamental rights to the armed forces. Risk to life of a soldier is always higher as they work under severe strain and sense of insecurity with undefined and unlimited working hours. Transfers and dislocation alongwith bleak career prospects are other disadvantages attached with the armed forces. Their family life is also non-comparable with that of civilian Government employee. The Armed Forces are also subjected to Court Martial system for the shake of military discipline. In view of aforesaid uniqueness of Armed Forces it can not be equated with a civilian Government employee. Further, the Committee would not like this argument or apprehension to stand in the way of the legitimate and fair demand of the defence personnel. On the issue of returning of service medals by the defence personnel of our country to the President of India in view of the Governments' apathetic attitude towards their demand of grant of OROP, the Committee is of the view that our defence personnel should not feel alienated to this extent again and they are not force to surrender their hard earned service medals in this manner to exhibit their discontent with the government policies.

11.3 There is another dimension of the issue under consideration, i.e., the necessity and justification for bringing about the change through the Third Central Pay Commission. Nothing has been brought before the Committee which could explain or justify the circumstances in which the defence personnel were applied the same criteria as applicable to the country's civilian work force under the Central Government for the purpose of determining their pay, allowances, pension, family pension, etc. It is quite obvious that the terms and conditions of service, more particularly their span of service, i.e., the age at which they enter service and the age at which they become due to retire, vary drastically from the civilian work force. There is no doubt that the span of service of the armed forces is much-much less as compared to the civilians. The defence personnel in the PBOR category retire when they are around 35-40 years of age. Even the officers retire when they are around 55 years of age. That is the time when they have lot of family and social responsibility to discharge for which they need a sound financial support. This is certainly not the case with the civilian work force where the age of retirement is 60 uniformly. Further, under the rules governing pension / family pension of the civilians, the longer a person serves, the more pay he gets and consequently he becomes entitled for higher pension / family pension. This being so, our defence personnel are bound to remain at a disadvantageous position

since the period for which they serve is definitely much less. On top of this, the fact that they retire at a younger age aggravates their hardship.

11.4 In the above situation, the Committee feels that the decision of the Government to bring our defence personnel on the pattern of the civilians with regard to their pay, pension, etc. (from Third Central Pay Commission onwards) is not a considered decision which has caused hardship to the defence personnel and has given birth to their demand for OROP. The Committee understands that before the Third Central Pay Commission, the defence personnel were getting their pay / pension on the basis of a separate criteria unconnected with the criteria devised for the civilian work force. That criteria acknowledged and covered the concept of OROP which has been given up after the Third Central Pay Commission.

11.5 The Committee is not convinced with the hurdles projected by the Ministry of Defence (D/o Ex-Servicemen Welfare) in implementing of OROP for defence personnel. They have categorized the hurdles into administrative, legal and financial. The financial aspect has already been dealt with by the Committee. So far as the administrative angle is concerned, the Committee is given to understand that all the existing pensioners/ family pensioners are still drawing their pension / family pension based upon the lawfully determined pension / family pension. In that case, revision of their pension / family pension, prospectively, as a one time measure should not pose any administrative hurdle. So far as the legal aspect is concerned, the Committee is not convinced by the argument put forth against the implementation of OROP because the pension / family pension is based upon the service rendered by personnel while in service and comparison of services rendered during two sets of periods does not seem to be of much relevance. If seen from a strict angle, in each set of periods, the army officer performed the duties attached to his post and it may not be proper to infer that the officers who served at a later period performed more compared to the officers of earlier period. On the contrary, facts tilt towards treating past pensioners/family pensioners at par with the more recent ones.

11.6 The Committee further takes note of the fact that the reduction of around 26 pay scales into IV pay bands on the recommendations of the Sixth Central Pay Commission has aggravated the grievances of defence personnel. For example, after the Sixth Central Pay Commission, officers from the level of Lt. Colonel and above fall in a single pay band i.e. pay band IV, carrying pay scale of ₹ 37,400 to ₹ 67,000. It means that defence retirees of earlier years from different ranks would get pension with reference of the minimum of the pay band irrespective of the fact whether they held much higher rank of Major General or Lt. General when they retired. Thus, under the existing dispensation, pursuant to the Sixth Central Pay Commission, the past retirees, particularly those, who retired from senior level posts, remain at a disadvantaged position. Keeping in view all the above factors, the Committee strongly recommends that Government should implement OROP in the defence forces across the board at the earliest and further that for future, the pay, allowances, pension, family pension, etc. in respect of the defence personnel should be determined by a separate commission so that their peculiar terms and conditions of service, the nature of duties they are

required to perform, etc., which are quite different from the civilian work force, are duly taken into account while taking decision on the same.
