

One Rank One Pension for Ex-servicemen : A Socio Legal Study

Sonia¹**

Introduction

KAUTILYA, the ancient master political strategist, once told Chandragupta Maurya that the day the soldier would have to demand his dues would be the saddest day for his empire because on that day, he would lose the moral sanction to be the king. This holds true today too. Unfortunately, in independent India, not only have soldiers been reduced to demanding their dues continuously, but the Government has become so indifferent that it has ignored their demands for years now. Despite the soldiers, including personnel of the armed forces as well as the paramilitary forces, going to court to secure their just dues, such as rank pay, perks and pension, the government has refused to act².

To maintain operational efficiency, the Armed Forces are required to maintain a youthful profile necessitating retirement of approximately 55,000 to 60,000 personnel every year. The Armed Forces personnel are granted pension since they are retired early at a younger age. The Government also recognizes their social, domestic and personal commitments at the comparatively young age of their retirement. In recognition to their needs the Government takes a number of measures to rehabilitate them in civil life by providing re-employment as well as self-employment opportunities.³ Central Government has also undertaken various steps for the welfare of Ex-Servicemen and their families. The Armed Forces Personnel are granted retiring/service pension on normal retirement/release from service on completion of the prescribed tenure. In case of disablement in non-battle casualty cases, disability pension is sanctioned on the recommendation of the appropriate medical authority. Personnel

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² PURNIMA S. TRIPATHI, “Unhappy Soldiers”, available at <http://www.frontline.in/cover-story/unhappy-soldiers/article5698706.ece#test>, Last assessed on 12 December 2015.

³ Sudhir Uppal “ *Guide book, information on the facilities available for Exservicemen*” 2010 at 32.

injured/wounded during war or war like operations, are granted a special pension known as War Injury Pension.⁴

The rules for the grant of pensions to personnel of the Army, the rate admissible and the procedure to be followed in dealing with pensionary claims are laid down in pension regulations for the Army. Basic purpose of scheme of pension is to give employees and through them, their families, the confidence that they will not be left in poverty, when the bread winner retires from service or is incapacitated or dies and the State will help them to maintain a level of living which is not far below the level to whom they had accustomed.⁵

There are many issues of pension relating to Ex-servicemen, one of such issue is One Rank One Pension scheme. Military servants retire by rank and other Government employees retire by age. Equal pay for equal work is the Directive Principle of State policy in our Constitution. The right to equal pension at each rank for the same length of service derives from the same tenet summary.

What is One Rank One Pension

The concept of rank is unique to the military. Those in non-military services may carry designations/posts like ‘director general’, ‘secretary’ etc. but these have no formal sanctity the world over. However, those in/from the military are always referred to by his rank, even after death. One Rank One Pension (hereinafter cited as OROP) which simply means that two soldiers, who held the same ‘Rank’, for the ‘Same period’, in ‘Similar category’, should get the same pension, irrespective of their date of retirement.

According to the Koshyari Committee Report, 2011, “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

⁴ *Ibid.*

⁵ Capt. R.S. Dhull & Col. S.R. Kalkal: *Hand Book in Pension Regulations for the Army* 1961 (Part-I) at 154.

of retirement and any future enhancement in the rates of pension to be automatically passed on to the past pensioners”.⁶

The concept includes “bridging the gap between the rate of pension of the current pensioner 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, respect and responsibility in consonance with the ethos of service. These ranks are even allowed to be retained by the individual concerned after his/ her retirement. Hence, two armed forces personnel in the same rank and equal length of service should get same pension irrespective of the date of retirement and any future enhancement in rates of pension be automatically passed on to the past pensioners”.⁷

‘Ranks’, the world over are only peculiar to ‘Military’ alone. Holders of same ‘Rank’ must therefore be at par with each other. However with each ‘Pay Commission’ the pay of the serving Defence Personnel is revised upwards for each ‘Rank’ and accordingly those in the same rank who retired earlier get much less pension. Now a Havildar who retired in December 2005 would get less pension than a Sepoy who retired on 01.01.2006 even though there is a vast difference in the responsibilities held.

Brief History of OROP Issue

Up to the 2nd Pay Commission, the retired defence personnel were getting One Rank One Pension in the form of “Military Pension,” wherein the old retirees

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⁶ Available at: <http://en.wikipedia.org/wiki/Koshyari-committee-report-on-grant-of-one-rank-one-pension>, (Accessed on December 26, 2015).

⁷ *Ibid.*

got same pension as the new ones in the same rank. Also at that time, to compensate for their early “Forced Retirement” to keep the military young, they used to get up to 75 % of the pay drawn as pension, where as the civilians used to get 33% of pay as pension, since the latter served for very long duration up to 55 to 58 years of age. However the 3rd Pay Commission abolished the concept of Military Pension and it was converted to ‘Pension as applicable to civilian employees.’⁸ Rules applicable to the civilians, like full pension (i.e. 50 % of pay drawn) after 33 years of service were made applicable to the defence persons also, fully forgetting that the defence persons could not put in 33 years of service, since they were forcedly retired, starting from 17 years for a Sepoy. With each promotion they got couple of years more to serve and with the exception of some officers none could put in 33 years of service⁹.

Various weightage in years were given to enable them to get closer to 33years of service to get 50% of pay as pension. However with the wieghtage, no increase in ‘PAY’ was given. It took many years for the negative impact of the 3rd Pay Commission recommendations to be felt. With each Pay Commission award, the pay of all ranks goes up but those who retired earlier their pension does not increase much because it is based upon old lower pay scales. While health related and other financial responsibilities of older retirees keep on increasing, their pension, which is a function of ‘Rank’ held, being peculiar to military only, does not increase proportionately.¹⁰

The pension system for the military underwent rapid changes during the first three decades after our independence. And for some reason or the other, the reforms were invariably made effective prospectively, without extending the new benefits to the past pensioners. In many cases, retirees were given options to choose from. Consequently, by 1985, there were fourteen categories of pensioners.

⁸ Harwant Singh (Retd.), “Ex-servicemen to hold protest demanding one rank one pension”, *available at:* www.gconnect.in/news/ex-servicemen-hold-protest-demanding-one-rank-one-pension-htm, (Accessed on January 15, 2015).

⁹ *Ibid.*

¹⁰ *Ibid.*

Quite naturally, the veterans sought rationalization of the system. The quest for one-rank-one-pension (OROP) began during the early eighties. A high level committee, headed by Shri KP Singh Deo was formed to examine all issues related with the problems of ex-servicemen, and this was one of the main concerns. The committee identified over sixty problem areas, most of which were resolved, but the OROP lingered on.¹¹ Thereafter, this quagmire has been examined by three pay commissions and several parliamentary committees. It has continued to bug successive governments and has now become a ‘war cry’ of our Ex-servicemen. During the run up to the elections for the current Lok Sabha, all major parties promised to resolve this issue.¹²

This principle of One Rank One Pension (OROP) was accepted by number of Central Governments, even on the floor of the Parliament, as a mark of gratitude to the Defence Services. Accordingly many Presidents, Prime Ministers and the Defence Ministers promised to implement the same. When it was pointed out that the other Government employees would also ask for a similar treatment, Mr. VP Singh, the then Prime Minister in 1990, is on record having remarked, “Let them (the civilian employees) swap places with the military”. But his government fell before orders on One Rank One Pension could be issued.

To remove this anomaly, a Committee was formed in 1979 under K.P. Singh Deo, then an MP, who recommended that there should be same pension of retired Defence Personnel of the same ‘Rank’ other conditions being same/similar. The committee made a large number of recommendations on Ex Servicemen. The Government proudly announced in Parliament that it had accepted the majority (90%) of the recommendations. What it failed to accept was return to OROP done away by the 3rd Central Pay Commission (hereinafter cited as CPC) and that all pensioners irrespective of vintage should draw the same pension for the rank they retired.

¹¹ Surjit Singh, “Indian military: Nation owes you”, available on www.vijayvaani.com, (Assessed on January 16, 2016).

¹² *Ibid.*

A committee headed by the Defense Minister with MPs as members however examined it for acceptance and implementation but rejected the OROP. The 5th CPC in Chapter 127 of their Report referred to the Nakara judgment in the Supreme Court. It recorded that it respects the judgment. Pension is not in the nature of alms being doled out to beggars. Retired personnel need to be treated with dignity and Courtesy befitting their age. Pension is their constitutional, statutory, inalienable, legally enforceable right earned by the sweat of the brow. The most controversial subject in the field of pension as recorded by the 5th CPC was the glaring disparity of pensions of people of the same rank who retired at different periods. Government had tried to solve this problem partially for the Armed Forces by adopting the One Time Increment. This did not meet their demand of One Rank One Pension. The 5th CPC however recommended parity in pensions between pre 1996 and post 1996 pensioners. After the award of 6th Pay Commission, the difference in pensions for a Sepoy is over Rs. 3000/- for those who retired after and prior to the applicability of its ‘award’, i.e. 01.01.2006. This is grossly against the “Law of Natural Justice” and violates Article 14 of our constitution which emphasizes need for ‘Equity’.

This is a case *Union of India v. S.P.S. Vains*,¹³ which has been made out in the High Court in the writ petition filed by the respondent herein is that prior to revision of the pay scales from 1st January, 1996 the running pay band from Lieutenant to Brigadier, irrespective of promotion, introduced on the basis of the Fourth Pay Commission’s recommendations, was Rs. 2300-100-3900-EB-150-4500-EB-5100. The rank pay that was fixed was Rs. 200, 600, 800, 1000 and 1200 for the ranks of Captain, Major, Lieutenant Colonel, Colonel and Brigadier, respectively. While a Major General was given a starting salary of Rs. 6700 on the basis of recommendations of the Fourth Pay Commission, a Brigadier could draw Rs. 5100 and additional rank pay of Rs. 1200 making a total of Rs. 6300. Consequently, a Major General always drew higher pay than a Brigadier and the pension payable to officers on the basis of the recommendations of the Fourth Pay

¹³ (2008) 2 SCC (L&S) 838; 2008(12) SCALE 360.

Commission was calculated on the basis of salary drawn during the last 10 months prior to retirement. Even on such basis, a Major General always drew more pension and family pension than a Brigadier. It has to be kept in mind that the rank of Brigadier is a feeder post for the promotional rank of Major General.

The anomaly arose with the acceptance by the Government of the recommendations of Fifth Pay Commission which has created a situation whereby Brigadiers began drawing more pay than Major Generals and were, therefore, receiving higher pension and family pension than major Generals. In view of the recommendations of the Fifth Pay Commission, a Brigadier was given a pay scale of Rs. 15350-450-17600 together with rank pay of Rs. 2400 whereas a Major General was given a pay scale of Rs. 18400-500-22400. In other words, the maximum pay in the pay scale of Brigadier is 17,600 and the minimum pay in the pay scale of Major General is Rs. 18,400. In as much as, no rank pay was provided for beyond the rank of Brigadier, the minimum pay provided for a Major General became less than that of a Brigadier who may have reached the maximum point in his scale. Consequently, on retirement, the pension of Brigadier become more than that of a Major General, since rank pay is also taken into consideration for the purpose of calculating pension and family pension. The pension of a Major General thus became Rs. 9,200 while that of a Brigadier was Rs. 9,660. It is this anomaly, when pointed out, which prompted the Government to step up the pension of Major Generals who had retired prior to 01.01.1996, from Rs. 9,200 to Rs. 9,550 giving them the same pension as was given to Brigadiers.¹⁴

The High Court had directed that officers of the rank of Major General, who had retired prior of 1st January, 1996, when revision of pay scales took effect, be given the benefit of the provisions of the revised pay scale, notwithstanding that fact in terms of the policy only those who retired after the said cut-offs date would be entitled to such benefit. The large issue involved is whether there could be a disparity in payment of pension, to officers of the same rank, who had retired prior

¹⁴ *Ibid.*

to the introduction of the revised pay scales, with those who retired thereafter.¹⁵ Since an anomaly had been created in the pension payable to officers of the rank of Major Generals, who on account of the revision of the pay scales were receiving less pension than Brigadiers who were lower in rank, the Government had stepped up the pension of Major Generals who had retired prior to 1st January, 1996, so that they did not receive pension less than what was given to officers of the rank of Brigadier.

The said decision of the Central Government does not address the problem of a disparity having been created within the same class so that two officers both retiring as Major Generals, one prior to 1st January 1996 and the other after 1st January 1996 would get two different amounts of pension. While the officers who retired prior to 1st January 1996 would now get the same pension as payable to a Brigadier on account of the stepping up of a pension in keeping with the Fundamental Rules, the other set of Major Generals who retired after 1st January 1996 will get a higher amount of pension since they would be entitled to the benefit of the revision of pay scales after 1st January, 1996. The Court said that in our view, it would be arbitrary to allow such a situation to continue since the same also offends the provisions of Article 14 of the Constitution¹⁶.

In view of the decision in *D.S. Nakara v. Union of India*.¹⁷ The object sought to be achieved was not to create a class within a class, but to ensure that the benefits of pension were made available to all persons of the same class equally. To hold otherwise would cause violence to provisions of Articles 14 of the Constitution. It could not also have been the intention of the authorities to equate the pension payable to officers of two different ranks by resorting to step up principle envisaged in the Fundamental Rules in a manner where the other officer belonging to the same cadre would be receiving a higher pension.¹⁸

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ (1983) 1 SCC 305.

¹⁸ *Ibid.*

The pay of all pensioners in the rank of Major General and its equivalent rank in the two other wings of the Defence services be notionally fixed at the rate given to similar officers of the same rank after the revision of pay scales with effect from 1st January 1996, and thereafter to compute their pensionary benefits on such basis with prospective effect from the date of filing of the writ petition and to pay them the difference within three months from date with interest at 10% per annum. The respondents will not be entitled to payment on account of increased pension from prior to the date of filing of the writ petition.¹⁹

Is *atta-dal* cheaper for a pensioner who retired in, say 1995, than an employee retiring today? Absolutely not. Then why should an old retiree is paid much less pension than an equally placed person retiring today in the same rank and with the same length of service? Soldier who retire before 01.01.1996, get different pay scale from a soldier who retire after 01.01.1996.²⁰ But the question is that a soldier, who retires before 01.01.1996, served better/lesser or gave better/lesser safety to nation than a soldier who retired after this date? If they served similarly or gave same safety to nation then why they get different pension for same service. So, therefore, they are entitled for similar and /privileged treatment.²¹

OROP, or more precisely “Equal pension for the same grade with same length of service,” is definitely an equitable and ideal concept and should be granted, but it should be extended in time to all pensioners irrespective of the service from which they retired. If the defence services deserve it earlier or in a different format than others, it is not because their contribution is more hallowed than civilian employees but because they retire younger, at times 25 years before their civilian counterparts, are at call 24 hours a day, 365 days a year and definitely lead a tougher regimented life. Every service or occupation, however, has a role to perform in sustaining this nation and the thin line between pride and

¹⁹ *Union of India v. S.P.S. Vains*, (2008) 2 SCC (L&S) 838: 2008(12) SCALE 360.

²⁰ Fifth Pay Commission implementation order, vide letter no. 1(2)/97/D (Pension/service) dated November 24, 1997, issued by Government of India, Ministry of Defence.

²¹ *Confederation of Ex-servicemen Association and others v. U.O.I.*, AIR 2006 SC 2955.

superiority should not be crossed.²² Current cost of living equally applies to a military veteran who retired say fifteen years back vis-à-vis the one who retires today in the same rank. When both go out to the grocer, they pay the same price for aata that they buy, they pay the same for the vegetables which feed their families, they are also expected to maintain a similar level of daily life, so why the sharp difference in their pension.²³

Fear of a Possible Demand being raised by Civilian Pensioners

There are two reasons for the successive governments failing to resolve this issue so far. One is that the State could not bear the financial burden of admitting OROP, and two, because there was always a lurking fear that a similar demand could come from civilian pensioners,²⁴ and the fiscal effect of granting this concession to all central and state pensioners would be exorbitant. While those serving in the military retire by rank, the other government employees retire by age. To keep the forces young, all jawans retire in their mid-30s; all JCO's retire in their mid-40's and the bulk of officers retire in the early fifties. Only a handful—about 60 Lt Gens serve up to 60 years. On the other hand, all civilian government employees serve up to the age of 60 years, whether they are peons or constables or secretaries and DGP's. Since the date of retirement also determines the quantum of pension, with each pay commission (with periodicity of 10 years), the military veterans who retired early receive lesser pension compared to those who retired later with the same rank and same service. As military pensioners are subjected to

²² Navdeep Singh, “More Logic, Less Rhetoric to Strike a Better Deal”, *The Tribune*, (October 2, 2010).

²³ Navdeep Singh, “One Rank One Pension and Other Military Veteran Issues: Myth Buster”, *available at: www.indianmilitary.info/2015/*, (Accessed on April 2, 2015).

²⁴ *Available at: www.indianmilitary.info/2015/02/one-rank-one-pension-and-other-military.html?m=1*, (Accessed on April 4, 2015).

three or more pay commissions in their lifetime, they have to suffer the disparities bread by it every 10 years.²⁵

The veteran soldiers and a constable hardly bears comparison, as the veteran soldiers starts getting half pay (pension) at the average age of 35 years, while the constable continues to serve till the age of 60 years, thus getting full pay for another 25 years. In addition, he gets pay rise with each subsequent pay commission, as well as increments. Furthermore, if we take the current average age of death (67 years), the constable will perhaps see only one pay commission after his retirement but the soldiers will see a minimum of three or four pay commissions, each of which will further downgrade his pension when compared to the serving soldiers or his comrades who retired in subsequent years. Where is equity and fairness? Should the veteran not get compensated? OROP will fill this lacuna. The governments reasoning that civilian pensioners will also demand OROP is simply a bogey.²⁶

Relating civilian pensioners with veteran soldiers is like comparing chalk with cheese. The two categories of personnel are so different that using this as an argument is actually a red herring. This ghost has been haunting the governments in power for over two decades and preventing them from implementing a straight forward reform. Given below is a list of the major factors which distinguish soldiers from the civilians:²⁷

- First and foremost, soldiers are the only people who have ‘ranks’, which conform to internationally accepted norms. Thus, a Battalion is commanded by a colonel and the boss of a ship is a Captain, the world over. On the other hand, the civilian grades are municipal ‘designations’ which have no formal sanctity. Even a miniscule organization can have a ‘Director’ and he can designate his assistants

²⁵ Oberoi, “Rationale for One Rank One Pension”, *available at*: www.indianmilitary.info/m=1, (Accessed on March 2, 2015).

²⁶ *Ibid.*

²⁷ Navdeep Singh, “More Logic, Less Rhetoric to Strike a Better Deal”, *The Tribune*, (October 2, 2010).

as “general managers” or ‘secretaries’. Thus, the very basis of OROP is inapplicable in their case.

- While all civilians retire at sixty years of age, the length of service of soldiers is related with the rank attained. A very large number of combat soldiers are sent home in their mid-thirties, to keep the army young.
- Soldiers are the only government servants who are exposed to war risk, and disabilities acquired during training. Consequently, they have different types of pensions. Their case merits examination on a different plane.
- Major changes in the pension structure occur whenever a Pay Commission report is implemented. The civilians retire at sixty, and therefore, they rarely live past one such major reform. Soldiers retire at forty, and they sometimes see through three or even four Pay Commissions. This is one more reason to review their pensions more rationally.
- It needs to be noted, that no civilian organization has, till this day, sought the equivalent of OROP. Further, when a ‘One Time Increase’ was granted to the soldiers, in 1992, there was no reaction from the civilian pensioners.
- Finally, it needs to be noted, that the existing pension structure of the armed forces is different from the civilians. For the military, (a) pensions of the PBOR are calculated on the basis of the ‘top of the scale’; (b) There is a system of ‘weightages’ to compensate for truncated service; and (c) the percentage of pension that can be commuted is higher than that which is admissible to the civilians. Till

date no civilian service has sought parity with the soldiers on these counts.²⁸

Two Misconceptions

While accepting the hazards of military life, an economist recently equated a soldier to a fireman who might get killed while entering a building that is on fire. Apart from the fact that the fireman has a choice whether or not to enter a burning building where a soldier does not, it is also relevant to remember that there is a fundamental difference between dying and getting killed. In the former, that the soldier faces, there is a readiness, even a willingness, to sacrifice one's life for the nation. Getting killed on the other hand is a passive action and more accidental than voluntary. While one has all the respect for the firemen, it is difficult not to point out that while soldiers die in almost every operation, firemen do not die in every building that goes aflame. Another misconception that needs correcting is about the injustice. A father and son, both having served in the same regiment, retiring in the same rank and after equal number of years, and staying under the same roof get a different pension to the disadvantage of the father. This is patently unjust. The economist propounded a theory that a son earning more than the father is a law of nature, but it overlooks two ground realities. First, one is not talking of earning; the son might have earned relatively more while in uniform. The subject instead is remuneration for the work already done in the past. If that work was equal, both in quality (rank), and quantity (length of service), then remuneration must also be equal. Secondly, if the laws of nature were to be applied to soldiering, then the economist needs to ponder how natural it is for a soldier to be ordered to advance in the face of bullets and die an unnatural death?²⁹

²⁸ *Ibid.*

²⁹ Raj Kadyan (Retd), "OROP through its Long Journey", *available at*: www.indiandefencereview.com, (Assessed on December 18, 2015).

As it would be expected in any democracy, departments concerned or dealing with the Armed Forces of most nations strongly stand behind their men and women in uniform and plead for the best of benefits from their respective governments. But in our country, the ministry of defence till recently, was legendary in always taking an adversarial stand against the profession of arms and not straying from this dubious legacy, it were elements of the same ministry that always opposed the grant of OROP to military veterans repeatedly citing financial, administrative and legal impediments for resisting the concept, and in the bargain, attempting not only mislead and misguide the highest of political executive, but even parliamentary committees. While financial constraints are well understood and appreciated, there is never too high a price to pay for those who protect us at the peril of their lives.³⁰

Acceptance Order of OROP by the Government

The long-pending “One Rank One Pension” (OROP) scheme for ex-servicemen was brought into force with government issuing a notification which will benefit over 25 lakh veterans and war widows. With the Government letter No. MoD (Fin/Pension) ID No.PC to10(11)/2012/Fin/Pen dated 07 November 2015 the issue to OROP come into force.

In view of the need of the Defence Forces to maintain physical fitness, efficiency and effectiveness, as per the extant Rules, Defence Service personnel retire at an early age compared to other wings in the Government. Sepoy in Army and equivalent rank in Navy & Air Force retire after 17/19 years of engagement/service and officers retire before attaining the age of 60 years i.e. the normal age of retirement in the Government. Considering these exceptional service

³⁰ Navdeep Singh, “One Rank One Pension and Other Military Veteran Issues: Myth Buster”, *available at: www.indianmilitary.info/2015/*, (Accessed on December 2, 2015).

conditions and in the interest of ever vigilant Defence Forces, the pensionary benefits of Ex-Servicemen have accordingly, over time, been fixed.³¹

It has now been decided to implement “One Rank One Pension” (OROP) for the Ex-Servicemen with effect from 01.07.2014. OROP implies that uniform pension be paid to the Defence Forces Personnel retiring in the same rank with the same length of service, regardless of their date of retirement, which, implies bridging the gap between the rates of pension of current and past pensioners at periodic intervals.³²

Salient features of the OROP are as follows:

- (i) To begin with, pension of the past pensioners would be re-fixed on the basis of pension of retirees of calendar year 2013 and the benefit will be effective with effect from 01.07.2014.
- (ii) Pension will be re-fixed for all pensioners on the basis of the average of minimum and maximum pension of personnel retired in 2013 in the same rank and with the same length of service.
- (iii) Pension for those drawing above the average shall be protected.
- (iv) Arrears will be paid in four equal half yearly instalments. However, all the family pensioners including those in receipt of Special/Liberalized family pension and Gallantry award winners shall be paid arrears in one instalment.
- (v) In future, the pension would be re-fixed every 5 years.³³

³¹ Government of India, Ministry of Defence, 12(1)/2014/D(Pen/Pol)-Part-II, New Delhi Dated November 7, 2015.

³² *Ibid.*

³³ *Ibid.*

Following is the projected OROP table for officers to be effective from 1 April 2014:³⁴

QS	LT	CAPT	MAJ	LT COL	COL	Brig	Maj Gen	LT Gen	LT Gen (HAG+)	VCOAS	COAS
10	16715	17560	22546	23246	23596	23696					
11	17130	18000	23133	23833	24183	24283					
12	17555	18450	23737	24437	24787	24887					
13	17995	18915	24359	25700	26050	26150					
14	18445	19395	25000	26385	26735	26835					
15	18910	19890	25660	27815	27815	27915					
16	19390	20400	27115	27815	28920	29020					
17	19885	20925	27860	28560	28560	28660					
18	20395	21465	29400	30100	30495	30595					
19	20920	22020	30095	39795	31980	32080					
20	21460	22595	31790	32490	32850	32950					
21	22015	23185	31790	32490	33770	33870					
22	22590	23795	32515	33215	34520	34620					
23	23180	24420	32515	33215	34535	34785					
24	23790	25065	32525	33225	34535	35555					
25	24415	25600	32525	33225	34560	35605					
26	25060	25600	32525	32225	34275	36420					

³⁴ Available at: <http://7thpaycommissionnews.in/one-rank-one-pension-projected-orop-table-pbor-and-officer/>, (Accessed on December 27, 2015).

QS	LT	CAPT	MAJ	LT COL	COL	Brig	Maj Gen	LT Gen	LT Gen (HAG+)	VCOAS	COAS
27	25060	25600	33295	33995	36080	37255					
28	25060	25600	33295	33995	36095	37255					
29	25060	25600	33295	34765	36940	37280					
30	25060	25600	33295	34765	36940	37280					
31	X	X	X	34765	36950	37975					
32	X	X	X	34765	36975	39020					
33	X	X	X	X	38865	39025					
34	X	X	X	X	38865	39025					
35	X	X	X	X	38865	39035					
36	X	X	X	X	X	39035					
37	X	X	X	X	X	39035					
38	X	X	X	X	X	39035					
39	X	X	X	X	X	X	41500	42500	43000	44000	48000

However Personnel who opt to get discharged henceforth on their own request under Rule 13(3)1 (i)(b), 13(3)1 (iv) or Rule 16B of the Army Rule 1954 or equivalent Navy or Air Force Rules will not be entitled to the benefits of OROP. It will be effective prospectively. The Govt. has decided to appoint a Judicial Committee to look into anomalies, if any, arising out of implementation of OROP. The Judicial Committee will submit its report in six months.³⁵

However, the protesting ex-servicemen rejected the notification, saying their main demands have not been accepted and it has become “one-rank-five-pension”.

³⁵

Ibid.

The veterans had demanded that the period for pension should be financial year 2013-14 and not the calendar year. Also, they wanted April 1 as the effective date instead of July 1. The notification said that in future, the pension would be re-fixed every 5 years. However, ex-servicemen had been demanding revision of pension every two years, if not one. An important element in the notification was that personnel who opt to get discharged henceforth on their own request under Rule 13(3)1(i)(b), 13(3)1(iv) or Rule 16B of the Army Rule 1954 or equivalent Navy or Air Force Rules will not be entitled to the benefits of OROP.³⁶

It will be effective prospectively. The government has decided to appoint a Judicial Committee to look into anomalies, if any, arising out of implementation of OROP. The Judicial Committee will submit its report in six months.

Detailed instructions along with tables indicating revised pension for each rank and each category, shall be issued separately for updating of pension and payment of arrears directly by Pension Disbursing Agencies. The Defence Ministry said the issue of OROP was a long standing demand. Defence Forces had been demanding it for almost four decades but the issue could not be resolved.³⁷ The ex-servicemen want pensions to be equalized every year. Also, the OROP notification says soldiers, who opt for pre-mature retirement or leave the forces without completing their full term, will not qualify for OROP. The veterans oppose this.³⁸

Shortcomings of OROP Scheme

Some Ex-servicemen are of the view that the much awaited announcement on the implementation of the One Rank One Pension (OROP) Scheme as read out by

³⁶ Available at: <http://www.financialexpress.com/article/economy/one-rank-one-pension-govt-issues-notice-for-orop-implementation/162754/>, (Accessed on November 29, 2015).

³⁷ *Ibid.*

³⁸ Available at: <http://www.ndtv.com/india-news/ex-servicemen-launch-protest-against-one-rank-one-pension-notification-1242488>, (Accessed on November 29, 2015).

defence Minister Manohar Parrikar on September 5, 2015, has some serious shortcomings. If not corrected, these shortcomings will not only dilute the OROP scheme, but will also destroy its approved definition and the assurances given to the defence fraternity will remain unfulfilled. The five serious shortcomings in the implementation of the OROP scheme as announced on September 5, 2015, are mentioned hereunder:

- I. Instead of equalizing the pensions every year as required under the approved definition, the Government has announced equalization after 5 years. This would totally defeat the definition of OROP. Large number of senior defence personnel will start drawing less pension than juniors. This would result in “one Rank Five Pensions” and not “One Rank One Pension”.³⁹ This is not acceptable.
- II. The Government plans to constitute a one man committee to decide on the periodicity of the equalization of pension and other anomalies. The purpose of such a committee is not understood particularly since all issues have been resolved by the finance ministry. This is grossly unfair and unacceptable. If a committee is to be constituted, it must consist of five members: three Ex-servicemen, one serving defence personnel and one from Ministry of Defence. Such committee should be given only one month period to submit its report and within 15 days thereafter it must be processed and final decision implemented.⁴⁰
- III. The Government plans to give arrears with effect from July 1, 2014, instead of April 1, 2014. The Government has deprived the veterans three months of arrears. Once a welfare scheme has been sanctioned by the Government, why is it being diluted to the disadvantage of the

³⁹ Available at: <http://7thpaycommissionnews.in/7-serious-shortcomings-in-the-implementation-of-orop-ufesm-writes-to-rm/>, (Accessed on December 26, 2015).

⁴⁰ *Ibid.*

defence personnel? Further, if the date is changed to July 1, 2014, then the financial year must also be changed to 2014-2015.⁴¹

- IV. The decision of the Government to grant pension at the average of the pay scale will greatly reduce the pensions. JCOs, Ors and widows will go hardly any increase on pension.⁴²
- V. This is a concept which is to be executed in perpetuity. It was also agreed that the implementation of OROP scheme is independent of the Central Pay Commission (CPC). It is pertinent to mention that pay Commission award must integrate the OROP and should not adjudicate on it.⁴³

Conclusion

Though the government has approved the OROP scheme, there is much disagreement over its provisions. Ex-servicemen demand annual revision of pension as against the government's offer of a review once in five years. While the pensioners demand fixing highest pension for respective ranks, the government has put for the idea of pension being the average of the highest and lowest pension with protection to those with higher pension. Not wholly satisfied with the OROP scheme announced by the government, the Ex-servicemen are counting with their protest. The protesting ex-servicemen rejected the notification, saying their main demands have not been accepted and it has become "one-rank-five-pension". The veterans had demanded that the period for pension should be financial year 2013-14 and not the calendar year. Also, they wanted April 1 as the effective date instead of July 1. The notification said that in future, the pension would be re-fixed every 5 years. However, ex-servicemen had been demanding revision of pension every two years, if not one. An important element in the notification was that personnel who opt to get discharged henceforth on their own request under Rule 13(3)1(i)(b), 13(3)1(iv) or Rule 16B of the Army Rule 1954 or equivalent Navy or

⁴¹ *Ibid.*

⁴² *Ibid.*

⁴³ *Ibid.*

Air Force Rules will not be entitled to the benefits of OROP. It is in the interest of the country that a mutually agreeable solution should be arrived at to solve this issue, so that the soldiers also don't feel disrespected and the Government is also able to bear the financial burden. It is the duty of every country to respect its soldiers.
