**SUGGESTED ITEMS OF AGENDA FOR DISCUSSION DURING THE MEETING OF NATIONAL CONFEDERATION OF ESM ORGANISATIONS (NCESMO)**

**TO BE CHAIRED BY HON’BLE RM**

1. **Item No I - Declassification of the report submitted by the One Man Judicial Committee headed by Justice Narasimha Reddy**. ESM are eagerly waiting for action on the report by the Government. Early declassification and action on accepted recommendations will make lakhs of ESM and their families immensely happy.

2. **Item – II - Neglect of Special Category of War Disabled Veterans**. In 1965, vide special instructions issued by not only MoD but also AHQ, War Disabled were granted first priority for welfare and other measures ahead of War Widows and decorated personnel. The reason being that any one disabled during war was not retained by the Army and was invalided out. They thus left the service at very young age and were granted as a special dispensation the normal retiring pension of the rank of the maximum of the rank.

3. The GOI/MoD had demonstrated their concern towards the category of individuals who had been maimed/disabled for life while serving the Nation in war/war like situations and thereafter been invalided out of service due to their disabilities. The GOI/MoD vide letter No 200847/Pen-C/71 dated 24 February 1972 had sanctioned benefits for such personnel in the form of a “Special Dispensation” which would not be subject to any alteration as a result of any revision of pay and pension structure as may be sanctioned in future. However, where and for as long as awards admissible under existing rules and orders happen to be more favorable then those sanctioned vide letter date 24 February 1972 the higher entitlements will be payable.

4. The GOI/MoD has over the years made several positive changes towards pay/pensions, particularly in favour of war disabled individuals who were invalided out of service. The GOI/MoD vide their letter No 16 (01)/2014/D (Pen/Pol) dated 18 May 2016, for implementation of 7 CPC, had highlighted at Para 4 (h) that Service Element of War Injury Pension in invalidment cases will be given for the maximum of terms of engagements for the rank of Armed Forces Personnel from which he had been invalided out. This particular provision was keeping in spirit of the special provisions of GOI letter dated 24 February 1972. This aspect was however, erroneously missed out in Circular No 560 dated 08 June 2016 but thereafter included as Para 3 in Circular No 569 dated 19 October 2016.

PCDA (P) unilaterally issued Circular No 604 dated 16 August 2018 vide which they have indicated that Para 3 provisions in earlier circular No 569 dated 16 October 2016 have become redundant and may be treated as cancelled. Whether they took

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approval of MoD is not known. This aspect had adversely affected the limited category of war disabled (invalided out) cases and special provision in spirit or GOI/MoD letter dated 24 February 1972 needs to be honored and reinstated. It would be relevant to state that the provisions and entitlements of such categories of personnel is overlooked whilst issuing government orders as they are for all pensioners in general. However if a clause is added in each circular hereafter keeping their entitlements in mind, such mistakes would not happen.

**Due to this error on the part of PCDA(P), the Disabled invalided out of Service have not received their correct entitlements in the implementation of 7 CPC but continue to receive these on actual qualifying service instead of receiving the Maximum terms of engagement of the rank in which invalided out.**

5. **Item - III - Enhanced Family Pension for Widows of the War Disabled Invalided out of Service**. As per current policy, with the demise of an invalided out war disabled veteran, war injury element of his war injury pension gets extinguished. His widow’s family pension gets refixed on the basis of service element only. This results in sharp drop in the family’s pension entitlement, at times as much as by 80% (in case of a veteran invalided out with 100% disability) many widows of the invalided out disabled war veterans are reduced to penury. There is a strong case for the widow’s pension to be based on a veteran’s total pension inclusive of war injury element. The issue has been examined in MOD from time to time, but without any positive outcome. The former RM, Shri Manohar Parikar and present MOS (Personnel, Dr. Jitendra Singh have supported the proposal.

The number of veterans in this category is small, about 4000, and dwindling; the benefit would accrue to the family only after the demise of the veteran. The net financial impact of the proposal is meager, but its morale boosting impact both on retired and serving defence personnel can be huge. The proposal is restricted to invalided our disabled war veterans and does not cover other disabled. War casualty invalidment often takes place at a very young age and in lower ranks. The service element of pension in such cases is rather meager which is not the case with other disabled.

6. **Item No IV - SFP for widows of Service Men who die in harness while on Leave**. Supreme Court has delivered a decisive ruling on the matter. Yet amendment to the Pension Regulations/ Policy Letter on the subject making it applicable to all similarly placed persons is not issued. This forces every such widow approach AFT and SC. Amendment to the Pension Regulations/ issue of a Policy Letter on the subject giving effect to Judgment of SC will wipe the tears of a few thousand hapless widows.

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7. **Item No V -** Reservist Pension. During World War II and till late 60s Enrolment was done for 9 years of Colour Service and 6 years of reserve. In 1973 it was decided to discharge Personnel without reserve liability and hence deprive them of Pension. A few thousand of those Persons or their widows in the sunset years of 80s are living in penury. Grant of entitled Pension and OROP will give them security and much deserved dignity.

8. **Item No VI - Notional Benefit of MACP for 2006 Retirees**. The OR of Army are given the benefit of MACP(Modified Assured Career Progression) from 1st January 2006. Pre 2006 retirees are deprived the benefit of this welfare measure which affects not only them but also their widows. The scheme may be made applicable to Pre 2006 retirees also.

9. **Item No VII -** NFFU for All or None. The Civilian Officers of Group A services have been granted NFFU (Non Functional Financial Upgrades) which makes every Group A officer retire with a Pension of Joint Secretary to Government of India. Seventh CPC has recommended its abolition but the Government did not accept it. There is no legal or logical reason to deny NFFU to Commissioned Officers and hence Government should grant NFFU for Officers and give notional benefit to retired officers.

10. **Item No VII – Build ECHS Wings in Service Hospitals**. ECHS is being run on CGHS concept of referrals to Corporate Hospitals which results in higher expenditure out of limited funds in the scheme to benefit owners of Hospitals. Building ECHS Wings in Service Hospitals and employing the ex AMC personnel will provide quality Medicare to ESM at affordable cost. Referrals can continue at Non Military Stations.

11. **Item No IX - Avoidable Litigation by Appeals on Judgments of AFTs**. ESMs who win their cases in AFT have to brace up for another expensive fight in Supreme Court as almost all Judgments are appealed in a mechanical manner without application of mind. This may be avoided.

12. **Item No X - Crippled AFTs**. Many Regional Benches of AFTs and Circuit Benches are not functional and/or lack of funds. Thus Justice is delayed interminably for ESM and as we all know Justice delayed is Justice denied. Due to statutory bar we cannot knock the doors of courts for justice. Hence all AFT Benches may be activated by filling vacant posts of Members and providing adequate Funds.