

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: Separate table No. 8 issued with OROP letter dated 20.01.2023 for post 01.01.2016 retired JCOs/ORs who were drawing Group X pay @ Rs. 6200/- after implementation of 7th CPC recommendation -reg.

This Department has been receiving several representations of pre-01.01.2016 retirees for making them eligible for revised Group X Pay of Rs. 6200/- which was granted to post-01.01.2016 retired PBORs in implementation 7th CPC recommendation.

2. As per recommendations of the 6th CPC, groups X and Y were given a common pay scale w.e.f. 01.01.2006, i.e. they are at the same notches in Pay Bands 1 and 2 and receive the same grade pay, with one distinguishing feature viz, 'X-pay' to those in Group X.

3. The 7th CPC vide para 6.2.88 of their Report have recommended:

(i) X Pay for JCOs/ORs in Group X at Rs. 6200/- PM for all X trades which involve obtaining a qualification which is equivalent of a diploma recognized by AICTE. This amount is the difference in the minimum of the Pay level 6 (corresponding to Grade Pay of Rs. 4200/- in VI CPC) and Pay level 5 (corresponding to Grade Pay of Rs. 2800/- in VI CPC).

(ii) X Pay for JCOs/ORs in Group X at Rs. 3600/- PM (standard fitment of 2.57 on the existing X pay of Rs. 1400), for those currently in X pay, but not having a technical qualification recognized by AICTE.

4. The above recommendation of the 7th CPC has been accepted by the Govt. and the X Pay of the X-Group personnel were revised accordingly, w.e.f. 01.01.2016. **The recommendations of the 7th CPC are applicable to those personnel who were in service on or after 01.01.2016 and drawing pay in the revised pay scales applicable w.e.f. 01.01.2016. The recommendations of the 7th CPC are not applicable to those who have already retired from service before 01.01.2016.**

5. Hence, there are two rates of X Pay w.e.f. 01.01.2016 for X-Group Personnel and they are eligible for pension as per reckonable emoluments drawn by them at the time of retirement from service. Reckonable emoluments towards pensionary benefits includes Pay in Pay matrix, Military Service Pay and X-Group Pay & Classification Allowance, if any, drawn by the JCOs/ORs. **Accordingly, the JCOs/ORs who have drawn the X Pay of Rs. 6200/- during their service are eligible for benefits of the higher rate of X-Pay in pension also. Other are eligible for lower rate of X-Pay.**

6. In the OROP revision w.e.f. 01.07.2019, the pension of all the Defence Forces pensioners/family pensioners has been re-fixed on the basis of the average of minimum and maximum pension of Defence Forces personnel retired in calendar year 2018 in the same rank with the same length of service. The scheme of two different rate of X Pay has been made operational from 01.01.2016 and the same can be applied prospectively. Hence, separates tables have been prepared for pre-01.01.2016 retirees and post-01.01.2016 retirees. Pension Table No. 7 applicable for the personnel who retired before 01.01.2016 and table No. 8 has been prepared for those who have drawn the higher rate of X Pay i.e. Rs. 6200/- w.e.f. 01.01.2016.

7. It may also be pointed out that Hon'ble Supreme Court in its order dated 16.03.2022 in WP(C) No. 419/2016 has observed that *"It is not a legal mandate that the pensioners who held the same rank must be given the same amount of pension. The varying benefits that may be applicable to certain personnel which would also impact the pension payable need not be equalised with rest of the personnel."* Hon'ble Supreme Court has also observed that the benefit of new element in a pensionary scheme can be prospectively applied.

8. Further, Indian Ex-Servicemen Movement had filed MA No. 499/2023 in WP(C) No. 419/2016 for seeking intervention of Hon'ble Supreme Court in the matter. Hon'ble Court on 17.04.2023 has found the said MA misconceived and dismissed it accordingly in view of Hon'ble Supreme Court Judgement dated 16.03.2023.

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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