

ITEM NO.17

COURT NO.1

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Miscellaneous Application No.219/2023 in W.P.(C) No.419/2016

(Arising out of impugned final judgment and order dated 16-03-2022 in W.P.(C) No.419/2016 passed by the Supreme Court of India)

**INDIAN EX SERVICEMEN MOVEMENT (AN ALL INDIA
FEDERATION OF MILITARY VETERANS ORGANISATION
REPRESENTED BY ITS GENERAL SECRETARY)**

Petitioner(s)

VERSUS

**UNION OF INDIA DEPARTMENT OF EXSERVICEMEN
WELFARE MINISTRY OF DEFENCE SECRETARY**

Respondent(s)

(With IA No.23946/2023-CLARIFICATION/DIRECTION)

Date : 27-02-2023 This petition was called on for hearing today.

CORAM :

**HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE J.B. PARDIWALA**

For Petitioner(s) Mr. Huzefa Ahmed, Sr. Adv.
Mr. Balaji Srinivasan, AOR
Ms. Garima Jain, Adv.
Mr. Arunava Mukherjee, Adv.
Mr. Shiva Krishnamurti, Adv.
Mrs. Lakshmi Rao, Adv.

For Respondent(s) Mr. N Venkataraman, ASG
Mr. Ankur Talwar, Adv.
Mr. Rajan Kumar Chourasia, Adv.
Mr. Chinmayee Chandra, Adv.
Mr. Akshay Amritanshu, Adv.
Mr. Rajat Nair, Adv.
Mr. Apoorva Kurup, Adv.

Ms. Priyanka Das, Adv.
Mr. Shyam Gopal, Adv.
Mr. Anandh Venkataramani, Adv.
Mrs. Vijayalakshmi Venkataramani, Adv.
Mr. Vinayak Mehrotra, Adv.
Ms. Mansi Sood, Adv.
Mr. Chitvan Sigal, Adv.
Ms. Sonali Jain, Adv.
Mr. Abhishek Kumar Pandey, Adv.
Mr. Raman Yadav, Adv.
Ms. Sneha Kalita, Adv.
Mr. Arvind Kumar Sharma, AOR

Mr. Mukesh Kumar Maroria, AOR

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 By the judgment of this Court dated 16 March 2022, the arrears in pursuance of the One Rank One Pension (OROP) scheme were directed to be paid within a period of three months to all pensioners. Paragraph 51 of the judgment of this Court dated 16 March 2022, is extracted below:

“We accordingly order and direct that in terms of the communication dated 7 November 2015, a re-fixation exercise shall be carried out from 1 July 2019, upon the expiry of five years. Arrears payable to all eligible pensioners of the armed forces shall be computed and paid over accordingly within a period of three months.”

- 2 The period of three months expired on 16 June 2022.
- 3 On an application filed by the Union Ministry of Defence, a further extension of time of three months was granted by an order dated 16 September 2022.
- 4 By an order dated 9 January 2023, a further extension of three months has been granted.
- 5 In the meantime, a communication has been issued by the Department of

Ex-Servicemen Welfare in the Union Ministry of Defence on 20 January 2023.
Paragraph 6 of the communication states as follows:

“6. Arrears on account of revision of pension from 01.07.2019 till date of its implementation shall be paid by the Pension Disbursing Agencies in four half yearly installments. However, all the family pensioners including those in receipt of Special/Liberalized family pension and all Gallantry award winners shall be paid arrears in one installment.”

- 6 Paragraph 6 above, which seeks to defer implementation in four half yearly installments is contrary to the order of this Court by which time has been extended until 15 March 2023 to pay the entire arrears. The submission of Mr N Venkataraman, Additional Solicitor General is that arrears due to family pensioners and gallantry award winners will be disbursed by 31 March 2023. This would not fulfill the requirement of the above orders of this Court.
- 7 We direct the concerned Secretary in the Union Ministry of Defence entrusted with the duty of overseeing the Department of Ex-Servicemen Welfare to file a personal affidavit explaining the circumstances in which such a unilateral decision to extend time for payment was made in-spite of the clear directions of this Court.
- 8 We are issuing these directions in order to furnish an opportunity to the Union Government to comply with the binding directions of this Court contained in the order dated 9 January 2023.
- 9 List the Miscellaneous Application on 13 March 2023.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Assistant Registrar