**Sample of Representation letter to Secretary, Ministry of Defence**

**REPRESENTATION TO SECRETARY, MINISTRY OF DEFENCE (ESW)**

**By Registered Post with Acknowledgment Due**

From:

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To:

The Secretary to the Government of India
Ministry of Defence (ESW)
Government of India
South Block
DHQ PO
New Delhi – 110011

**INCORRECT FIXATION OF PENSION AS PER NOTIONAL PAY METHOD W.E.F JAN 2016 OF PRE- 2013 ARMED FORCES PENSIONERS**

Respected Sir,

Reference:  Government of India, Ministry of Defence (ESW) letter No: 17(01)/2017/(02)ID(Pension/Policy) dated 05 Sep 2017

1.       I am a retired Army Officer who put in 32 years unblemished service and super annuated on 31 Mar 2004 on attaining age of 56 years. I am getting pension till Dec 2015 as per OROP vide Circular 555 of PCDA (Pensions) Allahabad. My PPO No is **M/004251/2003**.The Government of India vide their letter cited at reference have fixed my pension by Notional pay method from the date of my retirement on 31 Mar 2004.

2.       I wish to bring to your kind notice that once OROP was sanctioned to me, my notional pay from date of my retirement i.e. Mar 2004 has lost relevance. Simply following the example and concordance tables for Pre – 2013 Central Government Civilian pensioners for fixing pension as per date of actual retirement does not hold water as they were **NOT** sanctioned OROP. OROP by definition means my pension is same as **average of pension of another Brigadier / Commodore / Air Commodore with 32 years of service who retired in calendar year 2013  irrespective of date of my retirement**. My Notional pay for fixation of pension should be w.e.f. Jul 2014 and not from Mar 2004 my actual date of retirement. My notional pay as in Jul 2014 in the rank of Brigadier with 32 years of service is explained as below:-

|  |  |
| --- | --- |
| **Description** | **Result** |
| Pay in pay band + Grade pay as in Jul 2014 due to OROP | Notional Pay for pension fixation w.e.f. Jan 2016 |
| Pension as per OROP | 0.50 x (Pay in Pay band + Grade pay + MSP as in Jul 2014)  |
| Pension of Rs 37280 in Jul 2014 vide Circular 555 of PCDA (Pensions) Allahabad | 0.50 x (Pay in Pay Band + Grade Pay) – MSP= 0.50 x (Pay in Pay Band + Grade Pay ) - 6000 |
| Notional Pay in Jul 2014 | 2 x (Pay in pay band + Grade Pay ) – 6000 |
| Pay in pay band + Grade Pay in Dec 2015 | 2 x (Pension in OROP) – 6000= Rs (2 x 37280) – 6000 = Rs 68,560 |
| Notional Pay in Jan 2016 due to 7th CPC | = Rs 68560 x 2.57 = Rs 1,76,199 |
| Notional Pay closest for Brigadier in Level 13 A in the Defence Pay Matrix with IOR of 2.67 as given in Min of Def (ESW) Resolution No: 1(6) / 2016 / D(Pay / Services) dated 22 Jun 2017 | Rs 1,76,900 |
| Notional Last Drawn Pay for pension | = Rs 176900 + MSP of Rs 15500= Rs 1,92,400 |
| Pension w.e.f. Jan 2016 by Notional Pay Method of Pension fixation | = 0.50 x 192400= Rs 96,200 |
| Pension by 2.57 Method | OROP pension x 2.57= Rs 37280 x 2.57= Rs 95,810 |
| Gain by Notional Pay Method | Rs 96200 – 95810= Rs 390 per month + DR |

3.       I humbly reiterate the method of pension fixation by notional pay method vide your letter cited at reference is applicable to Central Govt civilian employees. It cannot be applied to Defence Services pensioners like I, as I have been given OROP w.e.f Jul 2014. Therefore Govt of India mercifully brought all pre – 2013 pensioners like me to the level of 2013 irrespective of our date of retirement. In fact I have been paid arrears w.e.f. Jul 2014 as now I am deemed to have retired notionally in the calendar year 2013. That is why my pension which was Rs 29145 in Jul 2014 has gone upto Rs 37,280. Therefore I earnestly request you, Sir, to kindly review your letter cited at reference and fix my pension by Notional pay method taking my notional pay as in calendar year 2013 due to OROP and remit my arrears @ Rs 390  + DR per month from Jan 2016 as it is more beneficial to me than 2.57 method of pension fixation.

4.       If my pension is not fixed the way I explained then you have two classes of Brigadiers. Those who actually retired prior to calendar year 2013 will draw less pension and Brigadiers who retired on or after 2013 will draw higher pension by Notional Pay method of pension fixation. This violates Art 14 of the Constitution as explained by Hon’ble Supreme Court in the Maj Gen SPS Vains Vs Union of India in 2008.

5.       May I, Sir, request you to kindly respond to my genuine grievance with your decision by 30 working days. In case you do not consider and repeal your letter cited at reference, I am forced to presume that you are not granting me pension as per Notional pay method due to OROP but want to fix my pension as was done for Central Government Civilians which is unlawful, arbitrary and discriminatory. I am constrained to say, you will leave me with no option but to approach Hon’ble AFT to seek justice.

          With profound regards,

                                                              Yours Faithfully,

                                                      (Brig CS Vidyasagar, Retd)