

SC BACKS CENTRE'S OROP SCHEME

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

The Supreme Court on Wednesday upheld the Centre's one rank, one pension (OROP) scheme for the armed forces.

A Bench led by Justice D.Y. Chandrachud held, "We find no constitutional infirmity in the OROP principle as defined in the government's communication of November 7, 2015, on the implementation of the pension scheme."

The OROP scheme stipulated that benefits would be effective for pensioners from the cut-off date of July 1, 2014. Pensions of past pensioners would be refixed on the basis of pensions of retirees in the calendar year 2013. The Centre, represented by Additional Solicitor-General N. Venkatraman, had promised that pensions of "all pensioners would be protected." Finally, the scheme mandated the re-fixation of pension every five years.

The judgment dealt with a petition filed by the Indian Ex-Servicemen Movement, represented by senior advocate Huzefa Ahmadi and advocate Balaji Srinivasan, complaining that pensioners of the same rank, who were a "homogeneous class", were arbitrarily being given varying pensions under the OROP scheme.

The amount of pension, they argued, should be uniform across armed forces personnel who retired with the same rank. They contended that the OROP had created a separate class among the personnel equally situated in rank and length of service. However, the court did not accept the argument.

"Varying pensions payable to officers of the same rank, retiring before or after July 1, 2014, either due to Modified Assured Career Progression (MACP) or different base salaries used for the calculation of pension, cannot be held arbitrary," Justice Chandrachud, who authored the judgment, held.

Explaining the principle governing pensions and the cut-off date under the OROP, the court summarised that "all pensioners who hold the same rank may not, for all purposes, form a homogeneous class".

The court summarised that it was "not a legal mandate that pensioners who hold the same rank must be given the same amount of pension".

The court also did not accept the petitioner's argument that re-fixation of pension after a gap of five years would leave them at a great disadvantage. The petitioner had contended that such periodic equalisation would "cause great injustice to 24 lakh ex-servicemen, 6.5 lakh war widows and veteran widows and their families by creating a situation of 'one rank, different pension'".

The court went on to direct the Centre to conduct the "re-fixation exercise" from July 1, 2019 — the date on which the first five-year period from 2014, expired. The Bench said there was limited scope for judicial review of government policy.

END

Downloaded from crackIAS.com

© **Zuccess App** by crackIAS.com

CrackIAS.com