

SPECIAL PENSION IAW HON'BLE SUPREME COURT ORDER
DATED 27 OCT 2016 AND 27 SEP 2018
COMMON REPLY TO SIMILAR QUERIES
(BUNCH QUERY NO: LOT 66267)

1. **Definition.** Bunch Queries are hereby defined as those written grievances/ queries submitted to NAVPEN which have been created by merely copying the text (verbatim) of the first of such grievance letters (by any ex- sailor/ family pension claimant) under their individual name. Since, such letters are submitted/ forwarded in large numbers, replying each claimant individually would result in increase of infructuous work load on the unit. Hence, it has been decided that such common replies to the common-text grievances/ queries would be disseminated through NAVPEN website ((<http://indiannavy.nic.in/navpen>)). Further, such bunch-queries would be referred to as 'LOT' and would be referenced by suffixing the service no. of the ex-sailor/ family claimant forwarding the first of such similar grievance/ query letters in that series.

2. **Explanation.** In order to ensure wider and faster dissemination of Navy's common reply to such pension claimants who have forwarded grievance letters by copying the same text as that of original representer of the grievance, a methodology of putting up common replies on NAVPEN website has been implemented. The complainants may take a print-out of the replies published herein and may quote them in their future references, if any. By uploading this message, the queries of claimants whose list is also produced attached below (para 4) stands replied for all purposes. **Hence, no individual reply letter would be forwarded to these complainants by post.**

3. **Accordingly, the queries raised vide Bunch Query reference - "LOT 66267" are hereby replied as below: -**

Query/Point No.1 More than 3500 ex-sailors of Indian Navy have been denied Special Pension because they are non-pensioners.

Reply to Query No.1 The statement made herein is very generic without any substantiated basis and context.

Query/Point No.2 The list of more than 3500 ex-sailors was uploaded by Navy on their website as "ineligible for pension".

Reply to Query No.2 The statement made herein is factually incorrect. NAVPEN has never uploaded any list of ex-sailors comprising of names of 3500 ex-sailors who have been found "Ineligible for Special Pension". In fact, as on 01 Jan 2020, a list of "Ineligible claimants" constitutes of only 801 ex- sailors. The list also mentions the reasons of ineligibility of respective ex-sailors towards award of Special Pension within the operability limits as defined by Hon'ble Supreme Court Orders dated 27 Oct 16 and 27 Sep 18 (in CA (C) No. 1860/2017 and 924/2018 and MA No. 1067/2018)

Query/Points No.3 The court has not mentioned anywhere that this order does not apply to pre 03 Jul 1976 discharged sailors.

Reply to Query No. 3 The statement made herein is an Incorrect Interpretation of the Orders of Hon'ble Supreme Court dated 27 Oct 16 and 27 Sep 18. It is to intimate that Navpen/Navy has been directed by Hon'ble Supreme Court vide its order dated 27 Oct 16 and 27 Sep 18 (in CA (C) No. 1860/2017 and 924/2018 and MA No. 1067/2018) and by Government of India/ MoD vide its letter No. 4(10)2017-D(Pen/Legal) dated 22 Oct 18 to process the cases for award of Special Pension under section 95 of Navy (Pension) Regulations, 1964 (NPR 1964). Further, the Court as per Para 25 of the order dated 27 Sep 18 has clearly and explicitly listed following conditions as requisites for processing the cases for award of Special Pension: -

- (a) Sailors who have served for a minimum Qualifying Service (QS) period of 10 years.
- (b) Sailors should have been appointed prior to 03rd Jul 1976.
- (c) Sailor whose tenure of initial active service/ Term of Engagement period expired on or after 03rd Jul 1976 may be eligible for Special Pension under Regulation 95, if fulfilling other conditions.

Query/Point No.4 Despite clear Orders of Supreme Court under Article 142 of Constitution of India, what prompted you to omit my name from 'Eligible' and put in the 'Ineligible' list?

Reply to Query No.4 The statement herein, incorrectly tries to invoke Article 142 of Constitution in justification to their contention, whereas, the said Article 142 of the Constitution is meant to only empower the Supreme Court to pass such "decree or order as may be necessary for doing complete justice between the parties", which means that the Article 142 merely gives the power to Hon'ble Supreme Court to enforce implementation of Orders **and does not change the contours and technicality of the issue in context**. Hence, quoting Article 142 of Constitution in support of current interpretation of the whole issue by the aggrieved claimant is Incorrect.

4. The list of Pension Claimants whose letters/ queries stands replied by publishing of this message is given below: - <Click here to see list>

**LIST OF EX-SAILORS WHOSE GRIEVANCE LETTERS
UNDER BUNCH QUERY NO: LOT 66267 STANDS REPLIED DATED 10 JAN 2020**

<u>Ser</u>	<u>Service No</u>	<u>Query letter received on</u>
(1)	66267	26 Dec 19
(2)	82389	26 Dec 19
(3)	83185	26 Dec 19
(4)	88970	26 Dec 19
(5)	69060	26 Dec 19
(6)	69838	26 Dec 19
(7)	83171	26 Dec 19
(8)	81525	26 Dec 19
(9)	69206	26 Dec 19
(10)	69306	26 Dec 19
(11)	69085	30 Dec 19
(12)	87103	07 Jan 20
(13)	80305	07 Jan 20
(14)	82845	07 Jan 20
(15)	69004	07 Jan 20
(16)	88620	07 Jan 20