



RAJEEV CHANDRASEKHAR
MEMBER OF PARLIAMENT
RAJYA SABHA

Member of Standing Committee on Defence
Member of Consultative Committee on Defence
Member of Central Advisory Committee for the National Cadet Corps
Co-Chairman, Vigilance & Monitoring Committee, Bangalore Urban District
Vice Chairman, National Military Memorial Management Trust, Bangalore

07 April, 2016

Dear Raksha Mantri Ji,

Sub: Instructions on Filing of Appeals in Disability Pension Cases

I write to you further to my meeting and discussion with you on recent media reports on the issue of fresh instructions by the Ministry of Defence and the Army Headquarters to Government lawyers to start filing appeals in the Supreme Court, against pension granted to disabled soldiers by the Armed Forces Tribunals and the High Courts.

This has come within weeks of you yourself having expressed concern over the routine filing of appeals in the Supreme Court in February 2016 and issuing guidelines to process the proposals by the Defence services headquarters on whether to file an appeal or not.

While there may be isolated instances of misrepresentation or fraud that may require filing appeals against, these can be picked out by audits. However, I urge you to put in place adequate safeguards so that there is no denial of disability benefits by incorrectly branding in-service disabilities as "neither attributable, nor aggravated by service" (NANA) and to have a more compassionate approach to dealing with each case of disability and pension claims so that soldiers with genuine cases are not inconvenienced.



It is pertinent to recollect that both you and the Hon'ble Prime Minister have openly called for reduction in litigation by the Government against defence personnel and this had also found place in the BJP Manifesto 2014 (Page 39) – *"Implement measures to improve the efficiency of Armed Forces Tribunals, and minimize appeals by the Government."*

I, therefore, request you to revisit the instructions and take corrective action so that the soldiers and their families should not have to undergo a long, arduous and often expensive battle in the courts.

Sincerely,

RAJEEV CHANDRASEKHAR

Shri Manohar Parrikar
Hon'ble Minister of Defence
Government of India
New Delhi



रक्षा मंत्री
भारत
MINISTER OF DEFENCE
INDIA

D.O. No. 2209/VIP/RM/2016

13th April, 2016

Dear Shri Rajeev Ji,

I acknowledge the receipt of your letter dated 7th April 2016 regarding filing of appeals in disability pension cases of ex-servicemen by the Government.

I am having the matter looked into.

With regards,

Yours sincerely,

(Manohar Parrikar)

Shri Rajeev Chandrasekhar
Member of Parliament (RS)
211, North Avenue
New Delhi – 110001.



सत्यमेव जयते

रक्षा मंत्री
भारत
MINISTER OF DEFENCE
INDIA

DO.No. 2(5)/2016-D(Pen/Legal)/576-F/RM/17

8th February, 2017

Dear Shri Rajeev Chandrasekhar,

Please refer to your letter dated 07th April, 2016 regarding instructions on filing of Appeals in Disability Pension cases.

I have got the matter examined. I have been informed that the proposal for implementing the Armed Forces Tribunal's order in 'neither attributable to nor aggravated by military service' cases is under consultation with Department of Expenditure, Ministry of Finance.

As regards the filing of Appeals in the Supreme Court, this Department is consistently making efforts to keep the litigation against Ex-servicemen to the minimum. However, wherever the situation warrants, the Ministry may file appeals.

I hope you will appreciate the position.

With regards,

Yours sincerely,

(Manohar Parrikar)

Shri Rajeev Chandrasekhar
Member of Parliament (RS)
211, North Avenue
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