



सत्यमेव जयते

**RAJEEV CHANDRASEKHAR**  
**MEMBER OF PARLIAMENT**  
**RAJYA SABHA**

Member of Standing Committee on Defence  
Member of Consultative Committee on Finance  
Member of Central Advisory Committee for the National Cadet Corps  
Co-Chairman, District Development Coordination & Monitoring Committee, Bengaluru Urban District

05 July 2017

Dear Arun Ji,

**Sub: Pending appeals against orders of disability pension/benefits and implementation of Committee of Experts Report on reducing litigation and grievance redressal**

I write regarding the Government's order dated 29 June 2017 on implementation of orders of Hon'ble Courts/AFT's in Neither Attributable to Nor Aggravated (NANA) by service cases. It is indeed a welcome move and a landmark step that will benefit thousands of our soldiers who have suffered disability died because of a disability while in service.

Despite a settled legal position and orders/directions from the Hon'ble Supreme Court, various High Courts and Armed Forces Tribunals, our soldiers have had to fight for their disability pension/benefits and endure expensive and long legal battles due to appeals filed against them on the basis of discriminatory orders issued by the Department of Ex-Servicemen Welfare (DESW) time and again.

You may recall the DESW Memo of 02 January 2014, that stated the department would appeal automatically in six categories of disability since reference to legal opinion was time consuming and involved a lot of paperwork and also that ex-servicemen who take the Ministry of Defence to court for disability and pension benefits would have to fight their cases all the way up to the Supreme Court. I had taken up the matter strongly with then Hon'ble Raksha Mantri Shri A. K Antony and after my interventions, the Minister withdrew the instructions. (Letters attached)

In January 2015, the then Hon'ble Raksha Mantri and your predecessor Shri. Manohar Parrikar had decided not to pursue nearly 4,000 disability pension cases pending against the Ministry of Defence in courts, a move to benefit thousands of soldiers waging a long legal battle. However, despite this, in April 2016 new instructions were issued by the DESW to again automatically file appeals in all cases pertaining to disability pensions and benefits. I had then urged the Raksha Mantri to put in place a system of audits to ensure genuine cases of disabled soldiers and their families do not suffer long painful legal battles also. (Letter attached).



From time to time, such new instructions have added to the stress and strain on the already burdened soldiers and veterans forced to fight expensive and long legal battles in court for their disability pensions and benefits. Prime Minister Narendra Modi has on many occasions expressed the need to minimise litigation, stop frivolous appeals and to strengthen the Armed Forces Tribunals and this had led to the constitution of the Raksha Mantri's Committee of Experts for reduction of litigation in the Ministry of Defence and strengthening of mechanisms of redressal of grievances in July 2015. The Committee of Experts submitted its report in November 2015 with 75 recommendations and despite the then Raksha Mantri giving his go ahead for implementing the recommendations in August 2016, there has been no action taken on its implementation till date.

Therefore, following the latest order that will provide relief to thousands of our disabled soldiers, I urge you to also:

- a) Implement the recommendations made in the Expert Committee's report on Reduction of Litigation and Grievance Redressal
- b) Look at withdrawing pending appeals in disability pension and benefits cases.
- c) Ensure that the order of 29 June 2017 is made absolute and that no order contradictory in nature and spirit on the matter is issued in future.

Sincerely,

RAJEEV CHANDRASEKHAR

**Shri Arun Jaitley**

Hon'ble Minister of Defence  
Government of India

Enclosed:

- I. Letter to Hon'ble Minister of Defence Shri A K Antony dated 18 January 2014
- II. Letter to Hon'ble Defence Shri A K Antony dated 28 January 2014
- III. Response from Hon'ble Defence Minister Shri A K Antony dated 08 February 2014
- IV. Letter to Hon'ble Defence Minister Shri Manohar Parrikar dated 07 April 2016