

ADDITIONAL QUANTUM OF PENSION/ FAMILY PENSION

Naval Pension Office, Mumbai (NAVPEN) is in receipt of numerous representations/queries/clarification from veterans for grant of Additional Pension, as is provisioned on attaining the respective age of 80 years and above. The issue of additional quantum of pension has gained prominence due to various judicial pronouncements by the Hon'ble High Courts and lately by Hon'ble Armed Forces Tribunal (AFT).

Clarification on Payment of Additional Quantum of Pension/ Family Pension.

1. The abovementioned issue has been scrutinised at NAVPEN and present position / clarification on the issue are mentioned *ad-seriatim*:

(a) **Statutory Rule Position.** In addition to pension and Family Pension, the old age pensioners/ family pensioners are also entitled for additional pension/ family pension. Additional quantum of pension/ family pension shall be payable to the retired Government servant/ family pensioner in the following manner:-

Age of Pensioner	Additional Quantum of Pension
80 years to less than 85 years	20% of Basic Pension
85 years to less than 90 years	30% of Basic Pension
90 years to less than 95 years	40% of Basic Pension
95 years to less than 100 years	50% of Basic Pension
100 years or more	100% of Basic Pension

Authority:- MoD letter No.1(1)/2009/D(Pen/Policy) dated 18 Aug 2009.

Note:- Additional Old age pension/ family pension available to pensioners of 80 years of age and above shall be applicable in the case of Disability/ War Injury Element/ Liberalised Disability Element of Disability/ Liberalised Disability/ War Injury Pension also. MoD letter No.17(01)/2017/(02)/D(Pension/Policy) dated 05 Sep 2017 is relevant.

(b) The additional quantum of pension shall be payable from **first day of the calendar month** in which it falls due.

Illustration: A pensioner born on 20th August shall be eligible for additional pension at the rate of twenty percent of the basic pension with effect from 1st August. A pensioner born on 1st August shall also be eligible for additional pension at the rate of twenty percent of the basic pension with effect from 1st August.

(c) **Judicial Pronouncements by High Courts and AFT.**

(i) The Hon'ble Guwahati High Court vide judgment dated **15 Mar 2018** passed in **WP(C) No.4224/2016** has held that the benefits of additional quantum of pension as per Section 17-B of the High Court Judges (Salaries and Conditions of Service) Act, 1954 in first slab would be available to retired judge from the first day of his 80th year.

(ii) **Special Leave Petition (Civil) Diary No.18133/2019** (*Arising out of impugned final judgment and order dated 15-03-2018 in WPC No. 4224/2016 passed by the Guwahati High Court*) was filed by Union of India before the Hon'ble Supreme Court. The Apex Court vide judgment dated **08 July 2019** had stipulated that '*heard learned counsel for the petitioners and on perusing the relevant material, we are not inclined to interfere*'. The Special Leave Petition was accordingly '**Dismissed**'.

(iii) Recently, the Hon'ble AFT (PB), New Delhi vide order dated **14 Jul 2022** passed in **OA 1102/2022** (*Sqn Ldr Yogesh Kumar Chaudhary vs UOI & Chief of Air Staff*) has also reiterated the view taken by the Hon'ble Guwahati High Court and granted additional quantum of pension to the applicant on the first day of 80th year.

2. It is pertinent to note that, all the judicial pronouncements mentioned above were passed ***in personam*** i.e. in respect of the applicants only. As on date, the benefits of additional quantum of pension as pronounced vide quoted judicial orders have not been extended across the board to all the pensioners / family pensioners.

3. Presently, there is no further directive from Competent Authority wrt date of extending the benefit of additional quantum of pension i.e. from the first day of 80th year.

4. Hence, as on date the benefit of additional quantum of pension is being granted by the Competent Authorities only on completion of 80/ 85/ 90/ 95/ 100 years of age.

**Team NAVPEN
The Veterans Anchor**

February, 2023