

Chapter-I GENERAL

Extent of Application

1. Unless otherwise provided, these Regulations shall apply to the personnel of the Army and all claims to pension, gratuity or allowance shall be regulated by the regulations in force at the time of an individual's retirement, release, resignation, discharge, death, etc. as the case may be.

Interpretation of Regulations

2. Any doubt or difference of opinion regarding interpretation of these regulations or any particular regulation shall be referred to the Central Government whose decision thereon shall be final. Cases not covered by the regulations but deemed worthy of special consideration may be submitted- to the Government through usual channels and the Accounts Officer concerned.

Definitions

2-A. Unless there be something repugnant in the subject of context, the terms defined in this chapter are used in the regulations in the sense here explained:

- | | |
|--|---|
| (1) Accounts Officer | Shall mean CCDA (Pensions), CDA (ORs) or CDA (Officers), as the case may be. |
| (2) Active List | Shall mean service in the Army whether on full pay or otherwise before retirement and shall not include recalled or re-employed service. |
| (3) Officers on the Active list | Shall mean Officers of the Army whether on full pay or otherwise before their retirement, and shall not include officers who have retired and are subsequently recalled to service or are re-employed. |
| (4) Pension | Shall include gratuity except when it is used in contradiction to term gratuity. |
| (5) Public claim | Shall be held to mean any public debt or disallowance including any over issue made through an error as to the facts, or a deficiency or irregular expenditure of public money or stores of which after due investigation, no explanation satisfactory to the President is given by the person who is responsible for the same. |
| (6) Qualifying colour service | Shall mean all service (including service as a non-combatant) which under any general or special orders qualifies for pension as a combatant |
| (7) Retired List | Shall mean period after an officer has retired from service and shall include recalled or re-employed service. |

Definitions as stipulated vide GOI No 1 (5)/87/D (Pensions/Services), Ministry of Defence, New Delhi dated 30/10/1987. The Para numbers detailed herewith are that of the letter referred above. Since this is ver-betim reproduction of the paras of above referred letter, AUTHORITY as such may be quoted.

3. Reckonable Emoluments:

3.1. The term 'Reckonable Emoluments' shall mean:

Category	Emoluments reckonable for	
	Retiring/Service Pension	All types of Gratuities and Family pension (ordinary, special and liberalised special) and war injury pension.
Officers	Average of the pay, Non-practicing allowance (NPA) and rank pay, if any, drawn by the officer during the last 10 months of his service.	Pay Plus NPA and rank pay, if any, last drawn by the officer.
Personnel below officer rank	Maximum pay of the pay scale including 50% of the highest classification pay, if any, of the rank held and group in which paid continuously for at least 10 months at the time of discharge.	Pay including classification pay, if any, last drawn by the individual.

Pay, Non-Practicing Allowance, Classification Pay and Rank Pay:

3.2. The terms 'pay', 'NPA', 'Classification Pay' and 'Rank Pay' referred to in Para 3.1 shall mean respectively the basic pay in the revised pay scales, Non-practicing allowance, Classification pay and the rank pay introduced with effect from 1-1-86, vide the following service Instructions

- (a) **For Service Officers**
 AI 1-S-87 dated 26-5-87, as amended
 NI 1-S-87 dated 11-6-87
 AFI 1-S-87 dated 26-5-87
- (b) **For Personnel- below officer rank**
 AI 3-S-86 dated 13-10-86 as amended
 AI 4-S-86 dated 13-10-86
 NI 1-S-86 dated 11-10-86
 AFI 1-S-86 dated 13-10-86

3.3. In the case of individuals who opt to continue to draw pay in the pre-revised scales beyond 31-12-85 and remain in that scale till retirement/invalidment/death in harness the term “pay” (referred to in Para 3.1) will comprise of the following

(a) **Officers:** Basic pay in the pre-revised scales and appropriate Non-practicing allowance, if any, plus dearness allowance, additional dearness allowance and adhoc dearness allowance admissible up to CPI 608 in terms of this Ministry’s letter No. 12 (1)/85/D (Pay/Services) Vol. II dated 28-2-1986 appropriate to the basic pay including NPA, if any) plus two instalments of interim relief at the rates in force on 31.-12-1985 appropriate to the said basic pay.

(b) **Personnel below officer rank [including NCs (E)] :** Basic pay in the pre-revised scales plus pre-revised rates of good service pay/badge pay/appointment pay/50% of the highest classification pay, appropriate to the pay group, if any, plus appropriate dearness allowance and additional dearness allowance admissible up to average CPI 608 in terms of this Ministry's letter No. 12 (1) 83/D (Pay/Services) Vol. II dated 28-2-1986 plus two instalments of interim relief at the rates in force on 31-12-1985, and also the Home saving element. For calculation of gratuity and family pension, classification pay actually drawn will be included in computing reckonable emoluments.

Notes-(1) Where an officer immediately before his/her retirement or death while in service had been absent from duty on leave (including furlough leave) for which leave salary is/was payable or having been suspended had been re-instated without forfeiture of service, the emoluments which he/she would have drawn had he/she not been absent from duty or not been suspended shall reckon for pensionary benefits.

Provided that any increase in pay (other than the increment referred to in Note 4 below) which is/was not actually drawn shall not form part of emoluments.

(2) Where an officer immediately before his/her retirement or death while in service had proceeded on leave for which leave salary is payable, after having held a higher paid acting rank, the emoluments drawn in such paid acting rank shall reckon for pensionary benefits only if it is certified that he/she would have continued to hold the paid acting rank but for his/her proceeding on leave.

(3) Where an officer immediately before his/her retirement or death while in service had been under suspension, or absent from duty the period whereof does not count as service, the emoluments which he/she drew immediately before such absence from duty or being placed under suspension, shall reckon for pensionary benefits.

(4) Where an officer immediately before his/her retirement or death while in service, was on annual leave, or furlough leave and earned an increment which was not withheld, such increment, though not actually drawn, shall form part of emoluments reckonable for pensionary benefits.

Provided that the increment was earned during the currency of such leave not exceeding 120 days or during the first 120 days of the leave where such leave was for more than 120 days

(5) Where an officer is serving in an organisation other than the Armed Forces, the actual pay and allowances drawn during such service shall not be treated as emoluments, but the basic pay (plus NPA and the rank pay, if any) which he/she would have drawn in the Armed Forces, had he/she not been on such service shall alone be treated as emoluments reckonable for pensionary benefits.

4. Average Emoluments:

4.1. Average Emoluments in the case of officers shall be determined with reference to the emoluments drawn by him during the last 10 months of his service.

4.2 In the case of officers who have opted for the revised scale of pay and have retired within 10 months of coming over to the revised pay scale, the "average pay" for 10 months period preceding retirement shall be calculated b taking into account a as follows :-

(a)	For the period during which pay was drawn in the pre- revised scales.	Basic pay and NPA, if any, plus actual DA/ADA/Adhoc DA and interim relief appropriate to the basic pay (including NPA, if any) at the rates in force on 31-12-1985, drawn during the relevant period and
(b)	For the period during which pay is drawn in the revised scales	Basic pay in the revised scale plus NPA and rank pay, if any.

Notes :-(1) If during the last, 10 months of his/her service an officer had been absent from duty on leave for which leave salary is payable or having been suspended, had been re-instated without forfeiture of service, the emoluments which he/she would have drawn had he/she not been absent from duty or suspended, shall be taken into account for determining the average emoluments.

Provided that any increase in pay (other than the increment referred to in Note 3) which is not actually drawn shall not form part of his emoluments.

(2) If during the last 10 months of the service, an officer had been absent from duty or had been under suspension the period whereof does not count as service, the aforesaid period of absence from duty or suspension, shall be disregarded in the calculation of the average emoluments and equal period before the 10 months shall be included.

(3) In the case of an officer who was on annual leave or furlough leave during the last 10 months of his service and earned an increment, which was not withheld,

such increment though not actually drawn, shall be included in the average emoluments.

Provided that the increment was earned during the currency of such leave not exceeding 120 days or during the first 120 days of leave where such leave was for more than 120 days

5. Qualifying Service:

(a) The term 'Qualifying Service' (QS) shall mean-

Category	Qualifying service reckonable for			
	Pension	Death-Cum-Retirement Gratuity		Retiring/Service/Invalid/Terminal Gratuity
		Retirement Gratuity	Death Gratuity	
Officers	Actual qualifying service rendered by the officer plus a weightage (in years) appropriate to the rank last held as indicated in(b) below subject to the total qualifying service including weightage not exceeding 33 years. Actual qualifying service rendered by the individual of 5 years subject to the total qualifying service including weightage not exceeding 33 years.	Actual qualifying service plus a Weightage of 5 years subject to the total qualifying service including weightage not exceeding 33 years.	Actual qualifying service rendered plus a weightage of 5 years subject to total qualifying service not exceeding 33 years. In case actual service is less than 5 years no weightage shall be given.	Actual qualifying service rendered.
Personnel below officer rank(including plus a weightage NCs (E) and Honorary Commissioned Officers		Same as above	Same as above	Same as above

(b) Weightage for the purpose of calculation of pension of Commissioned Officers will be as given below: -

(i) Service Officers (other than MNS)

Rank			Weightage in years
ARMY	NAVY	AIR FORCE	
Subaltern	Sub. Lt.	Plt. /Flg Offr.	9
Captain	Lt.	Fit. Lt.	9
Major	Lt. Cdr.	Sqn. Ldr.	8
Lt. Col (TS)	Cdr. (TS)	Wg. Cdr, (TS)	5
Lt. Col (S)	Cdr. (S)	Wg. Cdr. (S)	7
Col.	Captain (With less than 3 years 10 months service)	Gp. Capt.	
Brig.	Capt. (With 3 years 10 months service & more)	Air Crude.	5
Maj. Gen.	Rear Admiral	AVM	3
Lt. Gen,	Vice Admiral	Air Marshal	3
Lt. Gen./ (Army Commander)/ VCOAS	Vice Admiral,/ (FOs-in- C)/VCNS	Air Marshal/ AOs-in-C)/ VCAS	3
COAS	CNS	CAS	3

(ii) MNS Officers:

Rank			Weightage in years
Captain			7
Major			6
Lt. Col.			5
Col.			5
Brig.			5
Maj. Gen.			3

Notes: (1) There will be no weightage for officers and personnel below officer rank who retire prematurely for permanent absorption in public sector undertakings and autonomous bodies.

(2) There will be no weightage for officers and personnel below officer rank of the Territorial Army.

(3) The above weightage shall not be reckoned for-determining the minimum qualifying service specified for admissibility of Retiring/Service pension i.e. 20 years for service officers (15 years for late entrants), 15 years for personnel below officer rank and 20 years for NCs (E).

(4) Full pre-commissioned service rendered under the Central Government whether in a civil Department or in the Armed Forces, shall be taken into account for working out the qualifying service for earning pensionary benefits subject to fulfillment of other conditions. This will also be counted- for determining the minimum qualifying service indicated in Note 3 above for earning Retiring/Service pension.

(5) In calculating the length of qualifying service, fraction of a year equal to three months and above but less than 6 months shall be treated as a completed one half year and reckoned as qualifying service.

[Definitions as stipulated vide M/D letter dated 30-10-87 ends]

Full Rate of Pension or Gratuity not invariably Admissible

3. Obsolete

[This Regulation previously stipulated that full rate of pension or gratuity shall not be granted unless the service rendered has been satisfactory. However the requirement of "Satisfactory Service Certificate" has been dispensed with vide M.D (Pension/Services) No. 1(5)/87/D dated 30\10\1987].

Reduction in Pension to be in whole Rupees

3-A The reduction in pension, if effected under any of these regulations, will be in whole rupees only so that the resultant pension may be paid in whole rupees even after effecting reduction.

Grant of Provisional Pension

3-B. (a) (i) A service personnel (including a Commissioned Officer) against whom any departmental or judicial proceedings are pending or instituted after retirement in respect of an event which took place not more than 4 years before such institution, may on his retirement on attaining the age of compulsory retirement or otherwise, be authorised a payment of provisional pension not exceeding the maximum pension which would have been admissible to him on the basis of qualifying service up to the date of retirement or if he was under suspension on the

date of retirement up to the date immediately preceding the date on which he was placed under suspension.

(ii) The provisional pension may be authorised during the period commencing from the date of retirement up to and including the date on which, upon conclusion of the departmental or judicial proceedings, final orders are passed by the competent authority.

(iii) No gratuity (including retirement gratuity) shall be authorised until the conclusion of such proceedings and issue of final orders thereon.

(iv) No commutation of the provisional pension shall be permitted.

(b) Payment of provisional pension as mentioned in sub-clause (a) (i) above shall be adjusted against the final retirement benefits that may be sanctioned to such service personnel upon conclusion of such proceedings but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or where final pension is reduced or withheld either permanently or for a specified period.

[Grant of Pension is subject to future good conduct

*4. Future good conduct shall be an implied condition of every grant of a pension or allowance and its continuance under these Regulations.

Note for the Readers:-(1) The competent authority may, by order in writing, withhold or withdraw a pension or a part thereof, whether permanently or for a specified period, if the pensioner is convicted of a serious crime or is found guilty of grave misconduct.

Provided that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the amount of rupees three hundred and seventy five per month.

(2) Where a pensioner is convicted of a serious crime by a court of law, or is found guilty of grave misconduct, action under (1) above shall be taken in the light of the judgment of the court relating to such conviction.

(3) In cases falling under (2) above, as well as other cases where the competent authority consider that the pensioner is prima facie guilty of grave misconduct, the competent authority before passing an order under (1) above shall,

(a) serve upon the pensioner a notice specifying the action proposed to be taken against him and the ground on which it is proposed to be taken against him and calling upon him to submit, within fifteen days of the receipt of the notice or such further time not exceeding fifteen days as may be allowed by the competent authority, such representation as he may wish to make against the proposal, and

(b) Take into account consideration of the representation, if any, submitted by the pensioner under clause (a).

(4) An appeal against an order under (1) above, passed by any authority other than the President, shall lie to the President and the President shall pass such orders on the appeal as he deems fit.

EXPLANATION: (a) the expression `serious crime' or offence means a crime or an offence under the Indian Penal Code or Official Secrets Act or any other law for the time being in force in the country for which the maximum punishment prescribed under the law is imprisonment for a period of three years or more with or without a fine. [M/D No. 12(17)/ 86/D(Pen/Ser) dated 29/8/88]

(b) the expression `grave misconduct' includes the communication or disclosure of any secret official code or password or any sketch, plan, model, article, note, document or information, such as mentioned in section 5 of the Official Secrets Act 1923 (19 of 1923) (which was obtained while holding office under the Government) so as to prejudicially affect the interest of the general public or the security of the State.

(c) The term "Pension" shall mean any type of pension admissible under these rules.]

* **Note for Readers-**Pensions are not in the nature of reward but there is a binding obligation on Government which can be claimed as right. Their forfeiture is only on resignation, removal or dismissal from service. After a pension is sanctioned its continuance depends on future good conduct vide Regulations 4 of PRI but it can not be stopped or reduced for other reasons

[Auth: G1, ME UO No D-2776/E. V/52, Dated the 8th May, 1959].

Pension may be withheld, suspended or discontinued or paid to wife, or other dependants

5. (a) In special circumstances specified hereunder, the competent authority may withhold, suspend or discontinue in full or in part the pension (including commuted value thereof which has not been paid), children's allowance or gratuity (including Retirement Gratuity) to be granted or granted to an individual. In exceptional cases payment of part or whole of the pension, allowance or gratuity withheld or suspended may by order of the President, be made to the wife or other dependant (s) of the pensioner.

(b) This Regulation may be invoked under the following circumstances -

(i) Offences against the State as listed in Chapter VI of the Indian Penal Code, as amended from time to time.

(ii) Other serious crimes under I.P.C., Official Secrets Act or any other special Law of the Land and grave misconduct;

(iii) To recover the whole or part of any pecuniary loss caused to the Government in cases where in any departmental or judicial proceedings, the

pensioner/individual is found guilty of misconduct or negligence committed during the period of service including service rendered on re-employment after retirement/discharge, leading to the said losses;

(iv) Unauthorized continuing to occupy the residential accommodation including hired one provided by the Government;

(v) When a report is received after sanctioning the pension, that departmental or judicial proceedings (for the offences committed while in service or during the period of re-employment) are in progress against the individual;

(vi) When an individual obtains re-employment after retirement without obtaining prior permission of the competent authority as prescribed from time to time;

(vii) Any other circumstances considered special by the President)

(c) In applying the provisions of this Regulation the procedure laid down in Chapter IV-A of Part II of these Regulations shall be followed.

Explanation-The word pension as used in this Regulation means Retiring/service, disability, invalid or family pension, as the case may be.

Personnel in Civil Government Employment

6. (a) An individual loaned for civil Government employment irrespective of whether he is on civil or army rates of pay will be governed by the civil extra-ordinary pension rules for the purpose of an extra-ordinary pensionary award in respect of injuries received or death met during such employment. The benefits admissible for the purpose of similar awards under Army Regulations will be allowed in relaxation of the provisions of the civil extra.-ordinary pension rules, if these benefits are more advantageous than those admissible under the civil rules.

(b) The family of an individual who is awarded an extra-ordinary family pension under the civil rules or special family pension under the Army rules will not be entitled to an ordinary family pension under any of these rules.

Pensioner re-employed or continuing; to be employed in a civil capacity

7. An individual in receipt of a pension under these Regulations in respect of his service in the Defence Services, who is re-employed in a civil capacity under any Office/Department/Ministry of the Central Government including the Ministry of Defence or under a State Government or Administration, or who is granted such pension under these Regulations while serving in such civil capacity shall, in respect of his pension under, these Regulations, be subject to the provisions of Article 510-B or 526 of the Civil Services Regulations, or corresponding rules of the State Governments/Administrations, as the case may be.

Continuance or Discontinuance of Pension when nationality is changed

8. When a person who is receipt of a pension or allowance under these regulations becomes a naturalised citizen of a foreign state, the CCDA (P) may decide after consideration of the circumstances of the case, that the whole or part of the pension or allowance be discontinued.

Provided that decision to discontinue the pension or allowance, in whole or in part thereof, under this regulation, shall not be taken unless the person concerned has been given an opportunity to make his representation and the representation has been considered by the CCDA (P).

CGDA's Decision

Change of religion does not affect the right of pension vide CGDA's No 10609/At dt.25-7-51.

Fraction of a year equal to 3 months and above but less than 6 months shall be treated as a completed one half year

9. In calculating the length of qualifying service, fraction of a year equal to three months and above but less than 6 months shall be treated as a completed one half year and reckoned as qualifying service.

10. Deleted

11. If any compensation is paid from public revenues for death in circumstances in which a special family pension is admissible under these Regulations, the pension equivalent of the compensation paid shall be deducted from the special family pensionary awards admissible but in no case the residual pensionary awards shall be less than the ordinary family pension.

12 and 13 Blank

Chapter-II COMMISSIONED OFFICERS

SECTION-I GENERAL

Extent of Application

14. The Regulations in this chapter shall apply to all commissioned officers of the Army including those of the Military Nursing Service.

Late Entrants

15. For purposes of the regulations in this Chapter, a “late entrant” is an officer who is retired on reaching the prescribed age limit for compulsory retirement with at least 15 years commissioned service (actual) qualifying for pension but whose total qualifying service is less than twenty years (actual).

Officers cashiered, dismissed, removed or called upon to retire.

16. (1) Cashiering, dismissal or removal of any officer from service shall entail forfeiture of past service.

(2) An officer who is cashiered or dismissed or removed from service, shall forfeit his pension/retiring gratuity and retirement gratuity; Provided that the President may, if the case is deserving of special consideration, sanction a compassionate allowance not exceeding two thirds of the pension or retirement gratuity or both which would have been admissible to him had he retired on the same date in the normal manner.

(3) An officer who is compulsorily retired from service or is called upon to retire or to resign or in the event of his refusing to do so, is retired from service may, at the discretion of the Central Government, be granted a compassionate allowance at a rate not exceeding the pension/retiring gratuity and retirement gratuity which would have been admissible to him if he had retired on the same date in the normal manner.

Retired Officers re-employed in an emergency and Officers of the Regular Reserve recalled to service

*17. (a) The pension of a retired officer who is re-employed in an emergency in a military capacity and of a class X reserve officer recalled to service shall be held in abeyance during the period of re-employed/recalled service. However, an officer in receipt of a disability pension will continue to draw the disability element of his pension.

(b) The re-employed/recalled service shall not earn either an increase in pension or any gratuity [See A1 51/80]

[Provided that officers recalled or reemployed during emergency shall be eligible for terminal gratuity at a rate equal to the retiring gratuity admissible to the permanent regular commissioned officers. Service rendered up to the date of release from recalled/re-employed service or up to 6 months from the date the

emergency is declared to be over, whichever is earlier, shall qualify for terminal gratuity, under this proviso.

NOTES:

- (i) An officer who resigns or is permitted to resign his commission shall not be eligible to terminal gratuity.
- (ii) An officer who is discharged on account of inefficiency or for a moral turpitude shall not be granted any gratuity.
- (iii) The terminal gratuity of an officer who qualifies for it but dies before it is admitted will be paid to his legal heir.
- (iv) A recalled officer who holds a civil appointment on pensionable establishment will not be eligible for terminal gratuity for the recalled service. Defence Services shall also not bear the pensionary liability for this service.
- (v) Similarly recalled officers holding civil appointments including those in semi-Government organisations, public sector undertakings and corporations (like Life Insurance Corporation and so on) on contributory provident fund basis, shall not be entitled to the terminal gratuity and in their case employer's share of the contributory provident fund shall also be borne by the parent civil office concerned.]

*Amended vide AI 4/SS/57 and AI 17176.

Acceptance of employment by officers who are granted pension, gratuity or other benefit

18. (a) Commercial employment after retirement. If an officer who held the rank of one above, whether in substantive capacity or otherwise immediately before retirement and who is granted or is likely to be granted a pension/gratuity (including Retirement Gratuity) or other benefits in respect of his/her Army service wishes to accept any commercial employment, before the expiry of two years from the date of his/her retirement, he/she shall obtain the prior sanction of the Government to such acceptance and no pension shall be payable to him/her if he/she accepts a commercial employment without such sanction in respect of any period for which he/she is so employed or for such longer period as the Government may direct.

Provided that such an officer who was permitted by Government to take up a particular form of commercial employment during his/her leave preparatory to retirement or during refused leave shall not be required to obtain subsequent permission for his/her continuance in such employment after retirement.

Note 1. The expression “commercial employment” means: -

- (a) An employment in any capacity including that of an agent under a company, co-operative society, firm or individual engaged in trading, commercial, industrial, financial or professional business and includes also a directorship of such

company and partnership of such firm, but does not include employment under a body corporate, wholly or substantially owned or controlled by the Government.

(b) Setting up practice, either independently or as a partner of a firm, as adviser or as consultant in matters in respect of which the pensioner:-

(i) has no professional qualifications and the matters in respect of which the practice is to be set up or is carried on are relatable to his official knowledge or experience, or

(ii) has professional qualifications but the matters in respect of which such practice is to be set up are such as are likely to give his clients an unfair advantage by reason of his previous official position.

(c) Employment, where the pensioner has to undertake works involving liaison or contact with the offices or officers of the Government.

Note: 2. The expression "employment under a Co-operative Society" includes the holding of any office, whether elective or otherwise, such as that of President, Chairman, Manager, Secretary, Treasurer and the like, by whatever name called in such Society

Note: 3. The expression "Date of retirement" in relation to an officer re-employed after retirement, either in the same or in any other equivalent post in the Armed Forces including NCC etc. mean the date on which such officer finally ceases to be so reemployed in the Defence Services."

18. (b) Employment of officers allowed to retire pre-maturely at their own request. An officer of the rank of Colonel and above allowed to retire prematurely at his/her own request shall obtain the permission of the President before accepting employment, in a civil post under the Central or State Government or Union Territory Administration/Government, or in a post under a Body Corporate owned or controlled by the Government before the expiry of two years from the date his/her Army Services ceases, such permission will not however be required if the officer had retired from Army Service in normal course on completion of the standard service prescribed for his/her rank and if he/she had been invalided from Army Service on grounds of ill health or physical disability. Such permission will also not be necessary in cases where due to personal reasons the officers proceeding on normal retirement are allowed to retire a few days earlier (not exceeding one month) than the due date.

Employment after retirement under a Government outside India

19. A Commissioned Officer who wishes to accept any employment under any Government outside India shall obtain prior permission of the President for such acceptance. No pension shall be payable to a pensioner who accepts such an employment without prior permission to respect of any period for which he/she is so employed or such longer periods as the President may direct. Gratuity where

due but, not already paid, shall also be liable to be forfeited in part or in full as the President may at his discretion decide;

Provided that such an officer who was permitted by the President to take up a particular form of employment under any Government outside India during his/her leave preparatory to retirement shall not be required to obtain subsequent permission of his/her continuance in such employment after retirement.

Note: For the purpose of this Regulation, the expression “employment under any Government outside India” includes employment under a local authority or corpora ton or any other institution or organisation which functions under the supervision or control of Government outside India, or an organisation of which Government of India is not a member. In this connection it may be added that permission will not be granted for acceptance of employment under a Foreign Mission in India before expiry of at least 3 years from the date an officer ceases to be in Army Service.

20 and 21 Blank

SECTION-II RETIRING PENSION AND GRATUITY

Sub-Section I- General

Retiring Pension and Gratuity-when admissible

22. An officer permitted to retire from service may be granted a retiring pension or gratuity in accordance with the regulations in this chapter by the competent authority (President)

23 and 24 Blank

Sub-Section II

*Officers other than Military Nursing Officer

Minimum Qualifying Service

25. (a)** The minimum period of qualifying service (without weightage) actually rendered and required for earning a retiring pension shall be 20 years (15 years in the case of late entrants).

(b) The minimum period of qualifying service actually rendered and required to earn retiring gratuity shall be 10 years.

[The retiring gratuity shall be admissible only when one has not rendered the minimum qualifying service for earning retiring pension indicated in (a) above.]

***Note for readers-** Though w.e.f. 1-1-80 there is uniform procedure for all arms of officers including MNS and Territorial army officers vide GOI, MD (Pension/Services) No 1(5)/87 dated 30-10-87, the S. A. S. examinees are required to quote the rule position as detailed in this book which has different sub sections for MNS and TA officers.

** Amended vide MOD letter No. 68699/GS/TA3(a)/1068/B/D (GS-VI) dated 1/7/80.

Qualifying Service for Pension

26. The following periods of service qualify for pension as commissioned officer:

(a) Commissioned Service-Service as a permanent regular commissioned officer and, if it is preceded without a break, previous service as commissioned officer in the Indian Army, Navy and Air Force, irrespective of the type of commission, jointly or severally, subject to the refund in the prescribed manner to the Government, of the gratuity, if any, other than war gratuity, received in respect of such service.

Provided that

- (i) any service which was forfeited by special orders, and
- (ii) any period of unauthorised absence unless pay and allowances are admitted for the period of absence, shall not be regarded as qualifying service, nor any period of antedate except as provided in clause (g).

(b) **Service in the Rank below that of Commissioned Rank-**Service in the Armed Forces in the rank below that of commissioned officer, if followed by permanent regular commissioned service without a break, subject to the refund in the prescribed manner to the Government, of the gratuity, if any, other than war gratuity, received in respect of such service.

(c) **Period of leave-**All leave including study leave. Any period of leave without pay shall not however qualify unless specifically authorised by Government.

(d) **Periods of suspension from duty by order of a competent authority-**The period of suspension in the case of an officer, who is not brought to trial or who emerges from a summary trial or court martial with results favourable to him. In all other cases, the period passed under suspension shall count for pension only under the orders of the President.

Note: While maintaining the records of service officers under suspension specific entry as to whether the period of suspension shall be taken as qualifying towards counting of service for pension or gratuity shall be made. In the absence of any specific entry the period of suspension shall be taken as counting towards the qualifying service.]

[Auth: -MOD No A/49606/7/AG/PS 4(a)/2855/C/D/ (Pen/ser) dated 31/10/79]

(e) **Service on deputation under Civil Department or State Government or a Municipality or a Foreign Government-**

(i) Service under an Office/Department/Ministry of the Central Government or under a State Government;

(ii) Service under a foreign Government or a local body or an autonomous Corporation or a Municipality or other Institution, provided that a pension contribution is paid to the Central Govt. by the officer himself or by the borrowing authority, if the contribution is under general or special, arrangement to be borne by the latter.

(f) **Previous civilian service-**Any period of civil service, if followed by military service, without a break, and subject to the condition that gratuity, if any, received in respect of such service being refunded to the Government in the prescribed manner.

(g) **Period of antedate of commission and secondment** in the case of officers of the AMC and Army Dental Corps. The period of antedate of commission granted to an officer in respect of an approved whole time appointment held in a recognized civil hospital prior to commissioning and/or possession of a post-graduate diploma/higher qualifications; and the periods of secondment of an officer for the purpose of attending a course in a recognized institution subject to the following maxima-

Ante-date of Commission.....18 months
Secondment12 months
When both ante-date and 24 months
Secondment has been granted.

Provided that in the case of an officer who obtains a post-graduate diploma or higher qualifications while in civil service or in temporary military service, the periods of ante-date given for such higher qualifications shall not be allowed to count for pension/gratuity if such civil service or temporary military service counts for pension or gratuity as a commissioned officer. However, if the post-graduate diploma or higher qualification is acquired either before joining the civil service or after leaving the civil service and before joining the AMC or Army Dental Corps, the periods of antedate granted on account of such higher qualifications will continue to reckon for pension under the existing rule. In all cases it shall be ensured that the same spell of service does not count twice for pension/gratuity.

Note: Any period of service not covered by the preceding clause shall also qualify for pension as a commissioned officer to the extent and subject to the conditions under which it has been or may be permitted for purposes of these Regulations by specific Government orders.

Qualifying Service for Gratuity

27. Subject to the following modifications all service, which qualifies in full for retiring pension, also qualifies for gratuity, and on the same conditions.

(a) Period spent on study leave which qualifies in full for retiring pension also qualifies for gratuity, provided that service for at least a period [Three] years' has been rendered from the day of return from the study leave last availed of. This provision may be relaxed in the case of an officer who is permitted to retire on account of ill health [and other compassionate grounds] within that period.

(b) The period of antedate of commission and secondment allowed to qualify for pension in the case of AMC/ADC Officers shall not qualify for gratuity.

28. Obsolete (Pension is now based on average reckonable emoluments).

Rate of Retiring Pension

29. Retiring pension for 33 qualifying year's service shall be calculated at the 50% of the average of emoluments reckonable for pension (Pay +Non-practicing allowance and rank pay, if any drawn by the officer during the last 10 months of his service) subject to a maximum of Rs.4500/- p.m. and for lesser period of reckonable qualifying service this amount shall be proportionately reduced*. If the amount of pension is less than Rs.375/- p.m. it shall be stepped up to Rs.375/-.

Note: The retiring pension of an officer of the rank of Lt. Col. (TS), Brigadier or Major General and equivalent, shall not be less than the pension which would have

been admissible to him as a Major, Colonel or a Brigadier and equivalent as the case may be, had he not been promoted to the higher rank.

30. **Obsolete

31. Obsolete

Rate of Retiring Gratuity

***32. The retiring gratuity to officers shall be admissible at a uniform rate of ½ a month's emoluments (Pay plus NPA and Rank Pay, if any, last drawn by the officer) for each completed six monthly period of qualifying service.

There shall be no deduction in the quantum of retiring gratuity so arrived at in respect of officers who are permitted to retire or discharged prematurely on compassionate grounds or for other personal reasons.

33-35- Blank.

*As amended vide GOI No. 1. (5)/87/D (Pension/Services) M.D, Dated the 30th Oct. 1987.

**Stands obsolete in the light of provision of M/D (Pension/Services) letter dated 30-10-87.

***For officers retiring on or after 16th September, 1993, 20% of the basic pay shall be treated as dearness pay. This dearness pay will count only for reckoning emoluments for the purpose of Retirement Gratuity and Death Gratuity [Authority: -Department of Pension & Pensioner's Welfare No, 7.2.93-P & PW (F) Dt.19.10.93. This letter applies to both Civilians and Defence Personnel as M.D. is also quoting the same letter and has not issued any separate letter.]

Sub-Section III - Officers of the Military Nursing Service

Minimum qualifying Service

*36. (a) The minimum period of qualifying service (without weightage) actually rendered and required for earning retiring pension shall be 20 years (15 years in the case of a late entrant-see Regulation 15). Only completed years of qualifying service shall count.

(b) The minimum period of qualifying service actually rendered and required to earn retiring gratuity shall be 10 years (without weightage).

In case of resignation on marriage, however the minimum qualifying service required for earning retiring gratuity shall be five years.

[The retiring gratuity shall be admissible only when one has not rendered the minimum qualifying service for earning retiring pension indicated in (a) above]

*Amended vide MOD No. 68699/GS/TA3 (a)/1068/B/D (GS-VI) dated 1/7/86.

Qualifying Service for Pension

37. The following periods of service qualify for pension-

(a) **Commissioned Service**-Service as a permanent regular commissioned officer and, if it is preceded without a break, previous service as commissioned officer in the Indian Army, Navy and Air Force, irrespective of the type of commission, jointly or severally, subject to the refund in the prescribed manner to the Government, of the gratuity, if any, other than war gratuity, received in respect of such service.

Provided that

- (i) Any service which was forfeited by special orders, and
- (ii) Any period of unauthorised absence unless pay and allowances are admitted for the period of absence, shall not be regarded as qualifying service, nor any period of antedate except as provided in clause (g).

(b) **Service in the Rank below That of Commissioned Rank**- Service in the Armed Forces in the rank below that of commissioned officer, if followed by permanent regular commissioned service without a break, subject to the refund in the prescribed manner to the Government, of the gratuity, if any, other than war gratuity, received in respect of such service.

(c) **Period of leave**- All leave including study leave, any period of leave without pay shall not however qualify unless specifically authorised by Government.

(d) **Periods of suspension from duty by order of a competent authority**-The period of suspension in the case of an officer, who is not brought to trial or who emerges from a summary trial or court martial with results favourable to him. In all other cases, the period passed under suspension shall count for pension only under the orders of the President.

Note:-While maintaining the records of service officers under suspension specific entry as to whether the period of suspension shall be taken as qualifying towards counting of service for pension or gratuity, shall be made. In the absence of any specific entry the period of suspension shall be taken as counting towards the qualifying service.]

[Auth: -MOD No. A/49606/7/AG/PS 4(a)/2855/C/D/(Pen/ser) dated 31/10/79]

(e) **Service on deputation under Civil Department or State Government or a Municipality or a Foreign Government**-

- (i) Service under an Office/Department/Ministry of the Central Government or under a State Government;
- (ii) Service under a foreign Government or a local body or an autonomous Corporation or a Municipality or other Institution, provided that a pension contribution is paid to the Central Govt. by the officer himself or by the borrowing authority, if the contribution is under general or special, arrangement to be borne by the latter.

(f) **Previous civilian service**--Any period of civil service, if followed by military service, without a break, and subject to the condition that gratuity, if any, received in respect of such service being refunded to the Government in the prescribed manner.

(g) Period of antedate of commission and secondment in the case of officers of the AMC and Army Dental Corps. The period of ante-date of commission, granted to an officer in respect of an approved whole time appointment held in a recognised civil hospital prior to commissioning and/or possession of a post-graduate diploma, /higher qualifications; and the periods of secondment of an officer for the purpose of attending a course in a recognised institution subject to the following maxima

- Ante-date of Commission.....18 months
- Secondment 12 months
- When both ante-date and 24 months
- Secondment has been granted.

Provided that in the case of an officer who obtains a post-graduate diploma or higher qualifications while in civil service or in temporary military service, the periods of ante-date given for such higher qualifications shall not be allowed to count for pension/gratuity if such civil service or temporary military service counts for pension or gratuity as a commissioned officer. However, if the post-graduate diploma or higher qualification is acquired either before joining the civil service or after leaving the civil service and before joining the AMC or Army Dental Corps, the periods of antedate granted on account of such higher qualifications shall continue to reckon for pension under the existing rule. In all cases it shall be ensured that the same spell of service does not count twice for pension/gratuity.

Note: Any period of service not covered by the preceding clause shall also qualify for pension as a commissioned officer to the extent and subject to the conditions under which it has been or may be permitted for purposes of these Regulations by specific Government orders.

Qualifying Service for Gratuity

38. Subject to the following modifications in the case of officers, all services which qualifies in full for retiring/service pension also qualifies for gratuity, and on the same conditions: -

(a) Period spent by an officer on study leave which qualifies in full for retiring pension shall also qualify for gratuity, provided that service for at least a period of three years has been rendered from the date of return from the study leave last availed of. This proviso may be relaxed in the case of an officer who is permitted to retire on account of ill-health within that period.(b) The period of ante-date of commission and secondment allowed to qualify for pension in the case of AMC and Army Dental Corps officers shall not qualify for gratuity.

*39. Obsolete

RATES OF RETIRING PENSION

**40. For the armed forces officers who were in service as on 1.1.86 or joined/join service thereafter the retiring pension shall be calculated at 50% of the average of emoluments reckonable for pension. The amount so determined shall be subject to a maximum of Rs.4, 500/- and shall be retiring pension for 33 years of reckonable qualifying service: for lesser years of reckonable qualifying service this amount shall be proportionately reduced.

41-42 (The provisions have become obsolete in the light of MD (Pension/Services) letter dated 30/10/87.

Rate of Retiring Gratuity

43. The retiring gratuity shall be admissible at the rate of half a month's emoluments for each completed six monthly period of qualifying service. There shall be no deduction in the quantum of gratuity so arrived at in respect of officers who are permitted to retire or are discharged prematurely on compassionate grounds/personal reasons.

44, 45, 46 Blank

* W.E.F 1/1/86 retiring pension is calculated on the basis of reckonable emoluments instead of Ranks. [Auth:-M.D. letter dated 30/10/87]

** Amended vide M.D. Pension/Services No. 1(5)/87/D dated 30/10/8.

SECTION III-Disability Pensionary Awards

Extent of Application

47. The regulations in this section shall apply to-

- (a) The Officers referred to in Regulation 14, and
- (b) Obsolete

***Disability Pension When Admissible**

48.(a) Unless otherwise specifically provided a disability pension consisting of service element and disability element may be granted to an officer who is invalided out of service on account of a disability which is attributable to or aggravated by military service in non-battle casualty cases and is assessed at 20 percent or more.

(b) The question whether a disability is attributable to or aggravated by military service shall be determined under the rules in Appendix II.

*Service element of disability Pension is being notified on permanent basis w.e.f. 1/1/73 and even if at some stage the percentage of disability of the pensioners, goes below 20% his service element notified initially, continues to remain in force for life of the pensioners. However in the case of pre 1/1/73 disability pensioners, the service element is contingent upon the continuance of disability element unless and until the pensioner has put in minimum of 10 years of service before 1/3/68 and 5 years of service since after that date up to 31/12/72, after which the service element becomes permanent featiwv as explained above.

[Auth.-CDA (P4), Meerut No Tech/014-I DT 6/5/921

Reassessment of disability permanently below pensionable degree at the time of invalidation

48-A In cases where an Officer's disability or its aggravation at the time of invalidation is permanently below the pensionable degree, he may claim to be brought before a medical board within a period of ten years from the date from which he was retired. If the disability is still assessed as permanently below the pensionable degree, no claim for re-assessment shall be considered.

[Late Entrants]

49. For purposes of the regulations in this section "late entrants" is an officer who, but for his retirement on account of a disability attributable to or aggravated by military service would have fulfilled he requirements of Regulation 15.

Officers Who Retire Voluntarily

50. An officer who retires voluntarily shall not be eligible for any award on account of any disability. Provided that officer who is due for retirement - on

completion of tenure, or on completion of service limits or on completion of the terms of engagement or on attaining the prescribed age of retirement, and who seeks pre-mature retirement for the purpose of getting higher commutation value of pension, shall remain eligible for disability element.

GOVERNMENT OF INDIA DECISION

Subject:-Grant of disability pensionary award of Service Officers seeking Premature Retirement.

In relaxation of Regulation 50 for Pension Regulations for the Army Part 1 (1961) and corresponding Regulations of Navy/Air Force that Service Officers who seek premature retirement within a month of the due date of retirement for the purpose of higher Commutation Value will be eligible for grant of an award on a/c of any disability attributable to or aggravated by Military Service.

2. These orders will take effect from the date of issue of this letter.

3. This letter issues with the concurrence of Ministry of Finance (Def.) vide their U.O. No. 4153 Pen of 1977.

[Auth.-Government of India, Min. of Defence letter No. 220576/77 Pensions dt.1-10-77]

Serious Negligence or Misconduct

51. If the disability of an officer is wholly or partly due to his/her serious negligence or misconduct the amount of disability pension otherwise admissible may be reduced at the discretion of the competent authority.

Unreasonable Refusal to undergo Medical Treatment

52. Cases where an individual suffering from a disability accepted as attributable to or aggravated by military service refuses to undergo an operation, or other medical treatment, which in the opinion of the service medical authority, would cure the disability or reduce the degree of disablement, shall not be treated as those of 'aggravation' or 'retardation of cure' under regulation 118 but shall be dealt with as follows: -

(a) If the refusal to undergo treatment or an operation is reasonable, the full disability pension normally admissible under the regulations shall be granted.

(b) If the refusal to undergo treatment or an operation is unreasonable, pensionary award be regulated as under: -

(i) In case where the pension sanctioning authority in consultation with the Medical Adviser (Pensions) where necessary, decides that an operation or medical treatment will cure the disability, the disability element shall be withheld but the service element as per regulation 61, shall be granted.

(ii) In cases where the pension sanctioning authority in consultation with the Medical Advise (Pensions), where necessary, decides that an operation or medical treatment will reduce the disability to a lower percentage, the disability element of

pension shall be restricted to that element which is appropriate to the lower percentage of disablement. If that lower percentage is less than 20 percent, then only the normal service element admissible as per regulation 61 shall be granted

(c) The question whether an individual's refusal to undergo medical treatment or an operation for his disability is reasonable or unreasonable shall be decided in accordance with the criteria contained in Appendix V to these Regulations.

Officers Compulsorily Retired on account of Age or on Completion of Tenure

53. [(1) An officer retired on completion of tenure or on completion of terms of engagement or on attaining the age of 50 years (irrespective of their period of engagement), if found suffering from a disability attributable to or aggravated by military Service and recorded by service Medical Authorities, shall be deemed to have been invalided out of service and shall be granted disability pension from the date of retirement, if the accepted degree of disability is 20 percent or more, and service element if the degree of disability is less than 20 per cent. The retiring pension/retiring gratuity, if already sanctioned and paid, shall be adjusted against the disability pension/service element, as the case may be.

(2) The disability element referred to in clause (1) above shall be assessed on the accepted degree of disablement at the time of retirement/discharge on the basis of the rank held on the date on which the wound/injury was sustained or in the case of disease on the date of first removal from duty on account of that disease.

Note: In the case of an officer discharged on fulfilling the terms of his retirement, his unwillingness to continue in service beyond the period of his engagement should not effect his title to the disability element under the provision of the above regulation.]

* Amended vide MOD Lr.No.A/22255/AG/PS4 (d)/2725/Pen-c date 5/11/69 & CGDA letter No. 6517/AT-P date 3/7/71.

Manifestation of a Disability after Retirement -

54. An officer who is retired otherwise than at his own request, with a retiring pension or/gratuity, but who, within a period of ten years from the date of retirement is found to be suffering from a disease which is accepted as attributable to his military service, may, at the discretion of the competent authority, be granted, in addition to his/her retiring pension/gratuity, a disability element at the rate appropriate to the accepted degree of disablement and the rank last held, with effect from such date as may be decided upon in the circumstances of the case.

Note: The officer claiming the benefit under the provision of Regulation 54 above will send an application the CCDA (P) directly requesting to be brought before a medical board. On receipt of the application and the relevant documents, CCDA(P) will decide, where necessary, in consultation with the Medical Adviser

(Pensions) attached to his office, whether a prima-facie justification for bringing the claimant before a medical board exists or not. If it is decided to bring the officer before a medical board the CCDA (P) will make arrangement themselves for a medical board.

55. Blank.

Refusal to appear before a Re-survey Medical Board

56. In case a pensioner who has been asked under any rule or order, to appear before a. resurvey medical board, for reassessment of his disability, refuses to do so, the disability element of his pension shall be suspended from the date of such refusal. He shall, however, continue to draw service element.

Officers Who have suffered from Pulmonary Tuberculosis leprosy but are retained in service

*57. An officer suffering from pulmonary tuberculosis or leprosy attributable to or aggravated by military service, who rejoins duty having been found fit for retention in service on completion of leave, but is retired there from on account of relapse of the disability during a period of five years from the date of rejoining, shall be eligible for a disability element appropriate to the degree of disablement as accepted on the date he/she was found medically fit for retention in service, in addition to-

(a) the service element of disability pension admissible if he/she had been invalided on the date immediately prior to that of rejoining duty or, if more favourable,

(b) the retiring pension based on the total length of qualifying service rendered upto the date of retirement.

Provided that if he/she is retired from service on account of the relapse of the disability after a period of five years from the date of rejoining, the disability pension admissible shall be regulated by the normal, regulations.

* Amended vide CGDA's letter No. 6518/AT-P dated 13/9/73.

Definition of Service and Qualifying Service

58. (a) The qualifying service of an officer is assessed in accordance with Regulation 26 (regulation 37 in the case MNS officers) for the purpose of service element of disability pension.

(b) Service rendered in aid of civil administration shall be treated as military service for the grant of disability pension.

Rank for Assessment of Service Element of Disability Pension

59. The rank for the purpose of assessment of service element shall be the substantive rank or higher paid acting rank, if any, held by the officer on any of the following dates, whichever is most favourable: -

- (a) the date of retirement/invalidment from service, or
- (b) the date on which he/she sustained the wound or injury or was first removed from duty on account of the disease causing his/her disablement, or
- (c) if he/she rendered further service and during and as a result of such service suffered aggravation of his disability, the date of later removal from duty on account of the disability.

Note: 1-Obsolete

Note: 2-The service element of disability pension of an officer of the rank of Lt.Col. (TS), Brigadier or Major General shall not be less than the service element which would have been admissible to him as a Major or Colonel or a Brigadier had he not been promoted to the higher rank.

Amount of Disability Pension

**60. The disability pension consists of two elements viz. service, element and disability element, which shall be assessed as under: -

Service Element: -

(a) The amount of service element shall be equal to the retiring pension as determined under Regulation 32 or 40. For this purpose the reckonable qualifying service shall mean the actual service rendered by an officer plus the full weightage appropriate to the rank held at the time of invalidment. There shall be no condition of minimum qualifying service having been actually rendered for earning this element, if otherwise due.

Disability Element: -

(b) The disability element of disability pension (see Regulation 48) will be Rs.750/- p.m. at 100% disability. For disabilities less than 100% but not less than 20%, the above rates shall be proportionately reduced.

Provided that where permanent disability is not less than 60% the disability pension (i.e. total of service element and disability element) shall not be less than the special family pension admissible vide Regulation 95 (a) (b) i.e., it shall not be less than 60% of reckonable emoluments subject to a minimum of Rs.750/- p.m.

* Amended vide MOD letter No. 1(5)/87/D Pens/Sers date 30/10/87.

** Amended vide M.D. letter No. 1 (5)/87 (D) Dated 3/10/87

Period of grant of disability pension when the invaliding disability is INCAPABLE of improvement

60.A (a) If the disability is certified on the basis of an invaliding or resurvey medical board to be incapable of improvement disability pension shall be granted for a period of 10 years in the first instance. During this period the pensioner will have a right to claim re-assessment of his pension on the basis of aggravation, if any. Where the disability pension is modified as a result of reassessment, the pension shall again be granted for a period of 10 years from the date of the revised award provided the disability is still regarded as incapable of improvement. Each successive assessment at higher or lower rates will be for a 10 years period during which the pensioner will be given an opportunity to have his pension reassessed on the basis of further aggravation.

(b) When the percentage of disablement has remained unmodified for a period of 10 years, the pensioner shall be brought before Re-survey Medical Board at the end of ten years and in the event of the disability still being regarded by the pension sanctioning authority as incapable of improvement; his pension shall be sanctioned for life. Thereafter, no revision of pension will be admissible.

(c) In cases where the invaliding disability is loss of limb (s), total loss of sight, loss of one eye, amputation, etc., and where the question of improvement/worsening of its physical condition do not arise, the award shall be sanctioned for life in the first instance itself.

Period of grant of disability pension when the invaliding disability is CAPABLE of improvement

60. (B) Where the disability whether attributable to or aggravated by military service of an officer is considered as capable of change (improve or deteriorate), the period of the first award calculated with reference to the date of the medical board will be in the range of a one to five years. The actual period of award in such cases will, however, be decided by the Medical Board having due regard to the circumstances/conditions of each case. The period of the award on resurvey will also be for a period ranging from one to five years and will be decided after taking into account the circumstances of each case.

When the disability is accepted at the same percentage on the basis of three consecutive medical boards including the release/invaliding medical boards, the disability will be normally accepted as incapable of improvement and regulated under the provision of Regulation 60-A and the award of disability pension/disability element shall then be sanctioned for a period of 10 years in the first instance.

Provided that, if in any case where the degree of disablement has been assessed at the same percentage by the three successive boards, but the medical authorities are not in a position to recommend that the disability is of permanent nature, the same may be continued to be assessed on temporary basis for such shorter periods as may be considered judicious on the merits of each case*.

Duration of the service element of disability Pension

**61.

(1.) An individual, who is invalided out of service with a disability attributable to or aggravated by service but assessed at below 20 per cent, shall be entitled to service element only.

(2) An individual who was initially granted disability pension but whose disability is re-assessed at below 20% subsequently shall cease to draw disability element of disability pension from the date it falls below 20 per cent. He shall, however, continue to draw the service element of disability pension.

62. Obsolete

[*Amended vide MOD letters No. A/25196/AG/PS4 (d)/86/97/Pen-C dated 30/08/76 and I (1)/83/Pen-C dated 6/7/84

**Amended vide A: 4/S/75 and 4/S/76.]

GOVT. OF INDIA'S DECISION

SUB-COMPENSATION IN LIEU OF DISABILITY ELEMENT

In case a person belonging to the Armed Forces is found to have a disability which is (i) accepted by the competent authority as attributable to or aggravated by service factors, and (ii) assessed at 20% or more for life but the individual is retained in service, despite such disability, he shall be paid a compensation in lump sum (in lieu of the disability element) equal to the capitalised value of disability element. For this purpose, the rank for disability element shall be the rank held at the time of onset of the disability and age next birth-day will be reckoned with reference to the date of onset of disability with loading to age, if any, recommended by the Medical Board. Once compensation has been paid in lieu of the disability element, there shall be no further entitlement to the disability element for the same disability; such disability shall also not qualify for grant of any pensionary benefit or relief subsequently.

[AUTHORITY: Para 14.4 of M.D. (Pension/services) letter No. 1(5)/87/D dated 30-10-87]

Constant Attendance Allowance

63 (a) A constant attendance allowance at the rate of Rs.300/p.m.* may be granted to an officer who is awarded a disability pension for 100 percent disablement, if in the opinion of the invaliding or a resurvey medical board, he/she needs the services of a constant attendant for at least a period of three months, and the necessity arises solely from the condition of the accepted disability or disabilities.

(b) The allowance may also be granted if the accepted degree of disablement of an officer is assessed at 100 percent, but a reduced award is made under regulation 51, provided the remaining conditions for the grant of the allowance are fulfilled.

(c) The payment of the allowance shall be governed by the detailed regulations in Appendix III.

Admissibility of disability Pension to a disabled Pensioner re-employed without disclosing his invalidation

**64. A pensioner, who on his re-employment in the Army does not disclose that he/she was previously retired from service with the Armed Forces for medical unfitness, shall be debarred from the date of his/her re-employment from any disability Pension admissible to him/her in respect of his/her previous service with the Armed Forces. If his/her re-employment is terminated on account of his medical unfitness or if on termination of the re-employment he/she is brought before a medical board, his/her claim for a disability pension after the termination of re-employment will be submitted for orders of the Government of India. Such orders will duly take into consideration the effect of his re-employment in the Army Service in aggravating previous disability or introducing a new one.

Note: The above provision shall cover all types of cases of disability and not merely cases of invalidment proper

65, 66, 67, 68 and 69 Blank

[*As enhanced vide para 14.5 of M.D. (Pension/Services) letter no 1(5)/87/D dated 30-10-87

**Amended vide CGDA letter No. 6518/AT-P dated 15/11/71.]

SECTION III-A-Invalid Pension and Gratuity

Extent of Application

70. The regulations in this Section shall apply to such of the officers referred to in Regulation 14.

Invalid Pension/Gratuity When admissible

71. An invalid pension or gratuity in accordance with the Regulations in this section may be awarded to

(i) an officer invalidated out of service on or after 1.4.64 on account of a disability which is neither attributable to nor aggravated by service.

(ii) an officer who though invalidated out of service on account of a disability which is attributable to or aggravated by service, but the disability is assessed at less than 20%.

Minimum Qualifying Service

72. The minimum period of qualifying service actually rendered and required for an invalid pension is 10 years. For less than 10 years actual qualifying service, an invalid gratuity shall be admissible. Assessment of Qualifying Service

73. The qualifying service is assessed in accordance with Regulation 26 (Regulation 37 in the case of officers of the MNS) for the purpose of invalid pension and in accordance with Regulation 27 (Regulation 38 in the case of officers of the MNS) for the purpose of invalid gratuity.

74. Obsolete

Scale of Invalid Pension

w.e.f. 1/1/86

*75. An amount equal to the service element of disability pension that would have been admissible in case the causes were attributable to or aggravated by service.

**76. The scale of invalid pension in respect of MNS Officers shall be the same as in Regulation 75.

Scale of Invalid Gratuity***

w. e. f. 1/1/86

77. Invalid Gratuity may be granted at the scale of half a month's emoluments (pay + NPA and rank Pay, if any, last drawn by the officer) for each six monthly period of service.

78-80 Blank

*As amended vide MD (Pension/Services) letter No. 1(5)/87/13 dated 30-10-87.

**As amended vide MD letter dated 30-10-87 w.e.f. 1-1-86.

***Amended vide M.D. letter Dated 30/10/87

SECTION IV
FAMILY PENSIONARY AWARD

Extent of application

81. The regulations in this Section shall apply to the families of -
- (a) Officers referred to in Regulation 14, and
 - (b) Obsolete
82. Obsolete

Serious, negligence or misconduct

*83. If the death of an officer is wholly or partly due to his or her serious negligence or misconduct, the special family pensionary awards, otherwise admissible shall not be reduced.

Service rendered in aid of the civil Power

84. Service rendered in aid of the civil power shall be treated as military service for the purpose of family pensionary awards.

Special family pensionary award-when admissible

**85. Special family pension may be granted to the family of an officer if his/her death was due to or hastened by a wound, injury or disease which was attributable to military service or the aggravation by military service of a wound, injury or disease which existed before or arose during the military service provided that

Note for Readers: -

Special family pension and dependents pension shall be admissible to the members specified hereunder

- (a) Widow/Widower lawfully married
- (b) Son, actual and legitimate (including validly adopted)
- (c) Daughter actual and legitimate (including validly adopted)
- (d) Father
- (e) Mother
- (f) Brother
- (g) Sister

Note:

(1) The term 'father and mother' (or parents) used in the above or any other regulations in this chapter shall also be deemed to include such putative parents (or surviving parents as the case may be) as had not contracted a lawful marriage but were living as husband and wife at the time of or got lawfully married subsequent to the conception of the deceased member of the forces.

(2) If any member of the family is denied any share in the property of the officer under a will or deed made by him, such a member shall be ineligible to receive any

award under these regulations in this chapter and the benefit shall pass on to the next eligible member.

(a) In the event of death after retirement, the officer did not retire voluntarily and provided further that: -

(b) In the case widow and children: -

WIDOW

- (i) Obsolete
- (ii) Obsolete
- (iii) Subject to any exception, which the President may approve in a particular case under regulation 90, the widow was not separated from her husband at the time of his death.
- (iv) The widow has not re-married. This condition shall, however, not apply if the widow has re-married the real brother of her deceased husband and continues to live a communal life with and/or contributes to the support of the other living eligible member, and

CHILDREN

- (i) The officer left no widow.
- (ii) They were born before retirement or invalidment or death while in service.
- (iii) Sons below the age of 25 years.
- (iv) Unmarried daughters below the age of 25 years.

(c) In the Case of Pension for PARENTS

(i) The officer left neither a widow nor children eligible for special family pension.

(ii) The parent/parents was/ were largely dependent on the officer for support and are in pecuniary need.

(iii) In the case of widowed mother she has not re-married. Provided that the widowed mother of an officer who re-marries during the lifetime of the officer but becomes a widow again before his death, shall become eligible for grant of dependents pension.

Note: The widowed mother of an officer when remarries during the lifetime of the officer but becomes a widow again before his death may be granted an award for dependant's pension, if otherwise admissible. For the purpose of the pecuniary circumstances, resources, if any, available to the widow from her second husband, will also be taken into account.

(d) In the case of pension for BROTHERS/SISTERS

(i) The officer did not leave behind a widow, child or parents eligible for pension.

(ii) The brothers and sisters were largely dependent on the officer for support and are in- pecuniary need.

(iii) In the case of brother, he has not the age of 25 years.

(iv) In the case of a sister, she has not attained the age of 25 years or has not married.

* Amended vide MD letter Nio.220574/77/Pen.C dated 31/7/78.

** Amended vide GOI MD No 1 (5)/87/D (pension/ Services) Dated 30/10/87

Regulations 86-93 not reproduced vide A I 51/84.

***A 1 51 of 1980**

Grant of Ordinary Family Pension

**1. In supersession of all existing orders on the subject, the family pensionary benefits, as detailed in paragraph 2 and subsequent paras will be admissible to the families of the Armed Forces personnel (excluding families of reservists), who were in services on 1.1.1964 or who joined/join service thereafter and who died/die while in service or after retirement with a retiring, disability or invalid pension/special pension, on account of causes which are neither attributable to nor aggravated by service.

Rates of Ordinary Family Pension: -

The rates of ordinary family pension shall be as follow: -

Reckonable Emoluments (Pay plus NPA and rank pay, if any last drawn b the officer).	Rate of family pension p.m. including dearness relief upto CPI 608.
(i) Not exceeding Rs.1500/- p.m.	30% of reckonable emoluments subject to a minimum of Rs.375 p.m.
(ii) Exceeding Rs.1500/- p.m. but not exceeding Rs.3000/- p.m.	20% of the reckonable emoluments subject to a minimum of Rs.450. p.m.
(iii) Exceeding Rs.3000/- p.m.	15% of reckonable emoluments subject to a minimum of Rs.600 p.m. and a minimum of Rs.1250/-p.m.

Note: 1-Obsolete.

Note: 2- No reduction in family pension will be made even if a cut was imposed in the pension of the individual whose death gives rise to the claim for family pension.

3. In the case of individual who has rendered a minimum of 7 years of continuous qualifying service dies while in service or after retirement with pension, for a period of seven years from the date following the date of death of individual or upto the date on which the deceased would have attained the age of 65 years had

he been alive, whichever is earlier family pension shall be granted at an enhanced rate. W.E.F. 1/1/86 the amount of enhanced ordinary family pension for this period shall be lowest of the following amounts.

- (i) 50% of the reckonable emoluments.
- (ii) Twice the normal rate of ordinary family pension.
- (iii) The amount of retiring/service/invalid pension/service element of disability pension/special pension (before commutation) admissible, in cases where the deceased was a pensioner.

*As amended vide MD No. Pension/services No. 1 (5)/87/D dated 30-10-87 and AO 17/89.

**** Note for Readers:** - In the absence of formal amendments, it is difficult to give a comprehensive narration of ordinary family pension by amending A I 51/80. However, for total understanding of the scheme readers are advised to go through the similar scheme for civilians as detailed in CCS (Pension) Rules. This scheme is 100% replica of the scheme for Civilians. However, the authority quoted should invariably be that of A.I. 51/80 as amended vide M.D. letter dated 30/10/87 and AO 17/89.

4. The amount of pension arrived at by applying the relevant prescribed percentage will be rounded off to the next higher rupee. In case where family pension is admissible at the enhanced rate under Para 3 above the rounding off to the next higher rupee should be done only at the final stage i.e. after doubling the amount initially calculated with reference to the relevant prescribed percentage. If, however, double of the amount initially calculated with reference to the prescribed percentage is to be restricted to 50% of the last pay drawn, and 50% of pay is not in whole rupee, rounding off should be done to the next higher rupee.

5. The term "Reckonable Emoluments" for the purposes of calculating pensionary benefits due under paras 2 and 3 above will mean as under: -
"Pay plus NPA and Rank Pay, if any, last drawn by the officer"

6. Family for the purpose of Family Pension means:

(i) Wife/Husband provided the marriage took place before retirement, and also judicially separated wife/husband if the judicial separation was granted not on ground of adultery and the person surviving was not held guilty of committing adultery.

(ii) Sons below the age of 25 years.

(iii) Unmarried daughters below the age of 25 years.

*(iv) Sons and daughters adopted legally upto the age limit (ii) and (iii) above.

Note:-Sons or daughters born after retirement and also a posthumous child are entitled to Family pension.

*The erstwhile clause of adoption "before retirement" omitted vide G01, Deptt of P&PW Notification No 1 (66)-P&PW/89--E dated 18-01-93.

7. The pension will be admissible: -

(a) to a widow or widower up to the date of death or disqualification whichever is earlier;

(b) to a son until he attains the age of 7-5 years

(c) to an unmarried daughter until she attains the age of 25 years or marriage whichever is earlier.

Provided that if a son or daughter is suffering from any disorder or disability of mind or is physically crippled or disabled so as to render him or her unable to earn a living even after attaining the age of 25 years, the ordinary family pension shall be payable to such son or daughter for life. [MOD letter No. A/49601/AG/PS4 (e)/3363/B/D (Pens/serv) dated 7/8/87.]

8. The Family Pension 1964 is payable to only one member of the family at a time except in cases where it is payable to more widows than one or where it is payable to twin children. It is first payable to the widow/widower till the date of her/his death or remarriage whichever is earlier and thereafter to children in the order of priority.

Note: - Obsolete

*9. (a) Where an individual is survived by more eligible widow than one the family pension is paid to them in equal shares. The principle of minimum pension of Rs.375 is applicable to the original family pension and not to the divided share of each widow. On the death of a widow, her share of pension becomes payable to her eligible child. If at the time of death, a widow leaves no eligible child, the payment of her share of pension is payable to other widows in equal share or if - there is only one such widow in full to her.

(b) Where an individual is survived by a widow but has left behind an eligible child from another wife who is not alive or divorced the eligible child is paid the share of pension which her mother would have received if she had been alive/not been divorced at the time of death of Govt servant/pensioner.

*For more detailed narration see Reg-97.

10. In cases where both wife and husband are Govt Servants and are governed by the provisions of "Family Pension 1964" and one of them dies while in service or after retirement the family pension in respect of the deceased becomes payable to surviving husband or wife in addition to her/his pay or pension as the case may be. If the surviving husband or wife also dies subsequently, the child or children of the deceased parents are granted two family pensions subject to the limits specified below: -

(i) If the two family pensions are payable at the 'enhanced rates', the amount of both the pensions is limited to Rs.2500 p.m.

(ii) If one of the two family pensions ceases to be payable at the higher rate and in lieu thereof the family pension at normal rate becomes payable, the amount of both the pensions is limited to Rs.2500 p.m.

(iii) If both the family pensions are payable at the normal rate the amount of two pensions is limited to Rs.1250 p.m.

11. Obsolete:

12. Commutation of pension will have no effect on the quantum of family pension as the rate of family pension is based on the pay, which the individual was drawing immediately before his retirement/discharge/transfer to the reserve on pension and not on the pension sanctioned to him.

13. Families of individuals who have committed or commit suicide will also be eligible for pensionary benefits detailed in this Instruction.

14. Obsolete

15. Widows/widowers of such officers, who are governed by this scheme, will not be entitled to family pension under any other orders.

94. Obsolete

Rates of Special Family Awards

95. (a) The rates of consolidated Special Family Pension inclusive of children allowance and children education allowance shall be as under, irrespective of whether the deceased person of the Armed Forces, had completed 7 years of service or not-

Reckonable emoluments: (Pay +NPA and Rank Pay, if any, last drawn by officer)			Rate of Special Family pension (P.M.)
(a)	If the widow is childless	(i) Not exceeding Rs.1500/-	50% of reckonable emoluments
		(ii) Exceeding Rs.1500/- but not exceeding Rs.3000/-	40% of reckonable emoluments subject to a minimum of Rs.750/
		(iii) Exceeding Rs.3000/-	30% of reckonable emoluments subject to a minimum of Rs.1200/- and maximum of Rs.2500/
(b)	If the widow has child/children	In all cases	60% of reckonable emoluments subject to child/children a minimum of Rs.750/- and maximum of Rs.2500/-

[Special family pension at the rates indicated in (b) above shall be admissible to the widow till attain the age prescribed under the rules and thereafter the widow shall be paid family pension at the rates indicated in (a) above].

DEPENDANTS PENSIONS IN RESPECT OF OFFICERS (INCLUDING MNS OFFICERS, TA OFFICERS AND ECOs/SSCOs)

95. (C.) Dependants pension shall be admissible to the parent (s)/eligible brothers and sisters (in the absence of the parents) of the deceased officer at a rate equal to 50% of the notional Special Family Pension that would have been admissible as per Para 95 (a) above, if they were largely dependent on the deceased officer for support and are in pecuniary need*.

Rates of Ordinary Family Pension and Children's Allowance

96 (a) The rates of Ordinary family pension are as under:

Sl. no	Reckonable emoluments (Pay+NPA and rank pay, if any, last drawn by the officer)	Rates of family pension p.m. including dearness relief upto CPI 608
(i)	Not exceeding Rs.1500/- p.m.	30% of reckonable emoluments, subject to a minimum of Rs.375/- p.m.
(ii)	Exceeding Rs.1500/- p.m. but not exceeding Its. 3000/- p.m.	20% of reckonable emoluments, subject to a minimum of Rs.450/- p.m.
(iii)	Exceeding Rs.3000/- p.m.	15% of reckonable emoluments, subject to a minimum of Rs.600/- p.m. and a maximum of Rs.1250/- p.m.

96 (b) W.e.f. 1-1-86 children allowance and children education allowance had been merged together and a consolidated allowance at the rate of Rs.150/- P.M. per child is admissible

**96 (c) Obsolete

Division of Family Pensionary Awards

***97. Where the family pension is payable to more widows than one, the family pension shall be paid to the widows in equal shares. On the death of a widow, her share of the family pension shall become payable to her eligible child:

(Provided that if the widow is not survived by any child, her share of the family pension shall not lapse but shall be payable to the other widows in equal shares, or if there is only one such other widow, in full, to her.)

*W.e.f. 1-1-1986 the erstwhile condition regarding "means limit" stands dispensed with vide M.D. letter Dated 30/10/87

**As the family pension is dependent on the reckonable emoluments last drawn by the officer, the erstwhile provision of reduction of ordinary family pension consequent on reduced pension drawn by the officer has become obsolete.

[***Amended vide Dept of F&PW Notification No (a) 1/17/90-P&PW (C) dated 29/01/91. (b) 1/140/88-P&PW/C dated 14/09/89 and (c) 1/97/88-P&PW/C dated 21/11/90.]

*Where the deceased Government servant or pensioner is survived by a widow but has left behind eligible child or children from another wife who is not alive, the eligible child or children shall be entitled to the share of family pension which the mother would have received if she had been alive at the time of the death of the Government servant or pensioner.

Provided that on the share or shares of family pension payable to such a child or children or to a widow or widows ceasing to be payable, such share or shares shall not lapse, but shall be payable to the other widow or widows and/or to other child or children otherwise, eligible, in equal shares, or if there is only one widow or child, in full, to such widow or child.

Where the deceased Government servant or pensioner is survived by a widow but has left behind eligible child or children from a divorced wife or wives the eligible child or children shall be entitled to the share of family pension which the mother would have received at the time of the death of the Government servant or pensioner had she not been so divorced.

Provided that on the share or shares of family pension payable to such a child or children or to a widow or widows ceasing to be payable, such share or shares, shall not lapse, but shall be payable to the other widow or widows and/or to the other child or children otherwise eligible, in equal shares, or if there is only one widow or child, in full, to such widow or child.

Where the family pension is payable, to twin children it shall be paid to such children in equal shares:

Provided that when one such child ceases to be eligible his/her share shall revert to the other child and when both of them cease to be eligible the family pension shall be payable to the next eligible single child/twin children

When Payment of Widow's Pension ceases

98. Ordinary or special family pension granted to the widow of a deceased officer shall discontinued under the following circumstances

- (a) if she proves unworthy of it; or
- (b) if she remarries.

* **Note:** Condition in clause (b) will not apply to widow in receipt of special family pension who remarries her deceased husband's real brother and continues to

live a communal life with and/or contributes to the support of the other dependents of the deceased husband.

In the case of remarriage, pension shall cease from the date following that of remarriage and in other cases, from such date as the President may decide.

*** Note for the Readers:-**In the nutshell the widows and their respective children are treated as independent units simultaneously eligible for family pension. Each widow together with her children is treated as one unit. Except in case of more than one widow or twin children family pension is payable to any one member at a time

** Note inserted vide C.S. No. 146/1/75.

When payment of children's allowance ceases

99. The payment of children allowance shall cease

(i) Attaining the age of 25 years in the case of sons/brothers and unmarried daughters/sisters.

(ii) Date of the marriage of the daughter/sister.

*(iii) obsolete

However, in case the eligible child is physically or mentally handicapped and is unable to earn a livelihood the children allowance/family pension would be admissible for life to such a child.

[Auth: MD letter dated 30-10-87]

*The erstwhile restriction of earning of livelihood for the purpose of stoppage of family pension stands removed vide GI.Deptt of P&PW OM No 1 (26) P&PW/90-E dated 18/01/93.

When payment of parent/parents pension ceases

100. (a). A special pension which may be granted to the parent (s) of a deceased officer shall be discontinued from the date of remarriage in the case of a female parent who remarries.

(b) if the pecuniary circumstances of the parent or parents become such as in the opinion of the President not justify the payment of a pension.

When payment of brother's & sister's pension ceases

101. Payment of special pension granted to brother(s) and sister(s) of a deceased officer shall cease under the conditions laid down for the cessation of the children allowance in Regulation 99. It may be continued after the age of twenty-five years under the same conditions as for children if they are incapable of self-support by reason of mental or physical infirmity.

Restoration of pension on second Widowhood

102. The family pension (ordinary or special) of a widow, which was discontinued on her remarriage may be restored in the event of her again becoming a widow or such marriage being annulled by divorce or desertion by the second husband, if she is otherwise qualified, and provided her pecuniary circumstances are such as in the opinion of the President to justify restoration of the pension.

Should she become eligible on the death of her second husband for a pension under these regulations at a different rate, she may choose that which more to her advantage is.

Grant or Continuance of allowance to children after the normal age limit

103. Obsolete

[WEF 1/1/86 Children allowance is granted to each child of the service officers @Rs.150 p.m. per child. This allowance is tenable for each during the period he or she would have been eligible for ordinary family pension. It is allowed only where the widow forfeits liberalised special family pension due to her remarriage with any other person and consequently draws ordinary family pension

Or

Where service officer is not survived by widow but is survived by child/children only. All children together shall be eligible for special family pensions at the childless widow rate and also draw in addition the children allowance. Children allowance is not admissible where the widow draws liberalised family pension equal to the reckonable emoluments last drawn by the deceased service officer. Authority MD letter dated 30/10/87]

Family Gratuity

104. Subject to the provisions of regulation 85 (b) (iii) and 90, a gratuity in accordance with the table below, may be granted, in addition to special/liberalised special family pensionary awards to the widow (child (ren)/parent(s)] of an officer who

- (a) is killed in action, or dies of wounds sustained in action; or
- (b) is killed while on flying duty or parachute jumping duties in a aircraft or while being carried on duty in an aircraft (civil or service), under proper authority, or dies of injuries sustained in such circumstances; or
- (c) though not serving in a field area, dies of a cause attributable to circumstances which, in the opinion of the local administrative authority, are similar to those encountered on field service or in operations; or
- (d) suffers a violent death while employed in aid of the civil power; or
- (e) dies while laying or clearing land or sea mines; or
- (f) dies while on diving duty; or
- (g) dies while on duty in a submarine or while being carried on duty in submarine under proper authority; or

(h) dies due to injuries sustained in the circumstances mentioned in clauses (d) to (g)

Note: 1. An officer employed on the work of disposal by demolition, burning, burial, breakdown or dumping of unserviceable stocks of explosives will be deemed to be on field or operational service for the purpose of eligibility of the widow to family gratuity under clause (c).

* (An individual whose death occurs as a result of wound or injury sustained while taking part in battle inoculation training or demonstration with live ammunition where safety distance are reduced for realism in training, will, for the purpose of grant of family gratuity, be deemed to be covered under clause (c) above i.e. their death will be accepted as due to a cause attributable to circumstances similar to those encountered on field service or in operations. This concession shall be admissible only for so long as this scheme of the modified inoculation training and reducing safety distance for realism in training remains in force. Authority:-MOD letter No. 94846/AG/PS4(c)/47(S)/Pen-C dated 13/3/70).]

* (Eligible heirs of Individuals who are reported missing during an emergency as a result of operations against the enemy and who are ultimately presumed or established to have been- killed in action or to have died of wounds received in action shall be granted family gratuity at the rates and under the conditions laid down in this Regulation Authority: -MOD letter No/A/02519/ AG/PS4 (a)/5533/Pen-C dated 2716/63).]

Provided that a gratuity will not be granted in case under clauses (b) and (c) above, if the death of the officer is due to his/her own serious negligence or misconduct. A gratuity to the child (ren) of an officer will be granted only' if the officer does not leave a widow eligible for special, family pension. A gratuity to the parent (s) of an officer will be granted if the officer does not leave either a widow or a child eligible for 'special family pension, irrespective of the pecuniary circumstances of the parent (s) and whether he/she/they was/were dependent of the deceased officer.

RATES OF FAMILY GRATUITY

(Amended vide MOD letter No. 197829/68/Pen-C/III dated 30/10/68)

RATES OF FAMILY GRATUITY				
Rank	Where ex-gratia is paid for Flying Accidents		Where ex-gratia is not paid	
	Widow/Children	Parents	Widow/Children	Parents
2nd Lt.	1335	668	2000	1000
Lt.	2600	1000	3000	1500
Capt.	2670	1335	4500	2250
Major	4000	2000	6500	3250
Lt.Col	6000	3000	8000	4000
Col.	8000	4000	9500	4750
Brig.	10670	5335	11000	5500
Maj.Gen.	13000	6500	13000	6500
Lt.Gen	14500	7250	14500	7250
General	16000	8000	16000	8000

Education Allowance

105. Obsolete

[W.E.F. 1/1/86, the children allowance and children education allowance has been merged. A consolidated allowance @Rs.1501p.m. per child is allowed in cases covered by note under Para 19.1 and by paras 19.2 and 21 (b) of GOI, M.D. letter No. 1 (5)/87/D (Pension/Services) dated 30th October, 1987.]

Ex-gratia Award from the Compassionate Gratuity Fund (Defence Services)

106. Ex-gratia awards may be granted from the Compassionate Gratuity Fund (Defence Services) to the widow, children, parents or brothers/sisters of an officer who dies in service but whose death is not due to a wound, injury or disease which is attributable to or aggravated by service.

The regulations regulating awards from the fund are reproduced in Appendix IV.

107 to 111 Blank

**JUNIOR COMMISSIONED OFFICERS, OTHER RANKS
& NON-COMBATANTS (ENROLLED)**

SECTION I-GENERAL

Extent of Application

112. Unless otherwise provided, the regulations in this Chapter shall apply to all Junior Commissioned Officers, Other Ranks and Non-Combatants (Enrolled) who were already serving on regular terms/engagements on the 1st June, 1953, as well as those who either joined or join service on or after that date and serve on regular terms/engagements or are brought on to such terms/engagements after that date.

Individual Dismissed/Removed or Discharged under the Army Act

113. (a) An individual who is dismissed under the provisions of the Army Act, is ineligible for pension or gratuity in respect of all previous service. In exceptional cases, however, he may, at the discretion of the President be granted service pension or gratuity at a rate not exceeding that for which he would have otherwise qualified had he been discharged on the same date.

(b) An individual who is removed from service under Army Act, Section 20, may be considered for the grant of pension/gratuity at the rate not exceeding that for which he would have otherwise qualified had he been discharged on the same date. The competent authority may, however, make, if considered necessary, any reduction in the amount of pension/gratuity on the merits of each case.

(c) An individual who is discharged under the provision of Army Act and the rules made there under remains eligible for pension or gratuity under these Regulations.

Note: Those discharged from service due to misconduct, corruption, lack of integrity or moral turpitude are not normally eligible for gratuity, but they may be sanctioned gratuity in exceptional cases at the discretion of the President at a rate not exceeding that for which they are normally qualified.

Officer Cadets drawn from the ranks

114. An officer cadet drawn from the ranks shall continue to be eligible for pensionary benefits appropriate to his rank.

Only one Pension is Admissible

115. Except where otherwise specifically provided for, an individual shall not earn more than one pension under these Regulations in the same service or post at the same time or by the same continuous service; the lesser pension shall lapse.

116. Obsolete

Individuals invalidated on account of Indulgence in Drugs or Drinks

*117. An individual invalidated out of service in consequence of any disorder (including insanity) resulting from indulgence in drugs or drinks, which was within his control, will be eligible for invalid pension or gratuity under the normal rules. Orders of the competent authority for grant of full or reduced pension/gratuity will, however, be obtained in each such case.

Individuals who aggravate or retard the cure of a disability

118. An individual who intentionally aggravates his disability or retards its cure shall, on being discharged as medically unfit for further service on account of such a disability, be ineligible for any pension or gratuity.

119. Deleted.

Pensioners re-employed in the Defence Services in an emergency

120. (a) Pensioners re-employed on mobilisation in military or civil capacity in the Defence Services shall receive pension in addition to pay. Re-employed service shall not count for enhancement of pension or for gratuity.

(b) The same treatment as in clause (a) above may at the discretion of the President be accorded to pensioners who are reemployed in a military or civil capacity in the Defence Services, in other emergencies in which the re-employment of a large number of pensioners is necessary. Re-employed service shall not count for enhancement of pension or for gratuity.

Note: The provisions of clauses (a) and (b) of this Regulation shall also apply to Army Pensioners re-employed in the Navy/Air Force.

* Amended vide M of Defence letter No. 1(2)/68/4291/D (Pen/Ser) dated 22/5/68 and Corr No. 1(2)/68/2485/D (Pen/Ser) dated 12/5/71.

Pensioners re-employed in a service capacity otherwise than in an emergency

121. (a) If a pensioner is re-enrolled or is re-employed in an appointment the incumbent of which is normally required to be enrolled under the Army Act, his pension shall be ~ held in abeyance and retirement gratuity refunded in the manner laid down in Regulation 126. Re-employed service shall count for enhanced pension and retirement gratuity under the applicable regulations. On release from reemployment either the pension, which was held in abeyance, or any higher pension earned by virtue of further service shall be paid.

(b) If not re-enrolled or if re-employed in an appointment which does not require him to be re-enrolled, pension shall be admissible in addition to pay of appointment. Re-employed service shall not count for enhancement of pension or for gratuity.

Note: 1 The provisions of clauses (a) and (b) of this regulation shall also apply to Army Pensioners re-employed in the Navy/Air Force.

Note: 2 An ex-reservist who had drawn a gratuity in lieu of reservist's pension, will, for the purpose of clause (a) above, be treated as if he was a pensioner. In such a case, the grant of an enhanced pension, if otherwise admissible, will be subject to the recovery of the difference between the gratuity and the pension (including dearness relief at the prevailing rate, if any), which he would have drawn from the date of his discharge to the date of his re-employment. The recovery, due will be made within a period of 3 years from the date of his re-employment/re-enrolment in not more than 36 installments from his pay. The first installment will be payable within three months from the date of re-employment/re-enrolment. In individual cases the competent authority may relax these requirements.

Service qualifying for pension and gratuity

122. (a) All service from the date of appointment or enrolment/transfer for man's service to the date of discharge shall qualify for pension or gratuity with the exception of:

(i) Any period of service on a temporary establishment or for which a special rate of pay is granted on the understanding that no pension is admissible.

(ii) Any period of service rendered before reaching the age of 17 years.

(iii) Any period of unauthorised absence unless pay and allowances are admitted for the period of absence;

(iv) Any period of absence without leave, which is, regularised as extraordinary leave without pay and allowances.

(v) Any period intervening between the date of dismissal/discharge/release and that of its cancellation, which is regularised as extraordinary leave without, pay and allowances.

(vi) Any period of absence as a prisoner of war, unless pay and allowances are admitted for the period of absence.

(vii) Any period of detention in civil custody before being sentenced to imprisonment or fine, unless the President, in a special case, issues orders reducing the period that shall not count.

(viii) Any period of imprisonment by sentence of a civil court: or of a court martial.

(b) In cases of claims to disability pension all service from the date of appointment or enrolment to the date of discharge shall qualify for pension or gratuity subject to exceptions (i) and (iii): to (viii) above.

Forfeiture of Service for certain offences and its restoration

123. (a) A person who has been guilty of any of the following offences:

(i) Desertion, vide Section 38 of the Army Act.

(ii) Fraudulent enrolment, vide Section 34 (a) of the Army Act, shall forfeit the whole of his prior service towards pension or gratuity upon being convicted by court martial of the offence.

(b) A person who has forfeited service under the provisions of the preceding clause but has not been dismissed shall, on completion of any period of three years further service in the colours and/or service in the reserve with exemplary conduct and without any red ink entry, be eligible to reckon the forfeited service towards pension or gratuity.

Condonation of an Interruption of Service

*124. Upon such conditions as it may think fit to impose, a competent authority may condone interruptions of service in the case of a person whose pension is sanctionable by an authority subordinate to the President as under:

(a) When proposed pension exceeds Rs.373/- p. m. - interruptions not exceeding a period of 12 months in all

(b) when proposed pension is Rs.375/- p.m. or less-all interruptions whatever their duration.

- (2) In the absence of a specific indication to the contrary in the service records, an interruption between two-spells of service rendered in civil or military capacity under Central Government shall be treated as automatically condoned and the pre-interrupted service treated as qualifying service for pension/gratuity.
- (3) Nothing in clause (2) shall apply to interruption caused by resignation, dismissal or removal from service or participation in strike.
- (4) The period of interruption referred to in clause (2) shall not count as qualifying service.
- **Note:** 1. In cases where service records are found to be incomplete or imperfect at the time of processing and finalizing pension cases, the cases shall not be delayed but the officials responsible for the maintenance of the records will be held accountable for the deficiency, failure or omissions therein and action will be initiated against them.
2. The interruption caused by discharge at own request is not equivalent to resignation. As such the term resignation used in clause (3) above is exclusive of the interruption caused by discharge at own request.

* Amended vide Letter No. 49606/7/AG/PS4 (a)/2855/C/D(Pen/Ser) dated 31/10/79 as amended vide No. A/49606/7/AG/PS4 (a)/825/C/D (Pen/Ser) dated 29/3/85.

Condonation of deficiency in service for eligibility to service/reservist pension

125. Except in the case of:

- (a) an individual who is discharged at his own request, or
- (b) an individual who is eligible for special pension or gratuity under Regulation 164, or

(c) an individual who is invalided with less than 15 years service, deficiency in service for eligibility to service pension or reservist pension or gratuity in lieu may be condoned by a competent authority upto six months In each case.

Counting of Former Service for Pension and Gratuity

126. (a) Combatants and enrolled non-combatants who have former service to their credit may be allowed by a competent authority to reckon their former service towards pension and gratuity to the extent specified in the Table below, subject to the fulfillment of the conditions stated in column 5 thereof and provided that they were not dismissed from former service:

Table referred to in Regulation 126

Pension Regulations For The Army-1961 (Part-I)

Sl. No.	Category of Military personnel	Description of former service	Extent to which former service specified in Column 3 qualifies for pension or gratuity in the present engagement subject to the conditions in Column 5	Conditions to be fulfilled before former service are allowed to reckon for pension or gratuity.	Remarks
1	2	3	4	5	6
1.	Combatants of the Army.	(i) Service as combatants in the Army.	Former pension/ gratuity qualifying service in full.	(a) If discharged from former service on other than public grounds; Conditions 1, 2, and 3. (b) If discharged from former service on public grounds such as reorganization or reduction in establishment; Conditions 1 and 3. (c) If discharged from former service on war engagement terms under Release Regulations on Reduction of Army or demobilisation; Conditions 1 and 3.	

Pension Regulations For The Army-1961 (Part-I)

		(ii) Service as enrolled Non-combatants.	Former pension/gratuity qualifying service in full.	Conditions 1 and 3 provided they have completed 3 years service as a combatant.	
		(iii) Service in the Defence Security Corps.	Former pension/gratuity qualifying service, in full.	Conditions 1, 2 & 3.	
		(iv) Called out or embodied service in T.A.	Full (M/D letter No. A/19008/AG/PS-4(a)/5357/D (Pea/Sers) Dated 7/7/1969.	Conditions 1, 2 and 3.	
		(v) Civil Service (Central or State).	Full (Min. of Def. letter No. Air HQ/24227/31/PP&R/3/3071 /D(Pen/Ser) dated. 24/4/67.	Conditions 1& 2.	
2.	Combatants of Army Education Corps.	Continuous former service as civilian school master of	Former service qualifying for pension under CSRs in full.	Conditions 1 & 2.	
3.	Non-Combatants (Enrolled)	Service as combatants or enrolled non-combatants.	Former qualifying service in full.	Condition 3.	
4.	Combatants/non-combatants (Enrolled)	Service in the Navy/Air Force.	To the extent that such service qualifies for the grant of pension or gratuity under the Pension Regulations for the -Navy and Air Force as the case may be.	Condition 1, 2 and 3. Condition 2 will not apply if it would not have applied had the individual been enrolled in the Navy/Air Force.	

Pension Regulations For The Army-1961 (Part-I)

5.	Reservists (other than pensioner reservists) recalled to colours and discharged there from.	Previous colour and reserve service.	(a) For colour pension/Gratuity. Qualifying service with the colours in full and qualifying service in the reserve to the extent authorised under specified Govt. Orders. (b) For reservist pension. All qualifying, service with the colours/reserve in full.		
----	---	--------------------------------------	---	--	--

(b) The condition 1, 2 and 3 referred to in column 5 of the Table are as follows:

Condition 1-At the time of re-employment/re-enrolment, the Individual shall have declared his former service and cause of discharge there from and elected to count that service towards pension or gratuity and retirement/death gratuity. The election once made shall be final.

Condition 2-After re-employment/re-enrolment the individual shall have completed any consecutive period of three years service without two red ink entries or a court martial conviction.

In the case of combatants re-enrolled as such and transferred to the reserve before completing three years' colour service since re-enrolment, the period of three years for the purposes of this condition may be either wholly or partly with the reserve.

Condition 3-The individual shall have refunded any gratuity, other than war gratuity, received -in, respect of his former service within a period of three years from the date of his re-employment/re-enrolment in not more than 36 monthly installments from his pay. The first installment shall be payable within three months from the date of re-employment/re-enrolment.

(c) In individual cases, a competent authority may relax at its discretion condition 2and 3.

Reckonable Emoluments for Calculation of Gratuity and other Pensionary Awards

WEF 1/1/86

*127. Reckonable Emoluments for the purpose of assessment of gratuity and other pensionary benefits shall consists of:

(a) In the Case of J.C.Os:-

For service pension:-

Maximum pay of the pay scale including 50% of the highest classification pay, if any, of the rank held and Group in which paid continuously for at least 10 months at the time of discharge.

For all types of Gratuities and Family pension (ordinary, special and liberalised special) and War Injury pension: -

Pension Regulations For The Army-1961 (Part-I)

Pay including classification pay, if any, last drawn by the individual [For personnel who retire or die after 16/09/93, 20% of the basic pay shall be treated as dearness pay. This dearness pay will count only for reckoning emoluments for the purpose of retirement and death gratuity and for no other purpose. Auth:--GOI, Dept of P&PW OM No 7/2/93-P&PW (F) dated 19//10/93]

(b) In the case of other Ranks As in (a) above.

(c) In the case of Non-Combatants (Enrolled)

As in (a) above

128-131 Blank

*Amended vide MD letter No 1(5) 87/D (Pension Services) dated 30-10-87.

SECTION II - SERVICE PENSION & GRATUITY

Sub-Section I-Junior Commissioned Officers and Other Ranks

Minimum Qualifying Service for Pension

132. The minimum period of qualifying service (without weightage) actually rendered and required for earning service pension shall be 15 years.

Rank and group for assessment of service pension

133. Service pension is assessed on the basis of the rank actually held by an individual regardless of whether it is held in a substantive or paid acting capacity, and the lowest group for which he is paid, during the last ten months of his service qualifying for pension.

Rank for assessment of service pension on reversion from Paid Acting Rank.

*133-A. Where an individual reverts to his substantive rank under the acting promotion rules either on account of his being on sick leave or additional leave pending discharge, the period of such reversion, though not counting as service in the higher paid acting rank, will not constitute a break in that acting rank provided he is discharged or invalided from service, or is re-appointed to the higher paid acting rank, at the end of his sick leave or additional leave, as the case may be.

Condonation of deficiency of service in a particular rank

134. A competent authority may condone a deficiency of service in a particular rank not exceeding three months, except on voluntary retirement.

Individuals re-mustered from a higher to a lower group

135. An individual who was re-mustered from a higher to a lower group on being declared surplus after rendering 15 years or more of qualifying service, may be granted, if more favourable than the pension otherwise admissible, the service pension that would have been, admissible had he been discharged on the date he was declared surplus.

*This is also applicable in the case of Honorary Commissioned Officers. However, these conditions will not be required to be fulfilled in the case of JCOs and equivalents who are granted honorary commission and who retire on completion of their tenure of appointment or are discharged on account of causes, beyond their control.

Rates of service pension

*136. Service pension for 33 years of qualifying service shall be calculated at 50% of the emoluments reckonable for pension as defined in Regulation 127 subject to a maximum of Rs.4500/- per mensem, and for lesser period of qualifying service it

Pension Regulations For The Army-1961 (Part-I)

shall be proportionately reduced. The amount of pension finally arrived at shall be subject to a minimum of Rs.375/-p. m.

(a) Based on above, table of rates of service pension for Junior Commissioned Officers granted Honorary Commissions who have opted for the revised scales of pay introduced from 1st January 1986, are given below. The rates of pension have been arrived at by adding a weightage of 5 years to the qualifying service actually rendered, for instance, the pension for 15 years service has been arrived at by taking into account qualifying service of 20 years (including a weightage of 5 years).

Rank	Length of Service (Years)	Pensions Rs.p.m.
(A) Subedar (Hony Lt.) Sub Maj (Hony Sub Lt.)	21	1300
	22	1350
	23	1400
	24	1450
	25	1500
	26	1550
	27	1600
	28	1650
(B) Subeder (Hony Capt) Subedar Maj (Hony Capt)	21	1340
	22	1391
	23	1443
	24	1494
	25	1546
	26	1597
	27	1649
28	1700	

*&1 Amended vide GOI MD letter No. 1(5) 87/D (Pensions-Services) dated 30/10/87.

(b) The rates of service pension of JCOs of the regular Army [Other than those referred in clause (a)] and other ranks are: -

Pension Regulations For The Army-1961 (Part-I)

Rank	Length of Service (Years)	Rates of service pension (Rs. p.m.)				
		Group 'A'	Group 'B'	Group 'C'	Group 'D'	Group 'E'
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Sepoy	15	410	375	375	375	375 16
		430	385	375	375	375
	17	450	403	390	381	375
	18	471	421	408	399	384
	19	491	440	426	416	400
	20	512	458	444	433	417
Naik	15	463	422	408	400	387
	16	486	444	428	420	406
	17	509	465	449	440	425
	18	532	486	469	460	445
	19	555	507	490	480	464
	20		578	528	510	500
	483					
	21		601	549	530	520
	503					
	22		624	570	551	539
522						
Havildar	15		525	475	455	447
	434					
	16		551	499	478	469
	455					
	17		577	523	500	491
	477					
	18		603	547	523	514
	499					
	19		630	570	546	536
	520					
	20		656	594	569	558
	542					
	21		682	618	591	581
	564					
22		708	642	614	603	
585						
23		734	665	637	625	
607						
24		761	689	660	647	
629						

Pension Regulations For The Army-1961 (Part-I)

Naib Subedar	15	728	682	664	652
	637				
	16	764	716	697	685
	669				
	17	800	750	730	717
	700				
	18	837	785	764	750
	732				
	19	873	819	797	782
	764				
	20	910	853	830	815
	796				
	21	946	887	863	847
	828				
	22	982	921	896	880
	860				
	23	1019	955	930	913
	891				
	24	1055	989	963	945
	923				
	25	1091	1023	996	978
	955				
	26	1128	1057	1029	1010
	987				
Subedar	15	840	788	770	758
	746				
	16	882	828	809	796
	783				
	17	924	867	847	834
	820				
	18	966	907	886	872
	858				
	19	1008	946	924	910
	895				
	20	1050	985	963	947
	932				
	21	1092	1025	1001	985
	970				
	22	1134	1064	1040	1023
	1007				
23	1176	1104	1078	1061	
1044					
24	1218	1143	1117	1099	

Pension Regulations For The Army-1961 (Part-I)

	1081				
	25	1260	1182	1155	1137
	1119				
	26	1302	1222	1194	1175
	1156				
	27	1344	1261	1232	1213
	1193				
	28	1385	1300	1270	1250
	1230				
Subedar Major	15	963	904	904	904
	884				
	16	1011	949	949	949
	928				
	17	1059	994	994	994
	972				
	18	1107	1039	1039	1039
	1016				
	19	1155	1084	1084	1084
	1060				
	20	1203	1129	1129	1129
	1105				
	21	1251	1174	1174	1174
	1149				
	22	1299	1220	1220	1220
	1193				
	23	1347	1265	1265	1265
	1237				
	24	1396	1310	1310	1310
	1281				
	25	1444	1355	1355	1355
	1325				
	26	1492	1400	1400	1400
1370					
27	1540	1445	1445	1445	
1414					
28					
to	1588	1490	1490	1490	
1458					
32					

Addition to Service Pension of Havildars Granted the Honorary Rank of Naib Subedars on Retirement

137. Havildars who are granted Hony rank of Naib Subedars on retirement, under the Regulations for the Army, shall be entitled to an additional pension equal to 20 per cent of the basic pension earned by them as Havildars. The additional pension shall be rounded off to the next higher rupee and shall be taken into account for the purpose of commutation and grant of dearness relief.

Government of India's Decision

Rates of service pension of Sepoys granted Hony rank of Naik and Naik granted Hony. Rank of Havildars while on the effective list.

Sepoys granted Hony rank of Naik and Naik granted Hony rank of Havildars under the time scale promotion rules, shall be entitled to the service pension of the rank held at the time of discharge, reduced by rupee one.

Authority:-MOD letter No. 15(1)/83/D (AG) dated 28/7/84.

Individuals Transferred to the Reserve after Earning a Service Pension

138. An individual transferred to the reserve after earning a service pension shall be granted such pension from the date of his transfer. Minimum Qualifying Service for Gratuity

139. The minimum period of qualifying service actually rendered and required for earning service gratuity shall be five years.

[The service gratuity shall be admissible only when one has not rendered the minimum qualifying service for earning service pension]

Scale of Service Gratuity

140. (a) The service gratuity shall be admissible at a uniform rate of half a month's reckonable emoluments [Pay including classification pay, if any last drawn) by the individual for each completed six monthly period of qualifying service. There shall be no deduction in the quantum of service gratuity so arrived at in respect of personnel who are permitted to retire or are discharged prematurely on compassionate grounds/personal reasons.

(b) & (c) obsolete

141. Omitted

Individuals re-mustered from a higher to a lower group

142. An individual who is re-mustered from a higher to a lower pay group, on being rendered surplus after having rendered 5 years or more but less than 15 years qualifying service and who is discharged in circumstances entitling him to a service gratuity, shall, where more favourable, be granted service gratuity, which he had earned upto the date of being rendered surplus.

143, 144 Blank.

Sub-Section 11-Non-Combatants (Enrolled)

Minimum Qualifying Service for Pension

145. The minimum qualifying service for earning a service pension is 20 years. (Without weightage)

Rates of Service Pension

146. Service pension for 33 years of qualifying service (including; weightage of 5 years) shall be calculated at 50% the reckonable emoluments [Maximum pay of the pay scale including 50% of the highest classification pay, if any, of the rank held and group in which paid continuously for at least 10 months at the time of discharge] and for lesser period of qualifying service it shall be reduced proportionately; the amount of service pension finally arrived at shall be subject to a minimum of Rs.375/- p.m.

Based on Regulation 145 and provisions of this regulation the Rates of Service Pension of NC (E) who retired/retire on or after 1/1/86 on revised scale of pay are as under:-

Non-Combatants (Enrolled) Revised rates of service pension

Completed years of qualifying service	Lower and Higher Category	Highest Category
	Sweeper, Masalchi, Waiter Mess, Waiter Wine, Syce, Messenger, Kennelman, Cook Mess, Washer-man, Barber, Tent Maker, Saddler, Tailor and Boot maker	Cook Special
Years	Rs. P.M.	Rs. P.M.
20	375	436
21	375	454
22	385	471
23	399	488
24	414	506
25	428	523
26	442	541
27	456	558
28 to 30	470	575

Minimum Qualifying Service for Gratuity

147. The minimum period of qualifying service actually rendered and rendered for earning service gratuity shall be five years.

[The service gratuity shall be admissible only when one has not rendered the minimum qualifying service for earning service pension]

Scale of Service Gratuity

148. The service gratuity shall be admissible at a uniform rate of half a month's reckonable emoluments [Pay including classification pay, if any last drawn] by the individual for each completed six monthly period of qualifying service. There shall be no deduction in the quantum of service gratuity so arrived at in respect of personnel who are permitted to retire or are discharged prematurely on compassionate grounds or for other personal reasons.

149. Omitted

150 }
151 } Blank
152 }

Sub-Section III-Reservists

Reservists in receipt of service pension

153. A reservist who is in receipt of service pension under the provisions of Regulation 138 will continue to draw such pension in addition to: -

(a) the retaining fee admissible whilst In the reserve, Or

(b) the normal pay and allowances admissible for the duration of periodical training as the case may be.

Service in the reserve shall not qualify for any higher pension or for gratuity.

Time spent outside the limits of India, Nepal, Sikkim, Bhutan or SriLanka

154. Time spent by a reservist, as a permanent resident beyond the limits of India, Nepal, Sikkim, Bhutan or Srilanka shall not reckon as service for pension or gratuity.

Reservist Pension

*155. An OR reservist who is not in receipt of a service pension may be granted, on completion of the prescribed combined colour and reserve qualifying service, of not less than 15 years, a reservist pension equal to 2/3rd of the lowest pension admissible to a sepoy, but in no case less than Rs. 375/- p.m. on his transfer to pension establishment either on completion of his term of engagement or prematurely, irrespective of the period of colour service,

* Amended vide MOD letter No. 1(5)/87/D. (Pen/Services) dated 30/10/87.

156 and 157 Deleted

Terminal Gratuity to individuals discharged on completion of prescribed engagement with some non-qualifying service

158. A reservist who is discharged on completion of his prescribed engagement but who fails to qualify for a reservist's pension on account of his service including some non-qualifying period, which has the effect of reducing the period of his

qualifying service to less than 15 years, may be granted a terminal gratuity at the scale of 2/3 a month's reckonable emoluments [Pay including classification pay, if any last drawn] for each completed year of his colour service provided he has rendered not less than 5 years qualifying colour service.

159 }
To }
163 } Blank.

SECTION III-SPECIAL PENSION AND GRATUITY

Special Pension & Gratuities to Junior Commissioned Officers, Other Ranks & Non-Combatants (Enrolled)-When admissible

164. Special pension or gratuity may be granted at the discretion of the President to individuals who are not transferred to the reserve and are discharged in large numbers in pursuance of Govt's Policy: -

(i) of reducing the strength of establishment of the Armed Forces;

Or

(ii) of re-organisation, which results in disbandment of any unit/formation.

Rank for Assessment of Special Pension

165. Special pension is assessed on substantive or paid acting rank and the group actually held by an individual on the date of discharge.

166. Omitted.

Scale of Special Pension and Gratuity*

167. The scale of special pension or gratuity is

* For personnel who retire or die on or after 16th September 1993, 20% of the basic pay shall be treated as dearness pay. This dearness pay will count only for reckoning emoluments for the purpose of retirement gratuity and death gratuity and for no other purpose.

[Auth:-GOI, Dept of Pension & Pensioner's Welfare No. 7/2/93-P & P.W (F) dt. 19/10/93. This letter is being quoted by Min of Defence and it has not issued any separate letter. So examinees should quote this letter without any reserve]

Length of actual qualifying service rendered (without weightage)		Scale of special pension/gratuity
A. Combatants		
(a) Special pension		
(i)	15 years or more	Equal to normal service pension at the rates specified in regulation 136.
(ii)	10 years or more but less than 15 years	Equal to normal service pension as determined as per regulation 136.
(b) Special gratuity		
(i)	5 years or more but less than 10 years	Equal to 1½ month's emoluments [Pay + classification pay, if any, last drawn] for each completed year of qualifying service.
(ii)	Less than 5 years	Equal to 3 month's emoluments

Pension Regulations For The Army-1961 (Part-I)

			[Pay +classified pay, if any last drawn]
B. Non-Combatants (Enrolled)			
(a) Special pension			
	(i)	20 years or more	Equal to normal service pension
	(ii)	15 years or more but less than 20 years	Equal to service pension determined as per regulation 136.
(b) Special gratuity			
	(i)	5 years or more but less than 15years	Equal to 1 $\frac{1}{3}$ month's emoluments [Pay + classification pay, if any, last drawn] for each completed year of qualifying service.
	(ii)	Less than 5 years	Equal to 3 month's emoluments [Pay +classified pay, if any last drawn]

168.Omitted

169 }
 To }
 171 } Blank

SECTION IV-DISABILITY PENSIONARY AWARDS

Extent of Application

172. (a) The regulations in this section shall apply to
- (i) the individuals referred to in Regulation 112;
 - (ii) reservists when called up for service or for training.
- (b) Obsolete

Primary conditions for the grant of disability Pension

*173. Unless otherwise specifically provided a disability pension consisting of service element and disability element may be granted to an individual who is invalided out of service on account of a disability which is attributable to or aggravated -by military service in non-battle casualty and is assessed at 20 per cent or over.

The question whether a disability is attributable to or aggravated by military service shall be determined under the rule in Appendix II.

* **Note for Examinees:** -Service element o Disability pension is being notified on permanent basis w.e.f. 1/1/73 and even if at some stage the percentage of disability of the pensioners, goes below 20%, his service element notified initially continues to remain in force for life of the pensioner. However in the case of pre 1/1/73 disability pensioners, the service element is contingent upon the continuance of disability element unless and until the pensioner has put in minimum of 10 years of service before 1/3/68 and 5 years of service after that date upto 31/12/72, after which the service element becomes permanent feature as explained above.

Individuals discharged on account of their being permanently in low medical category

173-A. Individuals who are placed in a lower medical category (other than 'E') permanently and who are discharged because no alternative employment in their own trade/category suitable to their low medical category could be provided or who are unwilling to accept the alternative employment or who having retained in alternative appointment are discharged before completion of their engagement, shall be deemed to have been invalided from service for the purpose of the entitlement rules laid down in Appendix II to these Regulations.

Note. The above provision shall also apply to individuals who are placed in a low medical category while on extended service and are discharged on that account before the completion of the period of their extension.

Reservists discharged on account of being placed n a low medical category

173-B. A reservist who is placed permanently in a lower medical category (other than 'E') and is discharged from the reserve on that account shall be deemed to have been invalided out of service for the purpose of the entitlement rules laid down in Appendix II to these Regulations.

Service rendered in aid of the civil power

174. Service rendered in aid of the civil power shall be treated as military service for the purpose of disability pensionary awards.

Serious negligence or misconduct

175. If the disability of an individual is wholly or partly due to his serious negligence or misconduct, the amount of disability pension otherwise admissible may be reduced at the discretion of the competent authority.

Reduction in pension in cases where compensation for disability is paid from public revenues

*176. If any compensation is paid from public revenues for a disability incurred in circumstances in which a disability pension is admissible under these Regulations, the amount of disability pension shall be reduced by an amount equal to the compensation, subject to the condition that in no case the residual pension shall be less than the service element of disability pension. The element to be deducted on account of compensation shall be assessed on the basis of current commutation table by adopting the formula for working out the pension equivalent of gratuity.

*Amended vide MOD letter o. 213464/76/Pen-C dated 22/4/80.

Refusal to undergo medical treatment

177. Cases where an individual suffering from a disability accepted as attributable to or aggravated by military service refuses to undergo an operation, or other medical treatment which in the opinion of the service medical authority, would cure the disability or reduce the degree of disablement, shall not be treated as those of “aggravation” or “retardation of cure” under Regn. 118 but shall be dealt with as follows: -

(a) If the refusal to undergo treatment or an operation is reasonable, the full disability pension normally admissible under the regulations shall be granted.

(b) If the refusal to undergo treatment or an operation is unreasonable, pensionary award be regulated as under: -

(i) In case where the Pension sanctioning authority in consultation with the Medical Advisor (Pensions) where necessary, decides that an operation or medical treatment will cure the disability, the disability element shall be withheld but the service element as per regulation 186 shall be granted.

(ii) In cases where the pension sanctioning authority in consultation with the Medical Advisor (Pensions) where necessary decides that an operation or medical treatment will reduce the disability to a lower percentage, the disability element of pension shall be restricted to that element which is appropriate to the lower percentage of disablement. If that lower percentage is less than 20 per cent, then only the normal service -element admissible as per regulations 186, shall be granted.

(iii) The question whether an individual's refusal to undergo medical treatment or an operation for his-'disability is reasonable or unreasonable shall be decided in accordance with the criteria published in Appendix V to these Regulations.

Manifestation of a disability after an individual is retired/discharged from service

178. An individual who is retired/discharged from Service, otherwise than at his own request, with a pension or gratuity, but who, within a period of ten years from the date of retirement/discharge, is found to be suffering from a disease which is accepted as attributable to his military service may, at the discretion of the competent authority, be granted, in addition to his pension/gratuity, a disability element at the rate appropriate to the accepted degree of disablement and the rank last held, with effect from such date as may be decided upon in the circumstances of the case.

Note: The individual claiming the benefit under the provision of Regulation 178 above will send at, application the CCDA (P) through the Record office concerned requesting to be brought before a medical board. On receipt of the application and the relevant documents, CCDA (P) will decide, where necessary, in consultation with the Medical Adviser (Pensions) attached to his office, whether a prima-facie justification for bringing the claimant before a medical board exists or not. If it is decided to bring the individual before a medical board the CCDA (P) will request the record officer concerned to arrange for a medical board in the normal manner, and forward the proceedings of the medical board to the CCDA (P) for further necessary action.

Reassessment of the disability, which is permanently below 20 per cent at the time of invaliding

178-A. In cases where an individual's disability or its aggravation at the time of invaliding is permanently below pensionable degree, he may claim to be brought before a medical board within a period of 10 years from the date of his discharge. If the disability is still assessed as permanent below the pensionable degree no claim for re-assessment shall be considered.

Disability at the time of retirement/discharge

179. An individual retired/discharged on completion of tenure or on completion of service limits or on completion of terms of engagement or on attaining the age of 50 years (irrespective of their period of engagement), if found suffering from a disability attributable to or aggravated by military service and recorded by Service Medical Authorities, shall be deemed to have been invalided out of service and shall be granted disability pension from the date of retirement, if the accepted degree of disability is 20 percent or more, and service element if the degree of disability is less than 20 per cent. The service pension/service gratuity, if already

sanctioned and paid, shall be adjusted against the disability pension/service element, as the case may be.

(2) The disability element referred to in clause (1) above shall be assessed on the accepted degree of disablement at the time of retirement/discharge on the basis of the rank held on the date on which the wound/injury was sustained or in the case of disease on the date of first removal from duty on account of that disease.

Note: In the case of an individual discharged on fulfilling the terms of his retirement, his unwillingness to continue in service beyond the period of his engagement should not effect his title to the disability element under the provision of the above regulation.]*

*Amended vide MOD Lr.No.A/22255/AG/PS4 (d)/2725/Pen-c date 5/11/69 & CGDA Letter No. 6517/AT-P date 3/7/71

Rank for assessment of disability pension

180. The rank for the purpose of assessment of service element and disability element of disability pension, shall be the substantive rank or higher paid acting rank, if any, held by the individual, on any of the following dates, whichever is most favourable: -

- (a) the date of discharge/invalidment from service, or
- (b) the date on which he/she sustained the wound or injury or was first removed from duty on account of a disease causing his disablement; or
- (c) if he/she rendered further service, and during and as a result of such service suffered aggravation of disability, the date of the later removal from duty on account of the disability.

Note:-In the case of an individual who on account of misconduct or inefficiency is reverted to a lower rank subsequent to the date on which the wound or injury was sustained or disability contracted, the rank for assessment of service and disability elements of pension shall be the rank held on the date of invaliding from service.

Recruits and young soldiers and Boys

181. Recruits and young soldiers, and Boys, shall be eligible for disability pension at the rates and under the conditions applicable to a sepoy of the lowest group.

Individuals re-mustered from a higher to a lower group

182. The service element of disability pension in respect of an individual other than officer who was re-mustered from a higher to a lower group on being declared surplus after rendering 15 years or more of qualifying service may be assessed, where more favourable than the service element of disability pension otherwise admissible, on the rank and group held on the date he was declared surplus and the qualifying service rendered upto that date.

Amount of disability pension

183. The disability pension consists of two elements viz. service element and disability element, which shall be assessed as under: -

(1) Service element

- | | |
|--|--|
| (a) Where the individual has rendered sufficient service to earn a service Pension i.e. actual service is 15 years or more 20 years or more in the case of NCs (E) | (i) Equal to normal service pension relevant to the length of qualifying service actually, rendered, plus a weightage of 5 years as given in Regulation 136 (a) or 146 . |
| (b) Where the individual has not rendered sufficient service to qualify for a service pension | (i) If the disability was sustained while on flying or parachute jumping duty in an aircraft or while being carried on duty in an aircraft under proper authority: The minimum service pension appropriate to his rank (See regulation 180) and group, if any
(ii) In all other cases: Equal to the service pension as determined per Regulation 136 (a) or 146, but it shall in no case, be less than 2/3rd of the minimum service pension admissible to the rank/pay Group. It shall be further subject to a minimum of Rs.375/p.m. |

Note- With effect from 28th November 1962 and for so long as similar orders exist in respect of Central Civil Government servants, the provisions of clause (i) above shall also apply to flights in non-service, i.e., Civil or Chartered, aircraft.

(2) Disability element

For 100 percent disablement the rates of disability element will be as follows:-

W.e.f. 1/1/86

Rank	Disability element
	Rs. P.M.
JCOs granted Honorary Commission while on the effective list.	750/-
JCOs	550/-
Other Ranks/NCs (E)	450/-

For lower percentages of disablement down to 20 percent the rates will be proportionately reduced.

Provided that where permanent disability is not less than 60%, the disability pension (i.e., total of service element and disability element) shall not be less than the special family pension admissible vide Regulation 227 (b) i.e., it shall not be less than 60% of the reckonable emoluments Subject to a minimum of Rs.750/- P.M. and maximum of Rs.2, 500/- p.m. [Auth- MD letter No 1(5)/87/D- (Pension/Services) dated 30/10/871

In case where an individual is invalided out of service before completion of his prescribed engagement/service limit on account of a disability which is attributable to or aggravated by military service and is assessed below 20 percent, he will be granted an award equal to service element of disability pension determined in the manner given in Regulation 183 Pension Regulations for the Army Part I (1961), read with Appendix 'A' to AI I/S/75 and Annexure I & II to AI 3/S/75. This benefit will also be allowed in all cases where an individual is granted disability pension but whose degree of disablement subsequently falls below 20 percent.

Note- In the case of a re-employed pensioner who was in receipt of pension in addition to pay and allowances under regulation 120 and clause (b) of regulation 121 only disability element will be admissible in addition to the service pension already in issue.

183-A-Recruits, Young Soldiers and Boys, shall be eligible for a disability pension at the rates and under the conditions applicable to a sepoy of the lowest group.

184. Obsolete

Period of grant of disability pension when the invaliding disability is INCAPABLE of improvement

185. (a) If the disability is certified on the basis of an invaliding or resurvey medical board to be incapable of improvement disability pension shall be granted for a period of 10 years in the first instance. During this period the pensioner will have a right to claim re-assessment of his pension on the basis of aggravation, if any. Where the disability pension is modified as a result of reassessment, the pension shall again be granted for a period of 10 years from the date of the revised award provided the disability is still regarded as incapable of improvement. Each successive assessment at higher or lower rates will be for a 10 years period during which the pensioner will be given an opportunity to have his pension reassessed on the basis of further aggravation.

(b) When the percentage of disablement has remained unmodified for a period of 10 years, the pensioner shall be brought before Re-survey Medical Board at the end of ten years and in the event of the disability still being regarded by the pension sanctioning authority as incapable of improvement; his pension shall be sanctioned for life. Thereafter, no revision of pension will be admissible.

(c) In cases where the invaliding disability is loss of limb (s), total loss of sight, loss of one eye, amputation, etc., and where the question of improvement/worsening of its physical condition do not arise, the award shall be sanctioned for life in the first instance itself.

Period of grant of disability pension when invaliding disability is CAPABLE of improvement

*185-A. Where the disability whether attributable to or aggravated by military service of an individual is considered as capable of change (improve or deteriorate); the period of the first award calculated with reference to the date of the medical board will be in the range of one to five years. The actual period of award in such cases will, however, be decided by the Medical Board having due regard to the circumstances/conditions of each case. The period of the award on resurvey will also be for a period ranging from one to five years and will be decided after taking into account the circumstances of each case.

When the disability is accepted at the same percentage on the basis of three consecutive medical boards including the release/invaliding medical boards, the disability will be normally accepted as incapable of improvement and regulated under the provision of Regulation 143 and the award of disability pension/disability element shall then, be sanctioned for a period of 10 years in the first instance.

Provided that, if in any case where the degree of disablement has been assessed at the same percentage by the three successive boards, but the medical authorities are not in a position to recommend that the disability is of permanent nature, the same may be continued to be assessed on temporary basis for such shorter periods as may be considered judicious on the merits of each case.

*Amended vide MOD letters No. A/25196/AG/PS4 (d)/86/97/Pen- C dated

30/08/76 and 1(1)/83/Pen-C dated 6/7/84

Pensionary awards when the degree of disablement is reassessed at less than 20 percent

*186. (1) An individual who is invalided out of service with a disability attributable to or aggravated by service but assessed at below 20 percent shall be entitled to service element only.

(2) An individual who was initially granted disability pension but whose disability is re-assessed at below 20% subsequently shall cease to draw disability element of disability pension from the date it falls below 20 per cent. He shall, however, continue to draw the service element of disability pension.

Grant or reassessment of disability pension when the degree of disablement increases

187. If, at any time, an increase which is properly referable to service factors occurs in the degree of disablement, a disability pension may be granted, or the pension already granted may be increased, to the appropriate higher rate, with effect from the date of the medical board on the basis of whose findings the competent authority accepts the higher degree of disablement.

Refusal to appear before a re-survey medical board

188. In case a pensioner who has been asked under any rule or order to appear before a re-survey medical board, for re-assessment of his disability, refuses to do so, the disability element of his pension shall be suspended from the date of such refusal. He shall, however, continue to draw service element.

Constant Attendance Allowance

189. A constant attendance allowance at the rate of Rs.300/p.m. may be granted to an individual who is awarded a disability pension as for 100 percent disablement, if in the opinion of the invaliding or a resurvey medical board he needs the services of a constant attendant for at least a period of three months, and the necessity arises solely from the condition of the accepted disability or disabilities.

The allowance may also be granted if the accepted degree of disablement of an individual is assessed at 100 percent, but a reduced award is made under Regulation 175 provided the remaining conditions for the grant of the allowance are fulfilled.

The payment of the allowance shall be governed by the regulation laid down in Appendix III.

*Amended vide AI 4/S/75 and 4/S/76.

Admissibility of disability pension to a pensioner reemployed/re-enrolled without disclosing his invalidation

190. A pensioner, who on his re-enrolment in the Army does not disclose that he/she was previously discharged from service with the Armed Forces for medical unfitness, shall be debarred from the date of his/her re-enrolment from any disability Pension admissible to him/her in respect of his/her previous service with the Armed Forces. If his/her re-employment is terminated or account of his medical unfitness or if on termination of the re-enrolment he/she is brought before a medical board, his/her claim for a disability pension after the termination of re-enrolment will be submitted for orders of the Government of India. Such orders will duly take into consideration the effect of his re-enrolment in the Army Service in aggravating previous disability or introducing a new one.

Note: The above provision shall cover all types of cases of disability and not merely cases of invalidment proper.

191 to 195 Blank

SECTION IV A-INVALID PENSION AND GRATUITY

EXTENT OF APPLICATION

196. The Regulations in this Section shall apply to such Junior Commissioned Officers (including those granted Honorary Commissions), Other Rank and Non-Combatants (Enrolled) referred to in Regulation 112.

INVALID PENSION/GRATUITY WHEN ADMISSIBLE

197. Invalid pension/gratuity shall be admissible in accordance with the Regulations in this chapter, to

- (a) an individual who is invalided out of service on account of a disability which is neither attributable to nor aggravated by service;
- (b) an individual who is though invalided out of service on ' account of a disability which is attributable to or aggravated service, but the disability is assessed at less than 20%, and (c) a low medical category individual who is retired/discharged from service for lack of alternative employment compatible with his low medical category.

MINIMUM QUALIFYING SERVICE

198. The minimum period of qualifying service actually rendered and required for grant of invalid pension is 10 years. For less than 10 years actual qualifying service invalid gratuity shall be admissible.

199. Omitted.

SCALE OF INVALID PENSION

200. The scale of invalid pension shall be as under: -

	Category of Personnel	Scale
	1	2
(a)	Junior Commissioned element Officers granted Honorary Commissions while on the causes effective list were attributable to or aggravated by service.	Amount equal to the service of disability pension that would be admissible in case the
(b)	Junior Commissioned Officers and other Ranks.	-DO
(c)	Non-Combatants (Enrolled)	-DO

Scale of Invalid Gratuity

201. Invalid gratuity may be granted at the scale of half a month's reckonable emolument [Pay + Classification pay, if any, last drawn] for each six monthly period of service.

202-205. Blank

SECTION V-FAMILY PENSIONARY AWARDS

Sub-Section I - General

Extent of Application

206. (a) Unless otherwise provided the regulations in this section shall apply to : -
- (i) The individual referred to in Regulation 112.
 - (ii) Reservists when called up for service or for training.
- (b) Obsolete

Serious Negligence or Misconduct

*207. If the death of an individual is wholly or partly due to his or her serious negligence or misconduct, the amount of special family pensionary awards otherwise admissible shall not be reduced.

208. Deleted.

209, 210, 211 Blank

*Amended vide MD letter No. 220574/77/Pen-C dated 31/7/78.

SUB SECTION II-FAMILY PENSION AND GRATUITY

Ordinary Family Pension

212. See AI 51/80 reproduced in officer section

Note for the Readers

1. Ordinary Family Pension to who applicable. Families of Armed Forces Personnel except: -

- (a) NCC Auxiliary Cadet Corps and Lok Sahayak Sena.
- (b) TA personnel except when they die while rendering Military Service.
- (c) Persons who are executed on being convicted of death sentence by court.

2. Ordinary Family Pension When admissible. When an individual dies on account of causes, which are neither attributable to nor aggravated by Military Service.

- (i) either while in service provided he had been found fit after successful completion of the requisite training and medical examination for commission or at the time of enrolment in the case of personnel below officer rank.
- (ii) or after retirement/discharge from services and was on the date of death in receipt of or eligible for retiring/special/Reservist/disability/invalid/War injury pension.
- (iii) Death due to suckle does not disqualify the heir from ordinary family pension.

Subject-Grant of Ordinary Family Pension to Widows/Children of Army/Navy/Air Force Personnel

1. This Ministry's letter No. A/06724/AG/PS-4(a)/965/B/D (Pens/Sers.) dt. 3-8-1979 regarding grant of Ordinary Family Pension to widows/children of Army/Navy/Air Force personnel, is amended as follows: -

In partial modification of the provision of AI 2/S/64 and corresponding instructions on the Navy and Air Force sides, the President has been pleased to waive the condition of one year's continuous active service at the time of death/invalidment of service personnel for the purpose of grant of ordinary family pension in respect of such personnel under the aforesaid instructions provided the person immediately before his recruitment/commissioning was found fit after medical examination.

2. This corrigendum will have effect from 27th January 1979.

3. This issues with the concurrence of Ministry of Finance (Def.) vide their u.o. No. 1850/S/Pen dt. 4-1-1982.

[Auth-Govt. of India, Min. of Defence, New Delhi, letter No. A/06724/AG/PS-4 (a)/39B/D (Pens/Sers) dt. 23-1-1982.]

Special Family Pension

213. A special family pension may be granted to the family of an individual if his death was due to or hastened by

(a) a wound, injury or disease which was attributable to military service,

OR

(b) the aggravation by military service of a wound, injury or disease, which existed before or arose during military service.

Service rendered in aid of the civil power

214. Service rendered in aid of the civil power shall be treated as military service for the purpose of family pensionary awards.

Pension intended for the whole family

215. Special family pension is intended for the support .of all the eligible members of a family, irrespective of in whose name it stands.

Eligible members of the family

216. The following members of the family of a deceased individual shall be viewed as eligible for the grant of a special family pension, provided that they are otherwise qualified: -

(a) widow/widower lawfully married. It includes a widow who was married after individuals' release/retirement/discharge/invalidment.

(b) Son actual and legitimate/including validly adopted.

(c) Daughter, actual and legitimate/ (including validly adopted).

(d) Father.

(e) Mother.

(f) Brother

(g) Sister

Note 1-The term “widow” used in the above or any other regulation in this sub-section in respect of special family pensionary awards shall be deemed to include such a widow who was married after the individual's discharge/invalidment.

Note 2 -The term “child” used in the above or any other regulation in this sub-section in respect of special family pensionary awards shall be deemed to include such a child born out of a marriage after discharged/invalidment of the individual.

Note 3 -The term “father” and “mother” or “parents” used in the above or any other rule in this sub-section shall also be deemed to include such putative parents (or surviving parents as the case may be) as had not contracted a lawful marriage, but were living as husband and wife at the time of, or got lawfully married subsequent to, the conception of deceased member of the forces.

Note for the Readers

If any member of family is denied any share in the property of the individual under a will or deed such member shall be debarred for spl. Family Pension Order of priority in which payable. In the case of personnel below officer rank

(i) Nominated heir and on her/his disqualification or death to other member, one at a time as per priority vide Regulation 216.

(ii) In the absence of nomination, to the widow and on her disqualification or death to the eligible child. In case there is no widow/widower the eligible child, it shall be paid to the father and in his absence to the mother.

Ex-gratia awards of other relatives

*217. An ex-gratia award may be sanctioned to foster parents or a stepchild of an individual whose death takes place in the circumstances mentioned in regulation 213, subject to the condition that the claimant was largely dependent on the deceased for support at the time of death and is in pecuniary need.

(2) An award under clause (1) above shall not be made if a special family pension is admitted to a member of the family specified in regulation 216.

Nomination of an heir to family pension

218. (a) An individual may nominate any, but only one, of the relatives specified in Regulation 216, as heir to the special family pension.

(b) A Gorkha recruited from, or whose family resides in, Nepal may, however, nominate in addition, another relative from amongst those specified in regulation 216 as an alternative heir to special family pension. The second heir shall, however, be treated as a nominated heir only if the first is dead or disqualified on the date on which the pension sanctioning authority decides that the claim to special family pension is admissible.

******(c) The individual may change the nomination in favour of another eligible heir at any time during his service or after discharge.

(d) The original or the revised nomination referred to in clauses (1) and (2) above shall be made in triplicate in the prescribed form as at Appendix-IV and shall be attested by the OC of the Unit if the soldier is serving or by any of the responsible persons mentioned in the nomination form if he is a pensioner.

Where the nominated person is dead or disqualified or in the absence of any nomination referred to in clause (1) above, special family pension shall be granted to one of the member of the family, in the order of priority indicated in Regulation 216.

*** Note for the Readers:** - Rates of Ex-gratia awards to foster parents and step children will be 50% of the rates prescribed in Regulation 227 (a). Likewise rate of Dependent pension admissible to eligible parents and brother sister will be equal to 50% of the special family pension laid down in Regulation 227 (a)

****** (C) & (D) inserted vide MOD letter No. 210729/72(Pen-C) dated 13/12/73.

Conditions of eligibility for a family pension

219. A relative specified in Regulation 216 shall be eligible for the grant of family pension, provided;

General

- (i) he or she is not in receipt of another pension from Government;
- (ii) he or she is not employed under Government

Widow

- (iii) a widow has not remarried.

This condition shall not apply to a widow who remarried her deceased husband's brother, and continues to live a communal life with and/or contributes to the support of the other living eligible heirs.

Son

- (iv) a son is below the age of 25 years.

Daughter

(v) a daughter until she attains the age of 25 years or marriage whichever is earlier.

Parents

Second life Awards (special family Pension) shall be admissible to the parent (s) of the deceased and in the absence of the parents, eligible brother and sisters of the deceased of the rate of 50% of the special family pension determined vide Regulation 227(a), if the claimants was/were largely dependent on the deceased for support and is/are in pecuniary need.

Mother

(vi) a mother who is a widow at the time of her son's death or who becomes a widow thereafter, has not remarried. If she had remarried before her son's death, she shall remain eligible for the special family pension, unless and until she again becomes a widow and remarries.

Brother/Sister

(vii) The brothers/sisters were largely dependent on the deceased for support and are in pecuniary need.

(viii) In the case of brother he has not completed the age of 25 years.

(ix) In the case of sister, she has not completed the age of 25 years or has not married

To whom the original grant of family pension is made

220. (a) Where there is a nomination: -

(i) If on the date on which the pension sanctioning authority decides that the claim to family pension is admissible the nominated heir is alive and eligible, the pension shall be granted to him or her.

(ii) If on the date referred to above, the nominated heir is dead or disqualified, the pension shall be granted to the heir who stands highest in the list of living heirs specified in Regulation 216 and is eligible under Regulation 219.

(iii) If an heir (other than the widow) who is nominated for the family pension waives his or her claim in favour of the widow, the pension shall be granted to her, provided she is eligible on the date referred to at sub-clause (i) above.

(iv) Obsolete

(v) Obsolete

Note- The date on which the pension sanctioning authority decides that the claim to family pension is admissible shall mean the date on which the draft pension payment order is approved by the (CDA (P)) and the action for actual grant and notification thereof is commenced.

Note for the Readers: -An OR can nominate a member of his family for pension. A Gorkha OR can nominate alternate heir also. The nomination can be revised.

(b) Where there is no nomination: -

(i) The pension shall be granted to the living heir who stands highest in the list in Regulation 216 and who is eligible under Regulation 219, on the date on which the pension sanctioning authority decides that the claim to pension is admissible.

(ii) Obsolete

Date from which a grant of family pension takes effect

221. (a) The original grant of special family pension shall be made as a first life award from the date following that of casualty which created the claim, to the nominated heir and in the absence of nomination to the highest living heir on the date referred to in Regulation 220 (a) (i). Pending enquiry award already paid, if any, shall be adjusted in accordance with Regulation 48 of Pension Regulation (Army), 1961, Part II.

(b) If on the date referred to in clause (a) all the eligible members are dead or disqualified, the arrears may only be paid at the discretion of the President.

(c) In no case shall claims preferred after disqualification of a claimant be entertained:

Grant of family pension to an individual in receipt of another pension from Government or in Government employment

222. (a) Widows in receipt of another pension from Government or in Government employment shall not be debarred from the payment of special family pension, subject to the condition that no two pensions in respect of the same person shall be admissible.

A special family pension will not normally be granted if and for so long as an individual (other than the widow) is in Government employment or in receipt of another pension from Govt. If however, the pay of the appointment or the pension is less favourable than the special family pension admissible under these regulations, the following provisions shall apply: -

(i) **Where the individual is in Govt. employment**-Half the family pension normally admissible' shall be paid. Full family pension shall be payable on termination of appointment subject to clause (c).

(ii) Where the individual is in receipt of a pension under these regulations-It shall be held in abeyance for so long as family pension is payable, either under these regulations or under the Navy or Air Force Pension Regulations. The amount, if any, paid on account of the lesser pension, from the date, which the grant of family pension takes, effect shall be adjusted accordingly.

(iii) Where the individual is in receipt of a pension under the civil rules-The amount of family pension admissible under these Regulations shall be abated by the amount of such pension.

(b) Where, however, the pecuniary circumstances of a claimant in receipt of another pension are such that the operation of clause (a) is likely to cause genuine distress, the case shall be submitted for the orders of the Government.

(c) Special family pension under these regulations shall not be abated/discontinued by the grant of pension under the Central of State (Extra-ordinary) Pension Rules. A special family pension under these regulations and extra-ordinary pension under the civil rules in respect of the same person will, not, however, be admissible.

(d) The provisions of this regulation shall also be applicable when the recipient of a special family pension, is subsequently employed under Government or granted another pension from Government.

Rank and group on which special family pension and gratuity is assessed

223. Except in the case of JCO granted honorary commission while on the effective list, the special family pension and gratuity shall be assessed on the substantive rank or a higher paid acting rank, if any, and group held by an individual on any of the following dates, whichever is the most favourable: -

(a) the date of death if death occurs in service or date of discharge/invaliding if death takes place after discharge/invaliding;

Or

(b) the date on which the individual sustained the wound or injury or was first removed from duty on account of the disease causing his death

Or

(c) if he rendered further service and during and as a result of such service suffered aggravation of the disability, the date of his later removal from duty on account of the disability.

Note- In the case of an individual, who on account of misconduct or inefficiency is reverted to a lower rank subsequent to the date on which the cause of death originated the rank for assessment of special family pension and gratuity shall be the rank held on the date mentioned in clause (a) above.

Recruits and Young Soldiers

224. Special family pensionary award will be admissible in respect of recruits and young soldiers at the rates and under the conditions applicable to sepoy of the lowest group.

Individuals Re-mustered from a higher to a lower group

225. The family pension in respect of an individual who was re-mustered from a higher to a lower group on being declared surplus after rendering 15 years or more of qualifying service, may be assessed, where more favourable than the awards otherwise admissible, on the pay drawn on the date he was declared surplus.

Rtes of Ordinary Family Pension

Pension Regulations For The Army-1961 (Part-I)

*226. The rates of ordinary family pension in respect of Junior Commissioned Officers granted Honorary Commission is: -

Reckonable emoluments [Pay + Classification pay, if any, last drawn] by the deceased	Amount of monthly family pension
(i) Not exceeding Rs. 1500/- p.m.	30% the reckonable emoluments subject to a minimum of Rs. 375/- p.m.
(ii) Exceeding Rs. 1500/- p.m. but not exceeding Rs. 3000/- p.m.	20% the reckonable emoluments subject to a minimum of Rs. 450/- p.m.
(iii) Exceeding Rs. 3000/- p.m.	15% of the reckonable emoluments subject to a minimum of Rs. 600/- and a maximum of Rs. 1250/-p.m.

* For detailed narration see AI 51/80 in officers section.

Rates of Special Family Pension

227. The rates of Special Family Pension inclusive of children allowance and children education allowance shall be as under irrespective of whether the deceased personnel of the Armed Forces, has completed 7 years of service or not –

Reckonable emoluments [Pay + classification pay, if any, drawn last]	Rate of Special Family Pension (p.m.)	
(a) If the Widow is Childless	(i) Not exceeding Rs. 1500/-	50% of the reckonable emoluments
	(ii) Exceeding Rs. 1500/- but not exceeding Rs. 3000/-	40% of reckonable emoluments subject to a minimum of Rs. 750/-
	(iii) Exceeding Rs. 3000/-	30% of reckonable emoluments subject to a minimum of Rs. 1200/- and maximum of Rs. 2500/-
(b) If the widow has Child/Children	In all cases.	60% the reckonable emoluments subject to a minimum of Its. 750/- and maximum of Rs. 2500/-

Special Family Pension at the rates indicated in (b) above shall be admissible to the widow till the Child/Children attain the age prescribed under the

rules and thereafter the widow shall, be paid family pension at the rates indicated at (a) above. Special family pension shall be regulated similarly where parents in the case of personnel below officer rank, have been nominated as the first awardee.

In cases where special family pension is granted to the widow and she dies or remarries, the children shall be paid special family pension at the rates indicated in (a) above and same rate shall also apply to fatherless/motherless children. In both cases, special family pension shall be paid to the children for the period during which they would have been eligible, as in the case of ordinary family pension.

Division of family pension between eligible heirs

228. (a) If the recipient of special family pension refuses to contribute proportionately towards the support of other eligible heirs in the family who were dependent on the deceased or if the pension is in the name of a child but is not devoted to the interest of the family generally, a competent authority may, on the basis of the verification/investigation report rendered by the Zila Sainik Board Recruiting Organisation and attested or countersigned by any one of the under mentioned local civil authorities, divide, at his discretion, the special family pension among the eligible heirs of the deceased:

- (a) Sarpanch of a village
- (b) Any serving or retired Gazetted Officer, civil or military, including a JCO
- (c) Sub Postmaster
- (d) Qanungo or Patwari
- (e) Sub Inspector of Police
- (f) A member of Municipal Corporation or committee or Zilla Parishad / District Board.
- (g) Panchayat President/Village Munsif/Patel/Village Officer/Panchayat Executive Officer.
- (h) M.P./M.L.A./Member of Legislative Council.
- (i) Oath Commissioner/Notary Public.

Note 1- The competent authority may order similar division of family pension at the time of initial investigation of a claim it is found that the nominated heir is not living a communal life with other eligible heirs or he/she is not willing to contribute proportionately towards their support.

Note 2- In the event of a division of family pension the widow's share shall not be less than the normal rate of ordinary family pension that would have been admissible to her had the death not been held as attributable to service.

(b) This division shall hold good only for the period during which the pension is payable to the original recipient under the regulations governing its grant. If during this period one of the parties to the division (other than the original

recipient) is disqualified or dies, his or her share shall be restored to the original recipient if he or she is the only one thing or shall be divided among the remaining recipients, if there are more than one.

(c) [Provision of this Para has since become obsolete as the erstwhile system of sanctioning special family pension to the widow/widower/eligible heir and children allowance and children education allowance to each child separately has been discontinued w.e.f 1/1/86 vide Ministry of Defence letter No. 1(5)/87/D (Pensions/Services) dated 30/10/87].

C.G.D.A's Decision

Subject- To over rule decision of CDA (P) by Ministry of Defence in regard to division of Family Pension in respect of personnel below of personnel below officer rank

A question was raised as to whether the Ministry of Defence is competent to over rule the decision of CDA (Pensions) - in regard to division of family pension in r/o personnel below officer rank.

The Administrative and Financial authorities at these Headquarters have decided that the decision arrived at by CDA (Pens) in regard to these cases can be overruled by the Ministry of Defence in consultation with the Ministry of Finance (Def.) and not by the Ministry of Defence alone.

[Auth -C.G.D.A's. letter No. 6424/AT-P dt. 3-9-75 in response to CDA (Pens) Allahabad No. AT-5/VII/220/Div/F.P. dt. 27-8-73.]

Transfer of Family Pension

229. When for any cause a special family pension ceases to be payable to an heir other than the widow, it shall be transferred to the widow at the same rate provided she is not disqualified under Regulation 219.

Continuance of Special Family Pension

230. After the expiry of 1st life award of special family pension to all eligible members for it second life award of special family pension may be granted to the parents and in their absence to the brothers and in the absence of parents/brothers, to sisters, provided they were largely dependent on the deceased for support and are in pecuniary need.

(2) Second life award shall be admissible only to one eligible member and on his/her death/disqualification it shall not be transferred to any other heir.

(3) When both the parents are alive, second life award will be payable to the father if he is otherwise eligible. It shall be payable to the mother only when father is not alive.

(4) In the case of brothers/sisters, -second life award shall be payable to the highest eligible brother/sister.

(5) The second life award shall be granted from the date of application of the claimant.

When Payment of Family Pension ceases

231. The payment of family pension shall cease when the recipient ceases to fulfill the conditions of eligibility under Regulation 219 or on his/her death, whichever is earlier.

Restoration of a Special Family Pension to a Widow

*231-A. (1) The special family pension of a widow, which was discontinued on her re-marriage may be restored to the event of her again becoming a widow or such marriage being annulled by divorce or desertion by the second husband if she is otherwise qualified, and provided her pecuniary circumstances are such as in the opinion of the President to justify restoration of the pension.

(2) Should the widow become eligible on the death of her second husband for a pension under these regulations at a different rate, she may choose that which is more beneficial to her.

* Regulation 231-A with its heading inserted vide C. S. 58/IV/67.

Family Gratuity

232. A gratuity at the rates laid down in clause (c) below may be granted, in addition to special/liberalised special family pensionary awards to the 'widow [child (ren)/parent(s)] of an officer who

- (i) is killed in action, or dies of wounds sustained in action; or
- (ii) is killed while on flying duty or parachute jumping duties in a aircraft or while being carried on duty in an aircraft (civil or service), under proper authority, or dies of injuries sustained in such circumstances; or
- (iii) though not serving in a field area, dies of a cause attributable to circumstances which, in the opinion of the local administrative authority, are similar to those encountered on field service or in operations; or
- (iv) suffers a violent death: while employed in aid of the civil power; or
- (v) dies while laying or clearing land or sea mines.
- (vi) dies while on diving duty;
- (vii) dies while on duty in a submarine or while being carried on duty in submarine under proper authority or
- (viii) dies due to injuries sustained in the circumstances mentioned in clauses (iv) to (vii)

Note: 1. An individual employed on the work of disposal by demolition, burning, burial, breakdown or dumping of unserviceable stocks of explosives will be deemed to be on field or operational service for the purpose of eligibility of the widow to death gratuity under clause (iii).

[An individual whose death occurs as a result of wound or injury sustained while taking part in battle inoculation training or demonstration with live ammunition where safety distance are reduced for realism in training, will, for the purpose of grant of family gratuity, be deemed to be covered under clause (c) above i.e. their death will be accepted as due to a cause attributable to circumstances similar to those encountered on field service or In operations. This concession shall be admissible only for so long as this scheme of the modified inoculation training and reducing safety distance for realism in training remains in force. Authority:-MOD letter No. 94846/AG/ PS4(c)/47(S)/Pen-C dated 13/3/70.)]

[Eligible heirs of individuals who are reported missing during an emergence as a result of operations against the enemy and who are ultimately presumed or established to have been killed in action or to have died of wounds received in action shall be granted family gratuity at the rates and under the conditions laid down in this Regulation Authority: -MOD letter No/0/02519/ AG /PS4 (a) /5533 / Pen-C dated 27/6/63.)]

(b) (i) Except as provided for in Regulations 31 of Part II of these Regulations family gratuity shall be payable to the recipient of the special/liberalised special family pension.

(ii) If, on the date on which the pension sanctioning authority decides that the claim to a family pension is admissible, all the members in the list of eligible heirs have dies or become disqualified, the gratuity shall only be payable under the orders of President.

(c) The Rates of Family Gratuity are: -

(Amended vide letter No. 197829/68/Pen-C/III dated 30/10/68)

RATE OF GRATUITY

Rank	where ex-gratia is paid, for Flying Accidents	where ex-gratia is not paid
	Rs	Rs
Hony. Captain	1200	1600
Hony. Lt.	1200	1500
Sub Maj/Ris. Maj	1200	1400
Sub/Risaldar	1200	1300
Naib Subedar	600	1000
Dafadar/Havildar	400	650
L.Dafadar/Naik	300	550
Sowar/Se	250	450
Boys/Recruits/Young Soldiers	250	450
Non-Combatants Enrolled	200	350

233, 234 and 235 Blank

Sub-Section III-Children's Allowance

Conditions for grant of Children's Allowance

236. [WEF 1/1/86 Children allowance is granted to each child of the personnel below officer rank @ Rs.100 p.m. per child. This allowance is tenable for each during the period he or she would have been eligible for ordinary family pension. It is allowed only where the widow forfeits liberalised special family pension due to her remarriage with any other person and consequently draws ordinary family pension

Or

Where personnel below officer rank is not survived by widow but is survived by child/children only. All children together shall be eligible for special family pensions at the childless widow rate and also draw in addition the children allowance. Children allowance is not admissible where the widow draws liberalised family pension equal to the reckonable emoluments last drawn by the deceased service officer. Authority MD letter dated 30/10/87]

Note: - The term "child" used in the above or any other regulation in this sub section, in respect of special family pensionary awards shall be deemed to include such a child born out of a marriage after discharge/invalidment of the individual.

237. Obsolete

Rates of Children's Allowance

238. [W.E.F. 1/1/86, the children allowance and children education allowance has been merged. A consolidated allowance @ Rs.100/p.m. per child is allowed in cases covered by note under Para 19.1 and by paras 19.2 and 21 (b) of GOI, M.D. letter No. 1 (5)/87/D (Pension/Services) dated 30th October, 1987.]

239. Obsolete

When the payment of children's allowance ceases

240. The payment of children allowance shall cease:

- (i) Attaining the age of 25 years in the case of sons/brothers and unmarried daughters/sisters.
- (ii) Date of the marriage of the daughter/sister.
- (iii) Obsolete

However, in case the eligible child is physically, or mentally handicapped and is unable to earn a livelihood the children allowance/family pension would be admissible for life to such a child.

[Auth: MD letter dated 30-10-87.]

241. Obsolete

242. Obsolete

243, 244 and 245 Blank

SUB-SECTION IV

Awards in respect of deaths not due to service

Not reproduced in view of the latest orders contained in A I. 51/1980.

The erstwhile restriction o cam-mg of livelihood for the purpose of stoppage of family pension stands removed vide GI, Deptt of P&PW,PM No 1 (26)P&PW/90-E dated 18/01/93.

Extent of application

265. Unless otherwise provided, the regulations in this chapter shall apply to personnel of the Defence Security Corps who were in service on the 1st January 1986 and who joined or join service on or after that date.

General provision

266. The grant of pensionary awards to personnel of the Defence Security Corps shall be governed by the same general rules as are applicable to combatants of the Army, except where they are inconsistent with the provisions of the regulations in this chapter.

Counting of former Service

267. (a) An individual who has rendered previous service in the Army/Navy/Air Force and/or the Defence Security Corps is eligible to count such former service for pension/gratuity to the extent and subject to the conditions laid down in regulation 126.

(b) Obsolete

(c) Obsolete

(d) An individual, including one who is re-employed in the Defence Security Corps as a Junior Commissioned Officer (except an Ex-EICO or Hony. Commissioned Officer accepting re-employment in the Defence Security Corps in the status of Junior Commissioned Officer) who is in receipt of pension in respect of his former service, shall be held in abeyance during his service, in the Corps. The re-employed service shall count for enhancement of pension under the regulations applicable to personnel of the Defence Security Corps. On release from the Corps either the pension which was held in abeyance, or any higher pension earned, shall become payable.

Reckonable Emoluments for calculation of gratuity and other pensionary awards

268. Reckonable Emoluments for the purpose of assessment of service Pension/gratuity and other pensionary benefits shall consist of: -

For Service Pension: -Maximum pay of the pay scale including 50% of the highest classification pay, if any, of the rank held and group in which paid continuously for at least 10 months at the time of discharge.

For all type of gratuities and family pension (Ordinary, Special and liberalized special) and war injury pension

Pay including classification pay, if any last drawn by the individual.

Section II- Service Pension & Gratuity

Rates of Service Pension

271. (a) The minimum period of qualifying service (without weightage) actually rendered and required for earning service pension will be 15 years [20 years in the case of NCs (E)].

(b) Service pension in respect of the personnel below officer rank for 33 years of qualifying service shall be calculated at 50% of the emoluments reckonable for pension and for lesser period of qualifying service is shall be reduced proportionately: the amount of service pension finally arrived at shall be subject to a minimum of Rs.375/- p.m.

Revised rates of service pension of personnel below officer rank of the DSC (excluding Honorary Commissioned Officers) who retired/retire on or after 1.1.1986 on revised scales of pay are as under:-

Rank	Actual Length Of Service (Years)	Rates of service pension	
		For those employed on Clerical duties (Rs. p.m.)	others (Rs. p.m.)
(1)	(2)	(3)	(4)
Sepoys	15	375	375
	16	375	375
	17	390	375
	18	408	380
	19	426	397
	20	444	413
Naik	15	411	384
	16	432	403
	17	452	422
	18	473	441
	19	493	460
	20	514	480
	21	534	499
	22	555	518
Havildar	15	464	431
	16	487	452
	17	510	474
	18	534	495
	19	557	517
	20	580	538
	21	603	560

Pension Regulations For The Army-1961 (Part-I)

	22	626	581
	23	650	603
	24	673	624
<hr/>			
Naib Subedar	15	682	637
	16	716	669
	17	750	700
	18	785	732
	19	819	764
	20	853	796
	21	887	828
	22	921	860
	23	955	891
	24	989	923
	25	1023	955
	26	1057	987
<hr/>			
Subedar	15	788	746
	16	828	783
	17	867	820
	18	907	858
	19	946	895
	20	985	932
	21	1025	970
	22	1064	1007
	23	1104	1044
	24	1143	1081
	25	1182	1119
	26	1222	1156
	27	1261	1193
	28	1300	1230
<hr/>			
Subedar Major	15	904	884
	16	949	928
	17	994	972
	18	1039	1016
	19	1084	1060
	20	1129	1105
	21	1174	1149
	22	1220	1193
	23	1265	1237
	24	1310	1281
	25	1355	1325

Pension Regulations For The Army-1961 (Part-I)

26	1400	1370
27	1445	1414
28		
29		
30		
31	1449	1458
32		

Rate of Service Gratuity

272. (a) An individual who is discharged in the less than 15 years qualifying service may be granted service gratuity at a uniform rate of half a month's emoluments as defined in Regulation 268 for each completed six monthly period of qualifying service provided he has rendered not less than 5 years of qualifying service.

(b) [The erstwhile provision of reduction in gratuity stands dispensed with]

*(c) An individual who is discharged prematurely on compassionate grounds or for other personal reasons shall also be eligible for a full service gratuity, w.e.f. 1/1/86

273. Deleted.

* As amended vide MD No 1(5)/87/8 (Pension Services) dated 30/19/87

Special Pensions and Gratuities

274. Special pension or gratuity shall be admissible to individuals who are discharged in large number in pursuance of Government policy of: -

(a) reducing the strength of establishment of the Corps; or

(b) re-organisation, which results in disbandment of any units/formations; at the rates and under the conditions as are applicable to corresponding ranks- of the regular Army.

275, to 278 Blank

Section III-Disability and Family Pensionary Awards

Extent of application

279. (a) The regulations in this section shall apply to the individuals referred to in regulation 265.

Amount of disability pension

WEF 1/1/86

280. The disability pension consists of two elements viz. service element and disability element which shall be assessed as under:-

(1) Service element

(a) Where the individual has rendered sufficient service to earn a service pension i.e. actual service is 15 years or more (20 years or more in the case of NCs (E)

(i) Equal to normal service pension relevant to the length of qualifying service actually rendered, plus a weightage of 5 years as given in Regulation 271 (b).

(b) Where the individual has not rendered sufficient service
Qualify for a service pension.

(i) If the disability was sustained to while on flying or parachute jumping duty in an aircraft or while being carried on duty in an aircraft under proper authority:

The minimum service pension appropriate to his rank (see regulation 271) and group, if any.

(ii) In all other cases:

Equal to the service pension as determined per Regulation 271 (b), but it shall in no case, be less than 2/3rd of the minimum service pension admissible to the rank/pay Group. It shall be further subject to a minimum of Rs.375/- p.m.

Note- With effect from 28th November 1962 and for so long as similar orders exist in respect of Central Civil Government servants, the provisions of clause (i) above shall also apply to flights in non-service, i.e., Civil or Chartered, aircraft.

In the case of D.S.C. personnel service pension for former service of an individual held in abeyance under Regulation 267(d) on his re-enrolment in the D.S.C. shall be restored as service element of disability pension on termination of his re-employment in D.S.C., if it is more than the service pension admissible under Reg. 271 for the service in D.S.C. [Auth: MOD letter No. 1(2)/84/(Pen-C) dated 29/5/86]

(2) Disability element

For 100 percent disablement the rates of disability element will be as follows :-

w.e.f. 1/1/86

Rank	Disability element
JCOs granted Honorary Commission while on the effective List:	Rs. P.M. 750/-
JCOs	550/
Other Ranks/NCs (E)	450/-

For lower percentages of disablement down to 20 percent the rates will be proportionately reduced.

Provided that where permanent disability is not less than 60% the disability pension (i.e., total of service element and disability element shall not be less than the special family pension admissible vide Regulation 213 i.e., it shall not be less than 60% of the reckonable emoluments [Pay+ Classification pay, if any, last drawn] Subject to a minimum of Rs.750/-P.M. and maximum of Rs.2, 500/- p.m. [Auth. MD letter No 1(5)/87/D- (Pension/Services) dated 30/10/87]

In case where an individual is invalided out of service before completion of his prescribed engagement/service limit on account of a disability which is attributable to or aggravated by military service and is assessed below 20 percent, he will be granted an award equal to service element of disability pension determined in the manner given in Regulation 183 Pension Regulations for the Army Part I (1961), read with Appendix `A' to AI I/S/75 and Annexure I & II to AI 3/S/75. This benefit will also be allowed in all cases where an individual is granted disability pension but whose degree of disablement subsequently falls below 20 percent.

Note-In the case of a re-employed pensioner who was in receipt of pension in addition to pay and allowances under regulation 120 and clause (b) of regulation

121 only disability element will be admissible in addition to the service pension already in issue.

Subject to the same conditions as are applicable to combatants of the Army, the amount of disability pension consisting of service and disability elements will be as follows: -

(1) Service element

(a) Where the individual has rendered sufficient service to earn a service pension.

Service pension admissible under regulation 271 according to his rank and length of service.

(b) Where the individual has not rendered sufficient service to qualify for a service pension.

(i) If the disability was sustained while on flying duty in a service aircraft or while being carried on duty in a service air-craft under Proper authority.
The minimum service pension appropriate to his rank under, reputation 271

(ii) In all other cases.
That proportion of the minimum service pension appropriate to the individual's rank which the number of his completed years of qualifying service' bears to 15, but in no case less than two third of the minimum service pension.

(2) Disability Element

The rates of disability element for 100% disability for the various ranks shall be as follows: -

Rank	Amount p.m.
(i) Commissioned Officers and Honorary Commissioned Officers of the three services, MNS, TA and DSC	Rs. 750/-
(ii) Junior Commissioned Officers and equivalent ranks of the three services, TA and DSC	Rs. 550/-
(iii) Other Ranks/NCs (E) of the three services TA and DSC	Rs. 450/-

For disabilities less than 100% but not less than 20% the above rates shall be proportionately reduced.

Provided that where permanent disability is not less than 60%, the disability pension (i.e. total of service element and disability element) shall not be less than the special family pension admissible vide Regulation 282 (b) i.e. it shall not be less than 60% of the reckonable emoluments subject to a minimum of Rs. 750/- p.m.

Constant Attendance Allowance

281. A constant attendance allowance may be granted at the same rate and subject to the same general conditions as are prescribed in Regulation 189.

Rates of special family pension

282. The rates of Special Family Pension inclusive of children allowance and children education allowance shall be as under irrespective of whether the deceased personnel of the Armed Forces, has completed 7 years of service or not -

Reckonable emoluments [Pay + classification pay, if any, drawn last]		Rate of Special Family Pension (p.m.)
(a) If the Widow is Childless	(i) Not exceeding Rs.1500/-	50% of the reckonable emoluments
	(ii) Exceeding Rs. 1500/- but not exceeding Rs. 3000/-	40% of reckonable emoluments subject to a minimum of Rs. 750/-
	(iii) Exceeding Rs. 3000/-	30% of reckonable emoluments subject to a minimum of Rs. 1200/- and maximum of Rs. 2500/-
(b) If the widow has Child/Children	In all cases.	60% the reckonable emoluments subject to a minimum of Rs. 750/- and maximum of Rs. 2500/-

Special Family Pension at the rates indicated in (b) above shall be admissible to the widow till the Child/Children attain the age prescribed under the rules and thereafter the widow shall be paid family pension at the rates indicated at (a) above. Special family pension shall be regulated similarly where parents in the case of personnel below officer rank, have been nominated as the first awardee.

In cases where special family pension is granted to the widow and she dies or remarries, the children shall be paid special family pension at the rates indicated

in (a) above and same rate shall also apply to fatherless/motherless children. In both cases, special family pension shall be paid to the children for the period during which they would have been eligible, as in the case of ordinary family pension.

Family Gratuity

282-A. A gratuity at the rates laid down in clause (c) below may be granted, in addition to special/liberalised special family pensionary awards to the widow [child (ren)/parent(s)] of an officer who-

- (i) is killed in action, or dies of wounds sustained in action; or
- (ii) is killed while on flying duty or parachute jumping duties in a aircraft or while being carried on duty in an aircraft (civil or service), under proper authority, or dies of injuries sustained in such circumstances;
- or
- (iii) though not serving in a field area, dies of a cause attributable to circumstances which, in the opinion of the local administrative authority, are similar to those encountered on field service or in operations; or
- (iv) suffers a violent death while employed in aid of the civil power; or
- (iv) dies while laying or clearing land or sea mines.
- (v) dies while on diving duty;
- (vii) dies while on duty in a submarine or while being carried on duty in submarine under proper authority or
- (viii) dies due to injuries sustained in the circumstances mentioned in clauses (iv) to (vii)

Note: 1. An individual employed on the work of disposal by demolition, burning, burial, breakdown or dumping of unserviceable stocks of explosives will be deemed to be on field or operational service for the purpose of eligibility of the widow to death gratuity under clause (iii)

[An individual whose death occurs as a result of wound or injury sustained while taking part in battle Inoculation training or demonstration with live ammunition where safety distance are reduced for realism In training, will, for the purpose of grant of family gratuity, be deemed to be covered under clause (c) above Le. their death will be accepted as due to a cause attributable to circumstances similar to those encountered on field service or in operations. This concession shall be admissible only for so long as this scheme of the modified inoculation training and reducing safety distance for realism In training remains in force. Authority:-MOD letter No. 94848/AG/ PS4(c)/47(S)/Pen-C dated 13/3/70.)]

[Eligible heirs of individuals who are reported missing during an emergence as a result of operations against the enemy and who are ultimately presumed or

established to have been killed in action or to have died of wounds received in action shall be granted family gratuity at the rates and under the conditions laid down in this Regulation Authority: MOD letter No/A/02519/ AG/PS4 (a)/5533/Pen-C dated 27/6/63.)]

(b) (i) Except as provided for in Regulations 31 of Part II of these Regulations family gratuity shall be payable to the recipient of these special/liberalised special family pension.

(ii) If, on the date on which the pension sanctioning authority decides that the claim to a family pension is admissible, all the members in the list of eligible heirs have dies or become disqualified, the gratuity shall only be payable under the orders of President.

(c) The Rates of Family Gratuity are:-

(Amended vide MOD letter No. A/28436/AG/PS4 (d)/5397/Pen-C dated 6/8/70).

RATE OF GRATUITY

Rank	where ex-gratia is paid for Flying Accidents	where ex-gratia is not paid
	Rs.	Rs.
Hon. Captain	-	-
Hony.Lt.	-	-
Sub Maj	-	1275
Subedar	1100	1200
Naib Subedar	525	875
Havildar	325	525
Naik	250	450
Sepoy	225	400

Rates of children's allowance

283. [WEF 1/1/86 Children allowance is granted to each child of the personnel below officer rank @ Rs.100 p.m. per child. This allowance is tenable for each during the period he or she would have been eligible for ordinary family pension. It is allowed only where the widow forfeits liberalised special family pension due to her remarriage with any ether person and consequently draws ordinary family pension

Or

Where personnel below officer rank is not survived by widow but is survived by child/children only. All children together shall be eligible for special family

pensions at the childless widow rate and also draw in addition the children allowance. Children allowance is not admissible where the widow draws liberalised family pension equal to the reckonable emoluments last drawn by the deceased personnel. Authority MD letter dated 30/10/87]

OFFICE OF THE CONTROLLER OF DEFENCE ACCOUNTS (PD) MEERUT
CANTT

CIRCULAR NO. TECH/182

DATED 6/5/1992

SUBJECT: DISABILITY ELEMENT CONTINUANCE OF

As clarified by CCDA (P), Allahabad the Service Element of Disability Pension is being notified on permanent basis w.e.f. 1.1.73 and even if at some stage the percentage of disability of the pensioners, goes below 20%, his service element notified initially, continues to remain in force: for life of the pensioner. However in the case of pre 1.1.73 disability pensioners, the service element is contingent upon the continuance of disability element unless and until the pensioner has put in minimum of 10 years of service before 1.3.68 and 5 years of service after that date upto 31.12.72 after which the service element becomes permanent feature as explained above.

2. Since the transcription sheets of the pensioners and even the purified data, sent back to the C.G.D.A.'s office, do not provide for any column for indicating the period upto which service element will remain enforce, it is clarified that in no case of the above type, the service element is to be paid after the disability had fallen below 20%.

3. In view of the foregoing, DPDOs may please review all such type of cases with respect to PC file and check Registers etc. and even that to name of pre 1.1.73 disability pensioners the service element is paid after the disability has fallen below 20%, unless the same is specifically authorised by the CCDA (P) Allahabad. Recovery of over payment of Service Element if paid earlier may also be effect immediately.

Sd/-
Dy C.D.A.

SECTION IV-Awards in respect of deaths not due to service

Family Pension/Gratuity

284. The pensionary benefits in Part 'A' sub-section IV Section V of Chapter III will be admissible to the widows of Junior Commissioned Officers and Other Ranks of the Defence Security Corps who die of causes neither attributable to nor aggravated by military service. (See A.I. 51/80)

Section V -Invalid Pension and Gratuity

Extent of application

285. The regulations in this section shall apply to suc4 of the personnel of the Defence Security Corps referred to in Regn. 265.

Invalid Pension/Gratuity when Admissible

286. Invalid pension/gratuity shall be admissible in accordance with the Regulations in this section to-

(a) an individual who is invalided out of service on account of a disability, which is neither attributable to nor aggravated, by service;

(b) an individual who is though invalided out of service on account of a disability which is attributable to or aggravated service, but the disability is assessed at less than 20%, and

(c) a low medical category individual who is discharged from service for lack of alternative employment compatible with his low medical category.

MINIMUM QUALIFYING SERVICE

287. The minimum period of qualifying service actually rendered and required for grant of invalid pension is 10 years. For less than 10 years actual qualifying service invalid gratuity shall be admissible.

288. Obsolete

SCALE OF INVALID PENSION

289. The scale of invalid pension shall be as under: -

Category of Personnel	Scale
1	2
(a) Junior Commissioned Officers granted Honorary Commissions while on the effective list.	Amount equal to the service element of disability pension that would have been admissible in case the causes were attributable to or aggravated by service.
(b) Junior Commissioned Officers and other Ranks.	-DO
(c) Non-Combatants (Enrolled)	-DO

Scale of Invalid Gratuity

290. Invalid gratuity may be granted at the scale of half a month's reckonable emolument [Pay + Classification pay, if any, last drawn] for each six monthly period of service.

Chapter V-TERRITORIAL ARMY

SECTION I -GENERAL

Note for the Reader: -The following service shall qualify for pension: -

(a) All embodied service rendered in continuation or in broken spell(s) shall qualify for pension. For calculating the total embodied service, the break in embodied service due to disaembodiment shall be treated as condoned, but the period of break itself shall not be treated as qualifying service for pension.

(b) Former qualifying regular service in Army, Navy and Air Force in any rank shall be counted as qualifying service to the same extent as admissible to the regular Army personnel where one has opted for counting of the former service for pensionary benefits.

(c) The qualifying service so determined shall be rounded off as in the case of regular Army personnel.

(d) All other provisions relating to qualifying service as contained in Regulation 26 and 122 shall apply as in the case of regular Army officers and personnel.

[**Authority:-** 68699/221/GS/TA-3(a)/1181/S/D(GS-VI) dated 11/6/85, Cor. No. 68699/GS/TA-3(a)/623B/D/(GS-VI) dated 7/4/86 and 68699/GS/TA-3(a)/1068/B/D (GS-VI) dated 1/7/86.]

General provision

291. Blank.

292. The grant of pensionary awards to members of the Territorial Army shall be governed by the same general regulations as are applicable to the corresponding personnel of the Army except where they are inconsistent with the provisions of regulations in this chapter.

Definition of Military Service

293. Military service, for purposes of this chapter shall mean service as defined in Section 7(3) of the Territorial Army Act, 1948, and training as defined in Rule 18 of the Territorial Army Rules, 1948.

294 Blank

SECTION II-Commissioned Officers
Sub-Section 1-Terminal Gratuity

Extent of application

295. The regulations in this sub-section shall apply to all commissioned officers of the Territorial Army, who were in the Territorial Army on the 1st January, 1986 or who join it thereafter, excepting those who are: -

- (a) Civil Government servants holding permanent appointments,
- (b) Retired commissioned officers or retired civil gazetted officers, and
- (c) Ex-servicemen in receipt of pension.

Conditions for the grant of terminal gratuity

296. (a) A terminal gratuity shall be granted to an officer who has completed a minimum of 5 years of aggregate embodied service (which for the purpose includes the period spent on training under TA Act, Rule 18) or 10 years engagement in TA (combined embodied and non-embodied) and who dies during the period of disembodiment or who retires in the following circumstances: -

- (i) on disbandment/reorganization/inter-zonal transfer of units provided there is no other unit to which the officer can be transferred, or his consent to a transfer is necessary under the rules and he refuses to consent thereto;
- (ii) on reaching the prescribed retiring age;
- (iii) on being declared medically unfit for further service due to causes neither attributable to nor aggravated by military service;
- (iv) on completion of tenure of appointment or service limits; or
- (v) when services are no longer required otherwise than on disciplinary grounds;

The terminal gratuity shall be admissible only when one has not rendered the minimum qualifying service required for earning retiring pension.

In case of death of an officer during the period of disembodiment, the terminal gratuity shall be paid to his legal heir in the manner indicated in Regulation 68, Pension Regulations for the Army, Part II (1961) provided the family is not eligible for any family pensionary awards from the central/state Governments or any benefit under the Provident Fund Scheme to the maintenance of which Government had contributed.

Rate of terminal gratis

297. Terminal gratuity will be at the rate of half a month's reckonable emoluments. (Pay +NPA and Rank Pay, if any, last drawn by officer) for each completed six monthly period of aggregate embodied service.

298, 299, 300 and 301 Blank

Sub-Section II- Disability and Family Pensionary Awards

Extent of application

302. The regulations in this sub-section shall apply to all commissioned officers of the Territorial Army, who were in the Territorial Army on the 1st January 1986 or who join it thereafter,

Provided that Officers who are civil Government servants, and who while holding their civil posts are subject to the C.C.S. (E.P.) Rules or the analogous rules framed by the State Governments, shall be eligible to elect to be governed by the provisions of these Regulations or by the Civil Extraordinary Pension Rules applicable to them. The election made by an officer at any time during his service in the Territorial Army, or thereafter but before retirement from civil service, and once made shall be final.

[In case such an officer dies while serving in the Territorial Army without making an election, his family will be eligible to receive awards under these regulations or the appropriate civil rules, whichever are more favorable.]

Conditions governing the grant of disability and family pensionary awards

303. The grant of disability and family pensionary awards will be subject to the conditions governing the grant of these awards to commissioned officers of the Army, except where they are inconsistent with the provisions of the regulations in this sub-section.

Primary conditions for the grant of Disability Pension

304. Unless otherwise specifically provided a disability pension consisting of service element and disability element may be granted to an officer who is invalided out of service on account of a disability which is attributable to or aggravated by military service in non-battle casualty cases and is assessed at 20 per cent or more.

Provided that no disability pension will be admitted on the basis of aggravation of any minor, physical defect which was noticed at the time of joining the Territorial Army- but was condoned under the relevant rules, or if the disability can be attributed to, or considered as aggravated by, any such minor defect.

The question whether a disability is attributable to or aggravated by military service shall be determined under the Entitlement Rules laid down in Appendix II.

Rates of disability pension

305. The rules of disability pension are: -

(a) Officers other than civil Government servants holding lien on civil appointments and military pensioners. The disability pension consists of two elements viz. service element and disability element, which shall be assessed as under: -

SERVICE ELEMENT

The amount of service element shall be equal to the retiring pension as determined under Regulation 29. There shall be no weightage. There shall be no condition of minimum qualifying service having been actually rendered for earning this element, if otherwise due.

DISABILITY ELEMENT

The disability element of disability pension will be Rs. 750/p.m. at 100% disability. For disabilities less than 100% but not less than 20%, the above rates shall be proportionately reduced.

Provided that where permanent disability is not less than 60% the disability pension (i.e. total of service element and disability element) shall not be less than the special family pension admissible vide Regulation 95 (a) (b) i.e., it shall not be less than 60% of reckonable emoluments subject to a minimum of Rs.750/- P.M.

(b) Civil Government servants holding lien on civil appointments on reversion to the civil appointment shall be granted disability element as determined above in addition to civil pay and allowances. The disability element shall remain admissible even if and is individual becomes eligible for pension under the relevant civil* rules.

(c) Military pensioners-Military pensioners shall be granted disability element in addition to the retiring pension already earned

* Amended vide MOD letter No. 1(5)/8VI (Pens/Sers) date 30/10/87.

Rank for assessment` of disability pension

306. The rank for the purpose of assessment of service element in the case of officers shall be the substantive rank or higher paid acting rank, if any, held by the individual, on any of the following dates, whichever is most favorable: -

- (a) the date of retirement/discharge/invalidment from service, or
- (b) the date on which he/she sustained the wound or injury or was first removed from duty on account of the disease causing his/her disablement, or
- (c) if he/she rendered further service and during and a result of such service suffered aggravation of his disability, the date of later removal from duty on account of the disability.

Note 1-Obsolete

Note 2-The service element of disability pension of an officer of the rank of Lt.Col. (TS), Brigadier or Major General shall not be less than the service element which would have been admissible to him as a Major or Colonel or a Brigadier had he not been promoted to the higher rank.

Pensionary awards when the accepted degree of disablement is reassessed at less than 20 percent

*307. (1) An individual who is invalided out of service with a disability attributable to or aggravated by service but assessed at below 20 percent shall be entitled to service element only.

(2) An individual who was initially granted disability pension but whose disability is re-assessed at below 20% subsequently shall cease to draw disability element of disability pension from the date it falls below 20 per cent. He shall, however, continue to draw the service element of disability pension.

* Amended vide AI 4/S/75 and 4/S/76;

Cases where disability manifests itself after retirement

308. Officer who is retired/discharged from Service; otherwise than at his own request, with a pension or gratuity, but who, within a period of ten years from the date of retirement/discharge, is found to be suffering from a disease which is accepted as attributable to his military service may, at the discretion of the competent authority, be granted, in addition to his pension/gratuity, a disability element at the rate appropriate to the accepted degree of disablement and the rank last held, with effect from such date as may be decided upon in the circumstances of the case.

Note: Officer claiming the benefit under the provision of Regulation 308 above will send an application the CCDA (P) directly requesting to be brought before a medical board. On receipt of the application the relevant documents, CCDA (P) will decide, where necessary, in consultation with the Medical Adviser (Pensions) attached to his office, whether a prima-facie justification for bringing the claimant before a medical board exists or not. If it is decided to bearing officer before a medical board the CCDA (P) will make arrangement themselves for a medical board.

Constant attendance allowance

309. A constant attendance allowance may be granted at the same rate and subject to the same general conditions as are laid down in regulation 63 for officers of the Army.

Special family pensionary awards when admissible

**310. A special family pension may be granted to the family of an officer if his/her death was due to or hastened by-

(a) a wound, injury or disease which was attributable to military service.

Or

(b) the aggravation by military service of a wound, injury or disease, which existed before or arose during the military service. Special family pension and dependents pension shall be admissible to the members specified hereunder

(a) Widow, lawfully married

(b) Son, actual and legitimate (including validly adopted)

(c) Daughter actual and legitimate (including validly adopted) (d) Father

- (e) Mother
- (f) Brother
- (g) Sister

Note: (1) The term 'father' and 'mother' (or 'parents') used in the above or any other regulations in this chapter shall also be deemed to include such putative parents (or surviving parents as the case may be) as had not contracted a lawful marriage but were living as husband and wife at the time of, or got lawfully married subsequent to, the conception of the deceased member of the forces.

(2) If any member of the family is denied any share in the property of the Govt. servant under a will or deed made by him, such, a member shall be ineligible to receive any award under these, regulations in this chapter and the benefit shall pass on to the next eligible member.

Subject to the conditions indicated below:-

(a) WIDOW

(i) The widow has not re-married. This condition shall, however, not apply if the widow has re-married the real brother of her deceased husband and continues to live a communal life, with and/or contributes to the support of the other living eligible member, and

(ii) Subject to any exception, which the President may approve in a particular case under regulation 90, the widow was not separated from her husband at the time of his death.

(b) CHILDREN

(i) The officer left no widow:

(ii) They were born before retirement or invalidment or death while in service.

(iii) Sons below the age of 25 years.

(iv) Unmarried daughters below the age of 25 years.

(c) PARENTS

(i) The officer left neither a widow nor children eligible for special family pension.

(ii) The parent/parents was/were largely dependent on the officer for support and are in pecuniary need.

(iii) In the case of widowed mother she has not re-married. Provided that the widowed mother of an officer who re-marries during the lifetime of the officer but becomes a widow again before his death, shall become eligible for grant old dependents pension.

Note- The widowed mother of an officer when remarries during the lifetime of the officer but becomes a widow again before his death may be granted an award for dependant's pension, if otherwise admissible. For the purpose of the pecuniary cir-

cumstances, resources, if any, available to the widow from her second husband, will also be taken into account.

(d) BROTHERS/SISTERS

(i) The officer did not leave behind a widow, child or parents eligible for pension.

(ii) The brothers and sisters were largely dependent on the officer for support and are in pecuniary need.

(iii) In the case of brother, he has not the age of 25 years.

(iv) In the case of a sister, she has not attained the age of 25 years or has not married.

**Amended vide GOI MD No 1 (5)/87/D (Pension/Services) Dated 30/10/87

Rates of special family pensionary award

311. Special family pension and gratuity to the widow, children allowance and education allowance to the children, pension to parents, brothers and sisters of an officer shall be at the rates laid down as for officers of the Army in Section IV of Chapter II of these Regulations. Rank for assessment of special family Pensionary Award 312. Rank for assessment of special family pensionary awards will be determined in accordance with Section IV of Chapter II of these Regulations.

313. 314. 315. and 316. Blank.

**SECTION III-Junior Commissioned Officers, Other Ranks and
Non-Combatants (Enrolled)**

Sub-Section I-Terminal Gratuity

Extent of application

317. The regulations in this sub section shall apply to Junior Commissioned Officers, Other Ranks and Non-Combatants (Enrolled) of the Territorial Army, who were in the Territorial Army on the 1st January 1986 or who join it thereafter, excepting those who are-

- (a) Civil Government servants holding permanent appointments, and
- (b) Retired commissioned officers or retired civil gazetted officers.
- (c) Ex-servicemen in receipt of a pension.

Conditions for the grant of terminal gratuity

318. (a) A terminal gratuity shall be granted to an individual who has completed a minimum of 5 years of aggregate embodied service (which for the purpose includes the period spent on training under TA Act, Rule 18) or 10 years engagement in TA (combined embodied and non-embodied) and who dies during the period of disembodiment or who retires in the following circumstances: -

- (1) In the case of Junior Commissioned Officers
 - (i) on disbandment/reorganization/inter-zonal transfer of units provided there is no other unit to which the individual can be transferred, or his consent to a transfer is necessary under the rules and he refuses to consent thereto;
 - (ii) on reaching the prescribed retiring age;
 - (iii) on being declared medically unfit for further service due to causes neither attributable to nor aggravated by military service;
 - (iv) on completion of tenure of appointment or service limits; or
- When services are no longer required otherwise than on disciplinary grounds;

The terminal gratuity shall be admissible only when one has not rendered the minimum qualifying service required for earning service pension.

(vi) In case of death of an individual during the period of disembodiment, the terminal gratuity shall be paid to his legal heir in the manner indicated in Regulation 68, Pension Regulations for the Army, Part 11 (1961) provided the family is not eligible for any family pensionary awards from the central/state Governments or any benefit under the Provident Fund Scheme to the maintenance of which Government had contributed.

- (2) In the case of Other Ranks and Non-Combatants (Enrolled)
 - (i) On becoming entitled to receive his discharge under the Territorial Army Act Rules;

(ii) On being declared medically unfit for further service due to causes neither attributable to nor aggravated by military service, or

(iii) When services are no longer required otherwise than on disciplinary grounds. The terminal gratuity shall be admissible only when one has not rendered the minimum qualifying service required for earning service pension.

(iv) In case of death of an individual during the period of disembodiment, the terminal gratuity shall be paid to his legal heir in the manner indicated in Regulation 68 provided the family is not eligible for any family pensionary awards from the Central/State Governments or any benefit under a Provident Fund Scheme to the maintenance of which Government had contributed.

Rate of terminal gratuity

319. Terminal gratuity will be at the rate of half a month's reckonable emoluments, (Pay including classification pay, if any, last drawn by the individual) for each completed six monthly period of aggregate embodied service.

320. 321. 322 and 323 Blank

SUB-SECTION II

Disability and Family Pensionary awards

Extent of application

324. The regulations in this sub-section shall apply to all Junior Commissioned Officers, Other Ranks and Non-combatants (Enrolled) of the Territorial Army, who were in the Territorial Army on the 1st January, 1986 or who join it thereafter,

Provided that individuals who are civil Government servants, and who while holding their civil posts are subject to the C.C.S. (E.P.) Rules-or the analogous rules framed by the State Governments, shall be eligible to elect to be governed by the provisions of these Regulations or by the Civil Extraordinary Pension Rules applicable to them. The election made by the individual at any time during his service in the Territorial Army, of thereafter but before retirement from civil service, and once made shall be final.

In case such an individual dies while serving in the Territorial Army without making an election, his family will be eligible to receive awards under these regulations or the appropriate civil rules, whichever are more favourable.

Conditions governing the grant of disability and family pensionary awards

325. The grant of disability and family pensionary awards will be subject to the conditions governing the grant of these awards to personnel of the corresponding ranks of the Army except where they are inconsistent with the provisions of the regulations in this sub-section.

Primary conditions for the grant of disability pension

326. Unless otherwise specifically provided a disability pension consisting of service element and disability element may be granted to an individual who is invalided out of service on account of a disability which is attributable to or aggravated by military service in non-battle casualty cases and is assessed at 20 per cent of more. Provided that no disability pension shall be admitted on the basis of aggravation of any minor, physical defect which was noticed at the time of joining the Territorial Army but was condoned under the relevant rules, or if the disability can be attributed to, or considered as aggravated by, any such minor defect.

The question whether a disability is attributable to or aggravated by military service shall be determined under the Entitlement Rules laid down in appendix II.

Rates of disability pension

327. The rules of disability pension are:

(a) individual other than civil Government servants holding lien on civil appointments and military pensioners. The disability pension consists of two elements viz. service element and disability element, which shall be assessed as under: -

(1) Service Element

(a) Where the individual has rendered sufficient service to earn a service pension i.e. actual service is 15 years or more (20 years or more in the case of NCs(E)).

(i) Equal to normal service pension relevant to the length of qualifying service actually rendered,

(b) Where the individual has not rendered sufficient service to qualify for a service pension.

(i) If the disability was sustained while on flying or parachute jumping duty in an aircraft or while being carried on duty in an aircraft under proper authority :
The minimum service pension appropriate to his rank (see regulation 180) and group, if any.

(ii) In all other cases:

Equal to the service pension as determined per Regulation 136 (a), but it shall in no case, be less than 2/3rd of the minimum service pension admissible to the rank/pay Group. It shall be further subject to a minimum of Rs.375/-p.m.

Note- With effect from 28th November 1962 and for so long as similar orders exist in respect of Central Civil Government servants, the provisions of clause (i) above shall also apply to flights in non-service, i.e., Civil or Chartered, aircraft.

(2) Disability element

For 100 percent disablement the rates of disability element will be as follows: -

W.e.f. 1/1/86

Rank	Disability element
JCOs granted Honorary Commission while on the effective list.	Rs. P.M. 750/-
JCOs	550/-
Other Ranks/NCs (E)	450/-

For lower percentages of disablement down to 20 percent the rates will be proportionately reduced.

Provided that where permanent disability is not less than 60%, the disability pension (i.e., total of service element and disability element) shall not be less than the special family pension admissible vide Regulation 227 (b) i.e., it shall not be less than 60% of the reckonable emoluments Subject to a minimum of Rs. 750/- P.M. and maximum of Rs.2, 500/- p.m. [Auth- MD letter No 1(5)/87/D- (Pension/Services) dated 30/10/87]

In case where an individual is invalided out of service before completion of his prescribed engagement/service limit on account of a disability which is attributable to or aggravated by military service and is assessed below 20 percent, he will be granted an award equal to service element of disability pension determined in the manner given in Regulation 183 Pension Regulations for the Army Part P (1961), read with Appendix 'A' to AI I/S/75 and Annexure I & II to AI 3/8/75. This benefit will also be allowed in all cases where an individual is granted disability pension but whose degree of disablement subsequently falls below 20 percent.

Note: In the case of a re-employed pensioner who was in receipt of pension in addition to pay and allowances under regulation 120 and clause (b) of regulation 121 only disability element will be admissible in addition to the service pension already in Issue;

(b) Civil Government servants holding lien on civil appointments on reversion to the civil appointment shall be granted disability element as determined above in addition to civil pay and allowance. The disability element shall remain admissible even if an individual becomes eligible for pension under the relevant civil rules.

(c) Military pensioners-Military pensioners shall be granted disability element as determined above in addition to the retiring pension already earned

Rank for assessment of disability pension

328. The Rank for the purpose of assessment of service element and disability element of disability pension shall be the substantive rank or higher paid acting rank, if any, held by the individual, on any of the following dates, whichever is most favourable: -

(a) the date of retirement/discharge/invalidment from service, or

Or

(b) the date on which he/she sustained the wound or injury or was first removed from duty on account of the disease causing his/her disablement,

Or

(c) if he/she rendered further service, and during and a result of such service suffered aggravation of disability, the date of the later removal from duty on account of disability.

Provided an individual who on account of misconduct or inefficiency is reverted to a lower rank subsequent to the date on which the Wound or injury was sustained or disability contracted, the rank for assessments of service and disability elements of disability pension shall be the rank held on the date of invaliding from service. Pensionary awards when the accepted degree of disablement is reassessed at less than 20 percent

*329. (1) An individual who is invalided out of service with a disability attributable to or aggravated by service but assessed at below 20 percent shall be entitled to service element only.

(2) An individual who was initially granted disability pension but whose disability is re-assessed at below 20% subsequently shall cease to draw disability element of disability pension from the date it falls below 20 per cent. He shall, however, continue to draw the service element of disability pension.

* Amended vide AI 4/S/75 and 4/S/76.

Cases where disability manifests itself after retirement

330. An individual who is retired/discharged from Service, otherwise than at his own request, with a pension or gratuity, but who, within a period of ten years from the date of retirement/discharge, is found to be suffering from a disease which is accepted as attributable to his military service may, at the discretion of the competent authority, be granted, in addition to his pension/gratuity, a disability element at the rate appropriate to the accepted degree of disablement and the rank last held, with effect from such date as may be decided upon in the circumstances of the case.

Note: The individual claiming the benefit under the provision of Regulation 330 above will send an application the CCDA (P) through the Record office concerned requesting to be brought before a medical board. On receipt of the application the relevant documents, CCDA (P) will decide, where necessary, in consultation with the Medical Adviser (Pensions) attached to his office, whether a prima-facie justification for bringing the claimant before a medical board exists or not. If it is decided to bearing the individual before a medical board the CCDA (P) will request the record officer concerned to arrange for a medical board in the normal manner, and forward the proceedings of the medical board to the CCDA (P) for further necessary action.

Constant Attendance Allowance

331. A constant attendance allowance may be granted at the same rate and subject to the same general condition as are applicable to personnel of the army under regulation 189.

Special family pensionary awards when admissible

332. A special family pension may be granted to the family of an individual if his death was due to or hastened by

- (a) a wound, injury or disease which was attributable to military service,
- OR
- (b) the aggravation by military service of a wound, injury or disease, which existed before or arose during military service.

Provided that no award shall be admissible if the death was due to or hastened by any minor physical defect which was noticed at the time of joining the Territorial Army but was condoned under the relevant rules. The provision shall not, however, apply in respect of death by accident while an individual is on duty.

(b) A family gratuity may, in addition to special family pension be granted if the death of the individual occurs in circumstances mentioned in regulation 232.

Rates of special family pensionary awards

333. Special family pension, children's allowance and family gratuity shall be at the rates laid down in Section VI of Chapter III for personnel of corresponding ranks of the Army.

Rank for assessment of special family pensionary awards

334. Rank for assessment of special family pensionary awards shall be the higher of the substantive ranks held by an individual on the following dates:-

(a) the date of death if death occurs in service, or date of invaliding if death takes place after invaliding;

Or

(b) the date do which he sustained the wound or injury or was first removed from duty on account of the disease causing his death.

Provided that the rank held on the date at (b) shall not be taken into account where an individual was reverted to a lower rank after date on account of misconduct or inefficiency.

335, 336, 337, 338, 339, and 340 Blank

Chapter -VI
COMMISSIONED OFFICERS: COMMUTATION OF PENSION

Extent of application

341. The regulations in this Chapter shall apply to commissioned officers of the Army including MNS, Territorial Army and non-regular, officers granted SSRC/Emergency Commission from the ranks that are in receipt of retiring/special/disability/invalid/war injury pension.

Note: -* Provided that an officer against whom departmental/judicial proceedings are in progress, shall not be eligible to commute a fraction of his provisional pension authorised under regulation 3(b) of these regulations.

Provided further that in the case of Territorial Army Officers, who are in receipt of a pension which is held in abeyance when they are embodied for service or on the permanent administrative or instructional staff (as distinct from embodiment for recruits Annual and Voluntary Training) and who are permitted, during such embodiment, to commute a portion of their pension, a deduction equivalent to the amount of pension commuted shall be made from the pay they would be drawing in the Territorial Army, from the date the commutation becomes effective.

* Amended vide letter No. A/100136/AG/PS4(c)/652D (Pen/Ser) dated 9/8/82.

Conditions and limits of commutation

342. (a) An Officer may be permitted, subject to the report of a medical board, where necessary under these rules, as to his/her physical fitness and to any decision taken in exercise of the Discretion provided in Regulation 5 of these Regulations to commute for a lump sum payment a portion not exceeding 43%, of his or her pension or pensions (less any amount previously commuted), provided that the amount left un-commuted is not less than Rs.2000/- a year.

Note 1- Commutation of pension shall be allowed with reference to total disability pension or war injury pension in cases where the invaliding disability is loss of limb (s), total loss of sight, loss of one eye, amputation, etc. or where the award of disability pension is sanctioned for life. However, where lump sum compensation has been paid in lieu of the disability element commutation of pension shall be allowed with reference to service element only.

Note 2- Where the officer has been granted temporary disability pension or war injury pension commutation of pension shall be allowed only with reference to the service element of disability pension or notional value of service element of war injury pension.

(b) An exception to the limit of Rs. 2,000 referred (a) above, may be made in cases where the total amount of pension or pensions of an officer (other than an

officer of the Military Nursing Service) is less than Rs. 2,400 a year. In such cases, pension not exceeding Rs. 400 may be commuted provided that not less than Rs. 1,500 a year remains un-commuted.

(c) In calculating the amount of pension for the purposes of this regulation, there may be added to it the un-commuted portion of any other permanent pension or pension's payable to the applicant from Indian or other Government revenues.

(d) The portion of pension to be commuted will consist of whole rupees only subject to maximum limit prescribed in the preceding clauses. If fraction of pension to be commuted results in a fraction of a rupee, such fraction of a rupee, shall be ignored for the purpose of commutation.

(e) If an officer in receipt of temporary disability pension or invalid pension, who has commuted his pension before attaining the age of 40 years, subsequently regains health and is again granted a permanent commission, he will be required to surrender to the Government not only the un-commuted portion of his pension but also the commuted value thereof in addition to other retirement benefits received by him, before any right to count his previous service would accrue to him.

When commutation of pension is permissible

343. Commutation may take place on retirement or at any time subsequent there to, Provided that when an officer is re-employed in an emergency and his/her pension is held in abeyance under regulation 17, he/she shall not be permitted to commute any portion of his/her pension during such re-employment.

Calculation of commuted value

344. (a) The basis of commutation shall be the table prescribed by the President from time to time under the C.C.S. (Commutation of Pension) Rules: 1981. See AL 85/71 also)

(b) The age of the officer shall be taken as being the age he will attain on the next birthday following the date on which the commutation shall become absolute, subject to such addition of years of age in the case of impaired life, as may be recommended by the medical board.

(c) In the event of the table of values applicable to an officer being modified between the date of administrative sanction to commutation and the date on which commutation is due to become absolute, the commuted value shall be calculated in accordance with the modified table (but see Regulation 3-6)

The table current as on 1.1.86 is given below.

Pension Regulations For The Army-1961 (Part-I)

TABLE

Commutated value for a pension of Re. 1 per annum

Age next birthday	Commutation value expressed as no. of year's purchase Rs.p.	Age next birthday	Commutation value of expressed of year's purchase Rs.P.
17	19.28	51	12.95
18	19.20	52	12.66
19	19.11	53	12.35
20	19.01	54	12.05
21	18.91	55	11.73
22	18.81	56	11.42
23	18.70	57	11.10
24	18.59	58	10.78
25	18.47	59	10.46
26	18.34	60	10.13
27	18.21	61	9.81
28	18.07	62	9.48
29	17.93	63	9.15
30	17.78	64	8.82
31	17.62	65	8.50
32	17.46	66	8.17
33	17.29	67	7.85
34	17.11	68	7.53
35	16.92	69	7.22
36	16.72	70	6.91
37	16.52	71	6.60
38	16.31	72	6.30
39	16.09	73	6.01
40	15.87	74	5.72
41	15.64	75	5.44
42	15.40	76	5.17
43	15.15	77	4.90
44	14.90	78	4.65
45	14.64	79	4.40
46	14.37	80	4.17
47	14.10	81	3.94
48	13.82	82	3.12
49	13.54	83	3.52
50	13.25	84	3.32
		85	3.13

When Commutation becomes absolute

345. The commutation of pension shall become absolute: -

(i) in case where one applies before retirement, on the date following the date of retirement.

(ii) in cases where one applies within one year after retirement, on the date on which the application is received by the sanctioning authority, and

(iii) in case where Medical Board for commutation is held, or the date on which the Medical Board/Authority signs the medical certificate.

REDUCTION ON ACCOUNT OF COMMUTATION

(1) Reduction in the amount of pension on account of commutation shall become operative from the date of payment of commuted value of pension or at the end of three months, after the issue by the CCDA (P), of authority asking the pensioner to collect the commuted value of pension, whichever is earlier.

Provided that in the case of those who draw their pension through the nationalized banks reduction in pension on account of commutation shall be operative from the date on which the commutation amount is credited by the bank to the pensioner's account to which pension is being credited.

Provided further that in the case of those governed by clause (1) or rule 345 in whose case the commuted value of pension becomes payable on the day following the date of retirement, the reduction in the amount of pension on account of commuted value of pension could not be made within the first month after the date of retirement, the difference of monthly pension for the period between the day following the date of retirement and the date preceding the date on which the commuted value of pension is deemed to have been paid in terms of Rule 49 of the Central Govt. Accounts (Receipts and payments) Rules, 1983, shall be authorised by the CCDA(P).

(2) In the case of an applicant referred to in Regulations 348 and rule 10 of CCS (COP) Rules 1981 the commuted value 9s paid in two stages. The reduction in the amount of pension in such cases shall be made from the respective dates of the payments as laid down in clause (1) above.

Authority:-MOD letter No. 01701/AG/PS4(c)/4407/D (Pen/SER) dated 7/6/77 and Rule 6 (1) (c) of CCS (COP) Rules 1981.

Sub- Dispension with Commutation Medical Board-Armed Forces Officers and Personnel including NCsE)

1. As a further measure of simplification the President is pleased to decide that those who apply for commutation of Pension within one year of the date of their retirement on attaining the normal ages of retirement or superannuation in the case Officers and on retirement after completion of their term of regular

engagements in the case of personnel below Officer Rank including NCs (E) will not be subjected to medical examination as required under the Pension Regulations for the purpose of payment of Commuted Value, subject to the existing limits of 43% for Officers and 45% for personnel below officer rank.

2. These orders will not apply to:-

(a) Persons retiring otherwise on attaining the normal ages of retirement.

(b) Persons retiring in the normal manner but who apply for Commutation of pension after one year of the date of their retirement.

3. Persons who are in low medical category and who appear before the Release Medical Board will not be required to go before another medical Board for purposes of Commutation of pension. In their case an annotation will be made in the form itself to be completed by the Release Medical Board, regarding their longevity, which will be acted upon by the CCDA (Pensions) for purposes of Commutation of pension.

4. The commutation under these orders shall become absolute from the date on which the applications for commutation are received by the sanctioning authority prescribed in PR of the three services.

However, in cases where applications are received by the sanctioning authority before the date of retirement/discharge, the commutation shall become absolute on the date of commencement of pension. Such of the Armed Forces Officers and Personnel including NCs (E) who apply for commutation of pension under these orders, will have no option to withdraw their applications subsequently.

5. Formal amendments will be issued in due course.

6. These orders will take effect from 26th Dec. 1977. These orders will also apply to those who have retired before 26th Dec., 1977 but have crossed the next birthday after superannuation and have not gone before a Commutation Medical Board.

7. This letter issues with the Concurrence of Min. of Fin. (Def) vide U.O. No. 1547/Pen of 1978.

[Auth.-Min. of Defence, New Delhi letter No. B/40323/AG/PS 4(c)/374/US/D (Pen/Sers) dt. 10-5-78.]

A.O. 99/78

Subject-Medical Examination prior to retirement, release and discharge from Army Service.

1. All ranks are required to be medically examined prior to release/retirement/discharge on voluntary basis on completion of tenure or service limit, vide Para 391 (a) of Regulation for the Medical Services Armed Forces 1962 and A.O. 400/72 and 496/73. Those who are found to be in a medical category lower than 'A' (S1 H1 A1 P1 in the cases of officers) or where the individuals claim to be suffering from a disability have to be brought before a release medical board

2. The holding of a release medical board on individuals suffering from disability, has assumed added significance with the decision of the Govt. (vide A.O. 98/78) that w.e.f. 26 Dec 77, in low medical category persons retiring on attaining the normal ages of retirement or after completion of their term of regular engagement, the release medical board will make an annotation in their Proceeding about the longevity of the individual, which will be authority for the CCDA (P) to act upon for the purpose of commutation of their Pension if a request for commutation is made within 12 months from the date of such retirement, As such, if the affected individuals are not medically examined at the time of their becoming non-effective and not brought before a release medical board in ca-e they are found to be in a low medical category, they will apart from losing the benefit of disability pension from the date of their retirement/discharge will also be deprived of the above mentioned procedure for commutation of pension and will be required to undergo the normal procedure of applying and appearing before a commutation medical board.

3. Officer Commanding units and formation commanders will therefore, take scrupulous care to see that this medical examination is carried out without fail on all Army officers and personnel below officer rank at the time of retirement/release/discharge and those found to be suffering from a disability are invariably brought before a release medical board. This process shall not be dispensed with even if an individual renders a certificate that he will not claim disability pension.

[Auth.-A.Q. 99/78]

Withdrawal of application

346 (a) An officer may withdraw his/her application for commutation: -

(i) When the table of values applicable to him/her is modified between. the date of administrative sanction to the -commutation and the date on which the commutation becomes absolute, and the modified table is less favourable to him/her than that previously in force; or

(ii) When, in the case of impaired lives, the medical board recommends an addition of years of age to his/her actual age.

(b) Withdrawal of application must be made by written notice, despatched within 14 days of the date on which the officer receives intimation of modified table or of the recommendation of the medical board and of the capital sum payable in view thereof, as the case may be.

(c) The Officer after giving notice in writing may also withdraw his application at any time before subjecting himself to medical examination before the medical authority but in no case after he has appeared before such authority.

Incidental expenses incurred

347. No reimbursement of any traveling or other expenses incurred by an officer in connection with commutation of his/her pension shall be admissible.

Commutation of anticipatory/provisional pension

348. If some delay is likely to arise in the finalisation of retiring pension of an officer (including an officer of the Military Nursing Service) commutation may be allowed on the anticipation or provisional pension, if any, in issue subject to necessary adjustment when the final pension is sanctioned. The anticipatory/provisional pension will be commuted under the same general conditions as apply to commutation of final retiring pension. To ensure re-payment of the commuted value of the portion of an anticipatory/provisional pension paid in excess, the Chief Controller of Def. Accounts (Pensions), Allahabad, will obtain from the pensioner a declaration in the following form along with his application for commutation: -

Form of declaration

“Where as the Chief Controller of Defence Accounts (Pensions) Allahabad has consented, provisionally, to advance to me the pension @ Rs. per month, relief @ Rs. per month, Retirement Gratuity of Rs..... and a sum of Rs..... being the commuted value of..... % a part of the anticipatory pension mentioned above, in anticipation of the completion of the enquiries/documents necessary to determine my pension entitlements, viz. pension, relief and Retirement Gratuity, and a part of pension that may be commuted. I hereby acknowledge that in accepting the advance, I fully understand that the same is subject to revision on the completion of the necessary enquiries/documents, and I promise to raise no objection to such revision on the ground that the provisional payment now made to me exceed the award to which I may be eventually found entitled. I further promise to re-pay either in cash or by deduction from subsequent payments of pension any amount advanced to me in excess of that amount to which I may be eventually found entitled.”

Chapter-VII

JCO's including those granted Hony. Commissions, ORs, NCs (E) of the Regular Army and of the DSC and TA Extent of Application

349. (a) The Regulations in this Chapter shall apply to all Junior Commissioned Officers including those granted Honorary Commissions, Other Ranks and Non-Combatants (Enrolled) of the Regular Army and of the Defence Security Corps, and TA who in receipt of service/special pension, disability pension, invalid pension, war injury pensions and reservist pension:

Note: -* Provided that an individual, against whom departmental/judicial proceedings are in progress, shall not be eligible to commute a fraction of his provisional pension authorised under regulation 3(b) of these regulations.

Provided further that in the case of Territorial Army personnel who are in receipt of a pension which is held in abeyance when they are embodied for service or on the permanent administrative or instructional staff (as distinct from embodiment for recruits Annual and Voluntary Training) and who are permitted, during such embodiment, to commute a portion of their pension, a deduction equivalent to the amount of pension commuted shall be made from the pay they would be drawing in the Territorial Army, from the date the commutation become effective.

349. (b) Obsolete

* Amended vide tatter No. A/100136/AG/PS4(c)/652 D (Pen/SEr) dated 9/8/82.

Note: - No commutation of pension sanctioned under Regulation 3-B shall be permitted vide clause (a) (iv) of that Regulation.

Conditions and limits of commutation

350. (a) An individual may be permitted, subject to the report of a medical board, where necessary under these rules, as to his/her physical fitness and to any decision taken in the exercise of the discretion provided in Regulation 5 and 119 of these Regulations to commute for a lump sum payment, a portion not exceeding 45%, of his or her pension or pensions (less any amount previously commuted), provided that the amount left un-commuted is not less than Rs. 240/a year.

(b) In calculating the amount of pension for the purposes of this regulation, there may be added to it the un-commuted portion of any other permanent pension or pensions payable to the applicant from Indian or other Government revenues.

(c) The portion of pension to be commuted will consist of whole rupees only subject to maximum limit prescribed in the preceding clauses. If fraction of pension to be commuted results in a fraction of a rupee, such fraction of a rupee, shall be ignored for the purposed of commutation

350. A. Obsolete

Commutation of Disability Pension

351. Commutation of pension shall be allowed with reference to total disability pension or war injury pension in cases where the invaliding disability is loss of limb (s), total loss of sight, loss of one eye, amputation, etc. or where the award of disability pension is sanctioned for life. However, where lump sum compensation has been paid in lieu of the disability element commutation of pension shall be allowed with reference to service element only.

Where the individual has been granted temporary disability pension or war injury pension commutation of pension shall be allowed only with reference to the service element of disability pension or notional value of service element of war injury pension.

When Commutation of Pension is Permissible

352. Commutation may take place on retirement or at any time subsequent thereto.

Provided that when an individual is re-employed in an emergency and his/her pension is held in abeyance under Regulation 17 he/she shall not be permitted to commute any portion of his/her pension during such re-employment.

Calculation of Commuted Value

353. (a) The basis for commutation shall be the Table prescribed by the President from time to time under the C.C.S. (Commutation of Pension) Rules;

(b) The age of the individual shall be taken being the age he will attain on the next birthday following the date on which the commutation of pension shall become absolute subject to such addition of years of age in the case of impaired life, as may be recommended by the medical authority and

(c) In the event of the table of values applicable to an individual being modified between the date of administrative sanction to commutation and the date on which commutation is due to become absolute, the commuted value shall be calculated in accordance with the modified table but see Regulation 355.

When Commutation Becomes Absolute

354. The commutation of pension shall become absolute:-

(i) in case where one applies before retirement, on the date following the date of retirement.

(ii) in cases where one applies within one year after retirement, on the date on which the application is received by the sanctioning authority, and

(iii) in case where Medical Board for commutation is held, on the date on which the Medical Board/Authority signs the medical certificate.

Withdrawal of Application

355. An individual may withdraw his application for commutation.

(i) When the table of values applicable to him is modified between the date of administrative sanction to the commutation and the date on which commutation

becomes absolute, and the modified table is less favourable to him than that previously in force; or

(ii) When, in the case of impaired lives, the medical board recommends an addition of age to his actual age; or

(b) Withdrawal of application must be made by written notice, despatched within 14 days of the date on which the individual receives intimation of modified table or of the recommendation of the medical board and of the capital sum payable in view thereof, as the case may be.

(c) The individual after giving notice in writing may also withdraw his application at any time before subjecting himself to medical examination before the medical authority but in no case after he has appeared before such authority.

Incidental Expenses Incurred

356. No re-imburement of any travelling or other expenses incurred by and individual in connection with the commutation of a portion of his pension shall be admissible.

Commutation of Anticipatory/Provisional Pension

357. If some delay is likely to arise in the finalisation of service pension of an individual commutation may be allowed on the anticipatory or provisional pension, if any, in issue subject to necessary adjustment when the final pension is sanctioned. The anticipatory/provisional pension will be commuted under the same general conditions as apply to commutation of final service pension. To ensure re-payment of the commuted value of the portion of an anticipatory/provisional pension paid in excess, the Chief Controller of Defence Accounts (Pensions), Allahabad, will obtain from the pensioner a declaration in the following form along with his application for commutation:-

Form of declaration

“Where as the Chief Controller of Defence Accounts (Pensions) Allahabad has consented, provisionally, to advance to me pension @ Rs.per month, relief @ Rs. per month, Retirement Gratuity of Rs.... and a sum of Rs.... being the commuted value of ... % a part of the anticipatory pension mentioned above, in anticipation of the completion of the enquiries/documents necessary to determine my pension entitlements, viz. pension, relief and Retirement Gratuity, and a part of pension that may be commuted. I hereby acknowledge that in accepting the advance, I fully understand that the same is subject to revision on the completion of the necessary enquires/documents, and I promise to raise no objection to such revision on the ground that the provisional payment now made to me exceed the award to which I may be eventually found entitled. I further promise to re-pay either in cash or by deduction from subsequent payments of pension any amount advanced to me in excess of the amount to which I may be eventually found entitled.”

APPENDIX I-Not Printed (Obsolete)

APPENDIX II

(Referred to in Regulations 48, 173 & 185)

**ENTITLEMENT RULES FOR CASUALTY PENSIONARY AWARDS,
1982**

(Promulgated vide Ministry of Defence letter No.1 (1)/81/Pen-C, dated 22.11.1983, as amended vide Corrigendum No. 1(1)/81/Pen-C dated 21st August, 1984).

1. The Entitlement Rules set out below apply to service personnel, who became non-effective on or after 1st January 1982. The cases arising on or after 1st January 1982 may be considered under these rules provided that such a case is still outstanding on the date of issue of these rules. For the purpose of defining whether a case will be treated as outstanding or not, it may be clarified that where such a case has already been decided even at the initial stage, the same will be treated as having been decided. Such cases will not be reopened. These rules shall be read in conjunction with the Guide to Medical Officers (Military Pensions) 1980; as amended.

2. Pending decision on a general case to give pay and allowances to probationary nurses and cadets undergoing training at NDA/IMA and other pre-commissioned and probationary commission training institutions/academies of the Defence Services, they will continue to be governed under the existing instructions for casualty pensionary awards.

3. These rules do not apply to the cases where disablement or death, on which the claim to casualty pensionary award is based, took place-

(i) during the period from 3.9.1939 to 31.3.1948, which will be dealt with in accordance with the entitlement criteria laid down in Annexure 1.

(ii) during the period from 1.1.1948 to 31.12.1981., which will be dealt with in accordance with the entitlement rules promulgated vide Ministry of Defence (Pensions Branch) letter No. 138999/1/PC, dated 18th April 1950, as amended from time to time;

(iii) during the post - 1948 periods of emergency, which will be dealt with in accordance with Annexure II

4. Invaliding from service is a necessary condition for grant of disability pension. An individual who, at the time of his release under the Release Regulations, is in a lower medical category than that in which he was recruited will be treated as invalidated from service. JCO/OR and equivalents in other services who are placed permanently in a medical category other than 'A' and are discharged because no alternative employment suitable to their low medical category can be provided, as well as those who having been retained in alternative employment but are discharged before the completion of their engagement will be deemed to have been invalidated out of service.

5. The approach to the question of entitlement to casualty pensionary awards and evaluation of disabilities shall be based on the following presumptions:

PRIOR TO AND DURING SERVICE

(a) A member is presumed to have been in sound physical and mental condition upon entering service except as to physical disabilities noted or recorded at the time of entrance.

(b) In the event of his subsequently being discharged from service on medical grounds any deterioration in his health, which has taken place, is due to service.

6. Disablement or death shall be accepted as due to military service provided, it is certified by appropriate medical authority that: -

(a) the disablement is due to a wound, injury or disease which

- (i) is attributable to military service, or
- (ii) existed before or arose during military service and has been and remains aggravated thereby. This will also include the precipitating/hastening of the onset of a disability.

(b) the death was due to or hastened by-

- (i) a wound, injury or disease which was attributable to military service; or
- (ii) the aggravation by military service of a wound, injury or disease which existed before or arose during military service.

7. Where there is no note in contemporary official records of a material fact on which the claim is based, other reliable corroborative evidence of that fact may be accepted.

8. Attributability/aggravation shall be conceded if causal connection between death/disablement and military service is certified by appropriate medical authority.

ONUS OF PROOF

9. The claimant shall not be called upon to prove the conditions of entitlements. He/she will receive the benefit of any reasonable doubt. This benefit will be given more liberally to the claimants in field/afloat service cases.

POST DISCHARGE CLAIMS

10. Cases in which a disease did not actually lead to the member's discharge from service but arose within 10 years thereafter, may be recognised as attributable to service if it can be established medically that the disability is a delayed manifestation of a pathological process set in motion by service conditions obtaining prior to discharge and that if the disability had been manifest at the time of discharge the individual would have been invalided out of service on this account.

11. In cases where an individual in receipt of a disability pension dies at home and it cannot form a strictly medical point of view, be definitely established that the death was due to the disablement in respect of which the disability pension was granted:

(a) the benefit of doubt in determining the attributability should go to the family of the deceased, if death occurs within 10 years from the date of his invalidment from service unless there are other factors adversely affecting the claim; and

(b) if death takes place more than 10 years after the date of man's invalidment from service, the benefit of doubt will go to the State.

DUTY

12. A person subject to the disciplinary code of the Armed Forces is on "duty":

(a) When performing an official task or a task, failure to do, which would constitute an offence, triable under the disciplinary code applicable to him?

(b) When moving from one place of duty to another place of duty irrespective of the mode of movement.

(c) During the period of participation in recreation and other unit activities organised or permitted by Service Authorities and during the period of travelling in a body or singly by a prescribed or organized route.

NOTE: 1:(a) Personnel of the Armed Forces participating in

(i) Local/national/international sports tournaments as member of service teams, or

(ii) Mountaineering expeditions/gliding organised by service authorities, with the approval of Service Hqrs., will be deemed to be "on duty" for purposes of these rules.

(b) Personnel of the Armed Forces participating in the above named sports tournaments or in privately organised mountaineering expeditions or indulging in gliding as a hobby in their individual capacity, will not be deemed to be 'on duty' for purposes of these rules, even though prior permission of the competent service authorities may have been obtained by them.

(c) Injuries sustained by the personnel of the Armed Forces in impromptu games and sports outside parade hours, which are organised by, or with the approval of, the local service authority, and death or disability arising from such-injuries, will continue to be regarded as having occurred while 'on duty' for purposes of these rules.

NOTE: 2-The personnel of the Armed Forces deputed for training at courses conducted by the Himalayan Mountaineering Institute, Darjeeling shall be treated on par with personnel attending other authorised professional courses or exercises for the Defence Services for the purpose of the grant of disability/family pension on account of disability/death sustained during the courses.

(d) When proceeding from his duty station to his leave station or returning to duty from his leave station, provided entitled to travel at public expenses i.e. on railway warrants, on concessional voucher, on cash TA (irrespective of whether railway warrant/cash TA is admitted for the whole journey or for a portion only), in government transport or when road mileage is paid/payable for the journey.

(e) When journeying by a reasonable route from one's quarter to and back from the appointed place of duty, under organised arrangements or by a private conveyance when a person is entitled to use service transport but that transport is not available.

(f) An accident which occurs when a man is not strictly 'on duty' as defined may also be attributable to service, provided that it involved risk which was definitely enhanced in kind or degree by the nature, conditions, obligations or incidents of his service and that the same was not a risk common to human existence in modern conditions in India. Thus for instance, where a person is killed or injured by another party by reason of belonging to the Armed Forces, he shall be deemed 'on duty' at the relevant time. This benefit will be given more liberally to the claimant in cases occurring on active service as defined in the Army/Navy/Air-Force Act.

INJURIES

13. In respect of accidents or injuries, the following rules shall be observed:

(a) Injuries sustained when the man is 'on duty' as defined, shall be deemed to have resulted from military service, but in cases of injuries due to serious negligence/misconduct the question of reducing the disability pension will be considered.

(b) In cases of self-inflicted injuries whilst on duty, attributability shall not be conceded unless it is established that service factors were responsible for such action; in cases where attributability is conceded, the question of grant of disability pension at full or at reduced rate will be considered.

DISEASES

14. In respect of diseases, the following rule will be observed: -

(a) Cases in which it is established that conditions of Military Service did not determine or contribute to the onset of the disease but influenced the subsequent courses of the disease but influenced the subsequent courses of the disease, will fall for acceptance on the basis of aggravation.

(b) A disease which has led to an individual's discharge or death will ordinarily be deemed to have arisen in service, if no note of it was made at the time of the individual's acceptance for military service. However, if medical opinion holds, for reasons to be stated, that the disease could not have been detected on medical examination prior to acceptance for service, the disease will not be deemed to have arisen during service.

(c) If a disease is accepted as having arisen in service, it must also be established that the conditions of military service determined or contributed to the

onset of the disease and that the conditions were due to the circumstances of duty in military service.

15. The onset and progress of some diseases are affected by environmental factors related to service conditions, dietic compulsions, exposure to noise, physical and mental stress and strain. Disease due, to infection arising in service, will merit an entitlement of attributability. Nevertheless, attention must be given to the possibility of pre-service history of such conditions, which, if approved, could rule out entitlement of attributability but would require consideration regarding aggravation. For clinical description of common diseases reference shall be made to the Guide to Medical Officers (Military Pensions) 1980, as amended from time to time. The classification of diseases affected by environmental factors in service is given in Annexure-III to these rules.

COMMUNICABLE DISEASES AND DISEASES DUE TO INFECTION

16. Death or disablement resulting from such diseases other than venereal diseases contracted during service shall be regarded as attributable to military service. Where the disease may have been contracted prior to enrolment or during leave, the question of determining the incubation period in a particular case will arise and an opinion on this point should be expressed.

MISCELLANEOUS RULES

17. **MEDICAL OPINION:** At initial -claim stage, medical views on entitlement and assessment are given by the IMB/RMB. Normally, these views shall prevail for decisions in accepting or rejecting the claim. In cases of doubt the Ministry/CODA (Pensions) may refer such cases for second medical opinion to MA (Pensions) Sections in the office of the DGAFMS/Office of CCDA (P), Allahabad, respectively. At appeal stage, appropriate appellate medical authorities can review and revise the opinion of the medical boards on entitlement and assessment.

18. **PREDISPOSITION:** 'Predisposition' of 'inherent constitutional tendency' in itself is not a disease. And if there is a precipitating or causative factor in service, which produces the disease, then it is attributable to service, notwithstanding the inherent disposition.

19. **AGGRAVATION:** If it is established that the disability was not caused by service, attributability shall not be conceded. However, aggravation by service is to be accepted unless any worsening in his condition was not due to his service or worsening did not persist on the date of discharge/claim.

20. **CONDITIONS OF UNKNOWN AETIOLOGY:** There are a number of medical conditions, which are unknown, a etiology. In dealing with such conditions, the following guiding principles are laid down: -

(a) If nothing at all is known about the cause of the disease, and the presumption of the entitlement in favour of the claimant is not rebutted, attributability should be conceded.

(b) If the disease is one which arises and progresses independently of service/environmental factors than the claim may be rejected.

DELAY IN DIAGNOSIS/ADVERSE EFFECTS OF TREATMENT

21. The question as to whether, through the exigencies of service, the diagnosis and/ or treatment of the wound, injury, or disease was delayed, faulty or otherwise unsatisfactory; including the adverse/unforeseen effects of treatment, shall also be considered. The entitlement for any ill effects arising as a complication from such factors shall be conceded as attributable.

ASSESSMENT

22. Assessment of degree of disability is entirely a matter of medical judgment and is the responsibility of the medical authorities.

The degree of disablement due to service/duty of a member of the military forces shall be assessed by making a comparison between the conditions of the member as so disabled and the condition of a normal health-person of same age and sex, without taking into account the earning capacity of the member in his disabled condition in his own or any other specific trade or occupation, and without taking into account the effects of any individual factor or extraneous circumstances.

Where disablement is due to more than one disability a composite assessment of the degree of disablement shall also be made by reference to the combined effect of all such disabilities in addition to separate assessment for each disability.

In other than paired organs, conditions may co-exist which though interaction may give rise to the need for consideration under the greater disablement principle. One of the simplest examples is the pensioner with entitlement for bronchitis who also suffers from coronary atherosclerosis and a consequence of acute bouts of coughing claims increasing frequency of attacks of angina. In such cases it is a matter of clinical judgment as to the extent to which the assessment for bronchitis should be increased to cover the greater disablement arising from the interaction between that condition and the coronary atherosclerosis. The pensioner is not entitled to the total assessment of disablement for the coronary atherosclerosis which might well be in the regions of 30 to 40%, but only to that portion of that assessment which it is reasonable to add to cover greater disablement. Depending on the increased; frequency in the attacks of angina due to severe bouts of coughing, a greater disablement addition in the less than 20% range might well be appropriate.

(a) The assessment of a disability is the estimate of the degree of disablement it causes, which can properly be ascribed to service as defined below.

(b) The disablement properly referable to service will be assessed as under:-

(i) **AT THE TIME OF DISCHARGE FROM FORCES:** Normally, the whole of the disablement then caused by the disability. This will apply irrespective of whether the disability is actually attributable to service, or is merely aggravated thereby.

(ii) ON RESURVEY OF DISABILITY AFTER DISCHARGE FROM SERVICE:

The whole of the disablement then caused by the disability, less the following: -

(1) The part due to non-service factors, such as individual's habits, occupation in civil life, accident after discharge, climatic environment after discharge.

(2) Any worsening due to natural progress of the disability since discharge, apart from the effect of service.

NOTE: Deduction (1) will be made in all cases, while deduction (2) will apply only in Bases where the disability is accepted as aggravated by, but' not attributable to service.

APPEALS

23. **RIGHT OF APPEAL:** Where entitlement is denied by the Pension Sanctioning Authority on initial consideration of the claim, the claimant has a right of appeal against decision on entitlement and assessment. Where as for decisions on entitlement all concerned authorities have to give opinions, assessment of degree of disablement is easy a matter of medical judgment and is the responsibility of appropriate medical authority.

24. Detailed procedure to be followed for appeals shall be issued by Ministry of Defence from time to time. However, to avoid inordinate delay in taking final decisions on the disability/family pensionary claims, suitable time limits at each stage of the claim shall be laid down.

APPELLATE BODIES

25. (a) **DEFENCE MINISTER'S APPELLATE COMMITTEE ON PENSIONS**

DMACP shall deal with second or the final appeal on claim for casualty pensionary awards. This committee consists of-

Chairman	RM/RPM
Members	URM
	Chief of Staff (Army, Navy & Air Force)
	Defence Secretary Financial Advisor (DS)
	DGAFMS
	JAG (Three Services)

(b) **APPELLATE COMMITTEE FOR FIRST APPEALS**

ACFA shall deal with claims for casualty pensionary awards on first appeals. This committee consists of:

Chairman	DS (PENSIONS), Ministry of Defence dealing with pension cases.
----------	--

Members	Director Personal Services, Army HQ and his counterparts in Naval and Air HQ dealing with pension cases. Deputy Director General (Pensions) of Office of DGAFMS. Deputy Financial Advisor (Pensions).
---------	--

DECISION OF APPELLATE COMMITTEE FOR FIRST APPEAL

26. After consideration of all relevant issues involved in a case, the appellate body shall give decision of upholding or rejecting the appeal by consensus.

FUNCTIONS AND RESPONSIBILITIES

27. (a) **SERVICE HQ**-Appropriate Service Authority shall be responsible for giving their views on matters relating to relevant service factors.

(b) **JUDGE ADVOCATE GENERAL (JAG)**-He shall be responsible for giving opinion on legal matters.

(c) **MEDICAL AUTHORITY**-Assessment of disablement and entitlement in case of disabilities other than injuries on purely medical issues. Views on such medical issues shall be given by the appropriate medical authorities as under:

(i) Medical Board shall give findings and recommendations on entitlement and assessment in case of all disabilities. They are, however, not statutory bodies and their recommendations can be reviewed and revised by the medical authorities viz. DGAFMS.

(ii) DDG (Pensions), Office of the DGAFMS shall be the medical authority dealing with medical issues at first appeal stage of the claim.

(iii) DGAFMS will be the final medical authority for giving views on medical issues at final stage to the DMAP.

ANNEXURE 1

Not printed. For any reference to this Annexure, see Annexure II to Chapter IV, Guide to Medical Officers (Military Pension) 1980.

ANNEXURE II

ENTITLEMENT RULES FOR THE DISABILITY AND SPECIAL FAMILY PENSIONARY AWARDS IN RESPECT OF ALL RANKS OF THE ARMED FORCES DURING EMERGENCY

PERIOD OF EMERGENCY	GOVERNMENT OF INDIA LETTER
8 Sep 62 to 9 Jun 68	A/01927/AG/PS-4(a)/9948/Pen-C dated 26 Dec 62
3 Dec 71 to 31 Mar 72 25 Mar 71 to 31 Mar 72 (Op Cactus Lily)	A/01927/AG/PS-4(d)/11130/Pen-C dated 16 Dec 71
15 Aug 71 to 31 Mar 72 (Naval personnel)	PN/3948/1191/Pen-C, dated 1 Feb 72.

Entitlement to disability or family pensionary awards in respect of all ranks of the Armed Forces eligible for pension under Military Rules, disablement or death, shall be accepted as due to service. If-

- (a) the disablement is due to a wound, injury or disease, which-
 - (i) is attributable to service; or
 - (ii) existed before or arose during service and has been, or remains aggravated thereby
- (b) the death was due to or hastened by
 - (i) a wound or injury or disease which was attributable to service or
 - (ii) the aggravation by service of a wound, injury or disease which existed before or arose during service.

2. In dealing with these cases, the benefit of reasonable doubt will be given to the claimant. The entitlement shall be denied only if it can be established beyond reasonable doubt that the conditions mentioned above are not fulfilled.

3. Where an injury or disease, which led to discharge or death during service, was not noted in a medical report or other appropriate enrolment papers prepared at the time of commencement of the individuals service, fulfillment of the conditions mentioned in Para 1 above may be accepted unless there is a positive evidence to the contrary.

4. Where there is no note in contemporary official records of a material fact on which the claim is based, other reliable corroborative evidence of the fact may be accepted.

N.B- 'Service' means service in the Armed Forces during emergency rendered anywhere in India.

Special proforma should be attached to the IMB proceedings of all ranks to provide additional information vide DGAFMS letter No. 16033/DGAFMS/MA (Pens) dated 28 Jan 1972 addressed to DDSMS.

ANNEXURE III TO APPENDIX II
Classification of Diseases

A. DISEASES AFFECTED BY CLIMATIC CONDITIONS.

1. Pulmonary Tuberculosis.
2. Pulmonary edema
3. Pulmonary Tuberculosis with pleural effusion.
4. Tuberculosis - Non - pulmonary.
5. Bronchitis.
6. Pleurisy, empyema, lung abscess, and Bronchiectasis.
7. Lobar pneumonia.
8. Nephritis (acute and chronic)
9. Otitis Media.
10. Rheumatism (acute and chronic)
11. Arthritis.
12. Myalgia.
13. Lumbago.
14. Local effects of severe cold climate-i.e., frost bite, trench foot and chilblains
15. Effects of hot climate-i.e., heat stroke and heat exhaustion.

B. DISEASES AFFECTED BY STRESS AND STRAIN.

1. Psychosis and Psychoneurosis.
2. Hypertension (BP)
3. Pulmonary Tuberculosis
4. Pulmonary Tuberculosis with pleural effusion.
5. Tuberculosis (Non-pulmonary).
6. Mitral Stenosis.
7. Pericarditis and adherent pericardium.
8. Endocarditic.
9. Sub-acute bacterial endocarditic, including infective endocarditic.
10. Myocarditis (acute and chronic).
11. Alular disease.
12. Myocardial infarction, and other forms of IHD.
13. Cerebral hemorrhage and cerebral infarction
14. Peptic ulcer.

C. DISEASES AFFECTED BY DIETARY COMPULSIONS.

1. Infective hepatitis (Jaundice)
2. Diseases of stomach and duodenum.
3. Worm infestation and particularly guinea worm and round worm infections.
4. Gastritis.
5. Food poisoning, especially due to tinned food
6. Gastric ulcer

7. Duodenal ulcer.
8. Nutritional Disorders.

D. DISEASES AFFECTED BY TRAINING, MARCHING PROLONGED STANDING ETC.

1. Tetanus, erysipelas, septicemia and pyaemia, etc. resulting from injuries.
2. Alkalosis and acquired deformities resulting from injuries.
3. Post traumatic epilepsy and other mental changes resulting from head injuries.
4. Internal derangement of knee joint.
5. Deformities of feet.
6. Osteoarthritis of spine and lower limb joints.
7. Burns sustained through petrol, fire, kerosene oil etc. leading to scars and various deformities and disabilities
8. Hernia
9. Varicose veins.

E. ENVIRONMENTAL DISEASES

1. Diseases contracted in the course of official duty of attending to a Venereal or septicemia patient or while conducting a postmortem examination.
2. Diseases contracted on account of handling infectious material, poisonous chemicals and radioactive substance.

F. DISEASES AFFECTED BY ALTITUDE

1. High altitude pulmonary edema and pulmonary hypertension.
2. Acute mountain sickness.
3. Psychosis, Psychoneurosis, suicide.
4. Thrombosis.

G. DISEASES AFFECTED BY SERVICE IN SUMARINES AND IN DIVING

1. Acoustic trauma resulting from continuous noise and vibrations.
2. Effects of exposure to high levels or toxic gases.
3. Droplet infections.
4. Neurosis and psychosomatic disorders.
5. Effects of barotraumas
6. Decompression sickness.
7. Dysbaric Osseo-necrosis.

H. DISEASES AFFECTED BY SERVICE IN FLYING DUTIES

1. Otic barotraumas
2. Altitude decompression sickness
3. Hypoxia

4. Explosive decompression
5. Long duration G

I. DISEASES NOT NORMALLY AFFECTED BY SERVICE.

1. Malignant diseases (Cancer and Carcinoma)
2. Sarcoma (except in cases of Sarcoma of bone with a history of injury due to service, on the site of development of the growth).
3. Epithelium.
4. Rodent ulcer.
5. Lymph sarcoma.
6. Lymph adenoma except of viral a etiology
7. Leukemia (except radiation effect)
8. Pernicious anemia (Addison's disease).
9. Osteitis deformans (Puget's disease).
10. Gout.
11. Acromegaly.
12. Cirrhosis of the liver-if alcoholic, EYES
13. Errors of refraction.
14. Hypermetropia.
15. Myopia.
16. Astigmatism.
17. Pretoria
18. Glaucoma-acute or chronic, unless there is a history of injury due to service or of disease of the eye due to service.

APPENDIX III
(Referred to in- Regulations 63 and 189)

Rules governing the payment of Constant Attendance Allowance

(Applicable to cases where the disability for which Constant Attendance Allowance is payable is attributable to or aggravated by service)

1. Constant Attendance Allowance will not be payable for any period during which the pensioner is an inmate or an inpatient of a Government institution or hospital.
2. Payment of Constant Attendance Allowance will be made in arrears along with disability pension/war injury pension proper. Payment will be made on the basis of-
 - (a) a certificate as in Annexure I in the case of JCO, or and NCs (E); and
 - (b) A declaration by the pensioner as in Annexure II in other cases, which will be submitted to the pension disbursing officer each time the allowance is drawn.

ANNEXURE I

CERTIFICATE FOR PURPOSES OF DRAWING CONSTANT ATTENDANCE ALLOWANCE
(NOT TO BE TREATED AS LIFE CERTIFICATE)

Name of pensioner

Address Village..... ..
Tehsil..... ..
District etc..... ..

Regimental No..... ..

Rank

Regiment, Corps or Service..... ..

Pension payment Order No.

Rate of Constant Attendance Allowance..... ..

Particulars of any period spent as an inmate or an inpatient of a Government hospital or institution, since the allowance was last drawn: -

- (a) Date of admission to hospital or institution.....
- (b) Date of discharge from hospital or institution.....
- (c) Address of hospital or institution.....

CERTIFICATE

Certified from my personal knowledge of the pensioner described above that the particulars given on this form are correct, and that during the period, viz..... for which Constant Attendance Allowance is claimed.

- (a) the pensioner was not an inmate or inpatient of a Government hospital or institution;

(b) He actually employed Shri son of.....
Shri as a constant and paid attendant to look after him such attendance
having been necessitated by the disability/disabilities for which he is drawing the
disability pension.

Signature.....
Designation
Full Address

Dated

Note: 1. This certificate should be submitted to the pension disbursing office each time the allowance is drawn.

2. The certificate will be signed by a responsible Government officer or by some other well known and trustworthy person e.g. a JCO, a Sub-Inspector of Police, a Sub-Postmaster, a Tehsildar, a Village headman, a patti patwari (in the case of Garhwali pensioners resident in Kumaon), or the head of the village, panchayat, who is personally acquainted with the pensioner. In the case of Gorkha pensioners residing in Nepal, the certificate may also be signed/ countersigned by the Recruiting officer/Deputy Recruiting Officer/Ass. Recruiting officer for Gorkhas and Military attache/Ass.Military Attache/Asst. Air Attache to the Indian Embassy in Nepal.

ANNEXURE II
DECLARATION FOR PURPOSES OF DRAWING CONSTANT
ATTENDANCE ALLOWANCE

N.B:- Any person willfully making a false declaration is liable to prosecution

Name of Pensioner.....

Address.....

Personal No.....

Rank

Regiment, Corps or Service.....

Pension payment order No.....

Rate of Constant Attendance Allowance.....

Particulars of any period spent as an in-mate or an in-patient of a Government hospital or institution since the allowance was last drawn -

(a) Date of admission in hospital or institution.....

(b) Date of discharge from hospital or institution.....

(c) Address of hospital or institution.....

CERTIFICATE

I hereby declare that I am the pensioner described above, that the particulars given on this form are true and that for the period viz to, for which I now claim Constant Attendance Allowance

Pension Regulations For The Army-1961 (Part-I)

(a) I was not an in-mate or an in-patient of a Government hospital or institution.

(b) I actually employed Shri ... son of Shri ... as a paid attendant to look after me such attendance having been necessitated by the disability/disabilities for which I am drawing the disability pension/war injury pension.

I further declare that I understand that I am not entitled to receive Constant Attendance Allowance for any period during which the foregoing condition are not fulfilled.

Pensioner's Signature.....

Date

NOTE:-This form should be forwarded to the pension disbursing officer each time the allowance is drawn.

APPENDIX IV

(Referred to in Regulation 106)

COMPASSIONATE GRATUITY FUND (DEFENCE SERVICES)

[Promulgated vide Ministry of Defence letter No. 224775M/Pen-C dated 4th April 1981 as amended vide Ministry of Defence letter No. PC 89125/AG/PS4 (a)/3739/Pen-C dated 2nd May 1982 and Corrigendum No. 220775/77/696/D (Pen-C) dated 1st Feb., 1983]

NAME

1. The name of the fund shall be “Compassionate Gratuity Fund (Defence Services).”

CONSTITUTION

2. The Compassionate, Gratuity Fund (Defence Services) shall be constituted and operated by means of an annual grant of Rs.2, 00,000 /- (Rupees 2 lakh only). The unexpended balance of the annual grant shall be carried forward to the next year, subject to the stipulation that in no case shall the budget provision for any one financial year exceed Rs. 4,00,000/- (Rupees four lakh only). The expenditure in any one financial year shall, however, not exceed Rs. 3 lakhs in any case. For this purpose, a proforma account of the Fund shall be opened by the Ministry of Defence to watch the progress of the expenditure against the ceiling fixed for each financial year. This account shall be available for inspection by audit.

3. All recommendations for the grant of awards shall be made by a board consisting of the Joint Secretary (P&W), Ministry of Defence; Additional Financial Adviser, ministry of Finance

(Def) (Now Finance Division of the Ministry of Defence) and the Deputy Adjutant General, Army headquarters, DPP&R, Air HQ and Assistant Chief of Personnel, Naval Headquarters. All members of the Board will have the right to vote. The decision of the majority of members shall be deemed to be the decision of the Board. An officer of the Ministry of Defence, nominated by the Joint Secretary (P&W), Ministry of Defence shall be ex-officio Secretary to the Board.

4. All recommendations for the grant of awards from the Fund will be submitted to the Defence Secretary for his approval.

ELIGIBILITY

The Fund will be operated for providing relief to the families/dependents of the deceased Commissioned Officers, JCOs (including those holding honorary commissions)/OR/NCs (E), and corresponding ranks of the Navy and Air Force who die while in service, on or after 1st January, 1978. Cases, which have already been settled under the existing rules, shall not be reopened.

6. The term 'family/dependents' for the purpose of these orders will mean widow lawfully married and children-actual and legitimate (including those validly adopted) of the deceased, and in the absence of widows and children

eligible for the award, a grant will be made to parents and, in their absence, to minor brothers and sisters of the deceased.

CONDITIONS FOR THE GRANT OF AWARDS

7.(a) Grants from the Fund shall be restricted to cases of deserving character where the family is left in indigent circumstances.

(b) Monthly income of the applicant from all sources, including family pension, children allowance and the element of interest on lump sum amount received/payable on the date of death of the individual, should not exceed Rs. 750/- pm. In computing the income of the widows and families for this purpose, the income, if any, of unmarried daughters and married sons who have their own families to support-or may be living separately, shall not be taken into account.

(c) One time grant received from the Contributory benevolent funds will not be taken into account in assessing monthly income of the claimant. However, one time grant from non-contributory funds in excess of Rs.1800/- will be taken into account. Recurring grants from all sources will be taken into account while calculating the eligibility for grants from the Fund.

(d) Normally preference will be given to the /dependents of individuals who have put in long years of service.

(e) Other things being equal, preference will be given to dependents of individuals who were comparatively on low rates of pay.

AMOUNT OF THE GRANT

8. (a) In exceptional cases suitable recurring grants may be sanctioned for a limited period as assistance towards special needs, such as expenditure on the education of minor children. These recurring grants will be subject to such conditions as the Board may impose to satisfy itself regarding the continuance of the need, utilisation of the amount etc.

(b) The minimum amount of the lump sum grants will be Rs. 500/- but the maximum will not exceed Rs. 1000/-, save in very exceptional circumstances. The total benefit payable in any individual case (lump sum and recurring) shall not normally exceed Rs. 10,000/- or a year's pay whichever is less. The precise amount will be fixed according; to needs of each case as assessed by the Awarding Board.

PROCEDURE FOR SANCTION OF AWARDS

9. **COMMISSIONED OFFICERS:** The applications, as in the attached form, shall be made within one year of the date of death of the officer and forwarded to the Services Headquarters concerned. Applications will not, however, be required to be made by widows/families whose monthly income from all sources, including the family pension, children allowance and the element of interest on lump sum amount received/payable on the date of death of the -officer concerned, obviously exceeds Rs. 750/- p.m. In such cases, applications can be made in very exceptional

circumstances where the son may be about to complete his higher course e.g. MBBS, BE or other postgraduate courses etc.

10. The service headquarters concerned will scrutinize the applications for verifying the correctness of the facts mentioned therein and thereafter these will be sent with all the documents and their comments to the Secretary, Compassionate Gratuity Fund (Defence Services). The Secretary of the Board shall obtain the views of the Ministry of Defence (Finance) also before submitting the case to the Board. The Board shall, before deciding each case, make such enquiries as it deems fit and shall be entitled to call for and inspect all relevant documents and files in connection with the case. The Board shall meet every quarter to consider the applications received for this purpose.

JCOs/OR/NCs (E) AND EQUIVALENT RANKS

11.(a) The application, as in the attached form, will be completed by the claimant in duplicate and forwarded to the Officer-in-Charge Records of the deceased individual within one year of the date of death of the member of the Forces. No application made after the stipulated time limit will be considered unless the delay is beyond the control of the applicant.

(b) The Officer-in-Charge Records will scrutinize such applications for verifying the correctness of facts mentioned therein, and forward one copy of the same to the Adjutant General (AG/PS-4(a)) in the case of Army personnel, Naval Hq (Dte of Supply/PP&A) and Air HQ (Dte. of PP&R) in the case of Naval and Air Force personnel, respectively, along with other relevant documents for further consideration.

(c) Services HQ will scrutinize the applications and after giving their comments, send them along with all connected documents to the Secretary of the Board.

(d) The Secretary of the Board shall obtain the views of the Ministry of Defence (Finance) also, before submitting the cases to the Board.

(e) Government orders for sanction of awards from the Compassionate Gratuity Fund will be issued by the Secretary of the Board after the same have been approved by the Defence Secretary and Ministry of Finance (Defence). (Now Finance Division of the Ministry of Defence)

12. Applications in respect of Commissioned Officers and personnel below officer rank, who died during the period 1st January 1978 to 31st March 1981, wherever, necessary, shall be obtained from the affected claimants within six months of the date of issue of these orders. Cases, which have already been settled on the basis of the existing rules, will, however, not be reopened.

13. The decision of the Board on all matters relating to the Fund or grants therefrom shall be treated as final. All awards from the Fund will be purely ex-gratia.

ANNEXURE

Place.....

Date.....

To

The Secretary,
Compassionate Gratuity Fund (Defence Services) Board,
Ministry of Defence,
Government of India,
NEW DELHI

Through

Army Headquarters (AG's Branch- } PS4(c) In the case of
Naval Headquarters (PP & A) } Commissioned
Airhead quarters PP & R } Officers.

Officer-in-Charge Records } Records In the case of
Officer-in-Charge, Air Force } Personnel below
Dhaura Kuan, New Delhi. } Officer rank.
Commodore Naval Barracks Bombay.

Sir,

I _____ of _____
(No, ranks & name)

who _____ last _____ served _____ with

(Unit or formation)

who died on _____ at. _____ (Place)

From

(Disease/accident)

hereby apply for an award from the Compassionate Gratuity Fund (Defence Services).

2. The necessary particulars including a complete statement of my properties and other assets are given in the attached form.

3. I am prepared to produce all the necessary documents in respect of the properties and income mentioned in the attached form before the Board or its nominee on being required to do so and answer any questions that board or its nominee may put to me.

You faithfully,

(Signature)

Full address

(Signature) in Block letters

Application for an award from the Compassionate Gratuity Fund (Defence Services) in respect of late.....

(No, rank and name of the deceased)

PART- I

PARTICULARS OF THE DECEASED

- (1) Date of death and cause thereof.....
- (2) Total qualifying service rendered.....
- (3) Pay last drawn

Pay	Rs....
Class Pay	Rs....
GS Pay	Rs....
Apptt Pay	Rs....
If any HSE	Rs....
Total:	Rs....

PART - II

PARTICULARS OF THE APPLICANT

- (4) Names and ages of the applicant ...
- (5) Relationship with the deceased ...
- (6) Present residential address. ...
- (7) Whether the applicant's husband/wife is alive ...
(in the case of parents) ...
- (8) Particulars of children (if the applicant is a ...
brother/sister of deceased, give their ...
particulars) ...

Sons/daughters Sex Age Occupation Monthly income if any

- (i)
- (ii)
- (iii)
- (9) Full details of dependents other than in item
(8) above, together with their ages, relationship
and income, if any.... ..

PART III

(10) Rate of monthly	(i) Ord Fam. Pen Rs.... + Relief Rs.....	Pension
	(ii) Spl Fam Pen Rs + Relief Rs....
(11) Children allowance		Rs.... pm
(12) Total salary, including allowance (if in service)		
Rs..... pm		
(13) Amount received from or amount of Life Insurance policies, if the deceased was insured		Rs. . . .
(14) Amount received from Army Group Insurance Dte.		Rs....
(15) Amount received on-.account of DSOP Fund in respect of Officers and AFPP Fund in the case of personnel below officer rank		
Rs.....		
(16) Amount of credit balance in the IRLA of the deceased		Rs....
(17) Amount of DCR Gratuity		Rs....
(18) Bank balance on the date of death of the individual		
(a) in the name of the deceased		Rs.....
(b) in the name of the applicant or other dependents		Rs.....
(19) Assets in the shape of National Savings Certificates and other Govt. Bonds or investment in Stocks and Shares etc		
Rs.....		
(20) Details or relief received from any		
Non-contributory Funds		
(21) Extend of agricultural and landed property		own Ancestral
..		
(22) Particulars of house property		Own Ancestral
..		
(23) Yearly income from 21 and 22		Landed property House property Rs
Rs..... above separately		
.....		
(24) Income from business, if any		Rs
(25) Amount of debts and other liabilities, if any		Rs
(26) Special circumstance, if any in support of the application	

Note: If the house is self-occupied, no income there from will be shown.

DECLARATION BY THE APPLICANT

I declare that the answers to the questions in this form are true and complete to the best of my knowledge and belief and that I have disclosed all my means. I am (State here the exact relationship (real or step of the deceased) with the deceased.

Date.....

Address

.....

Signature

Note: - Before signing the above Declaration, please make sure that all the questions have been answered correctly. This will save avoidable correspondence and delay in reaching a decision on the application. This is an official document and any person making a statement, which he or she knows to be false, is committing a legal offence.

PART IV

The facts given above by the applicant are correct.

.....

(To be attested by a Gazetted Officer (Civil/Military) or DSS&A Board.

PART V

REMARKS OF THE OFFICER-IN-CHARGE RECORDS

(in the case of personnel below officer rank)

The facts stated against items 1 to 11, 13 to 17 and 22 to 24 have been verified from the service records of the deceased/got verified from civil authorities and found correct.

Certified that the applications have been made by the claimant within the prescribed time limit of one year. (If is time-barred, state reasons therefore).

Officer-in-Charge, Records

Place.....

Date.....

APPENDIX- V

(Referred to in regulation 177)

Criteria for deciding whether an individual's refusal to undergo medical treatment or an operation for his disability attributable to or aggravated by military service, is or is not reasonable.

1. Refusal to undergo medical treatment or an operation may be held to be reasonable

(a) When, in the opinion of the medical authorities, it is improbable that such treatment or operation would cure the disability or reduce its percentage or where such treatment or operation may be severe and dangerous to life: or,

(b) Where, in the opinion of the Officer Commanding unit, to undergo the operation or the treatment prescribed is opposed to religious or caste prejudices of valid nature and the refusal is the bona fide outcome of such prejudices.

2. Refusal to undergo medical treatment or an operation will be treated as un-reasonable;

(a) When in the opinion of the medical authorities, it is due to malingering; or,

(b) When, in the opinion of the Officer Commanding, it is due to a desire to avoid further service or to obtain or retain a pension or to receive an enhanced pension..

3. If in- the opinion of the Officer Commanding unit, the individual has grounds not covered by the above paragraphs for refusing medical or operative treatment, the case will be referred to the area/independent sub-area commander for a decision as to whether the objection is reasonable or not and his decision will be final.

NOMINATION FOR SPECIAL FAMILY PENSION

I, Rank..... Name..... No..... hereby nominate the person mentioned below who is a member of my family, to receive the special family pension which may be granted by Government in the event of my death.

Name and address of the nominee	Relationship	Age	Whether married or unmarried
---------------------------------	--------------	-----	------------------------------

This nomination supersedes the nomination made by me earlier. Dated this day of..... 19..

Signature of witnesses: - (1)
(2)

Signature
No. Rank and Unit

To be filled in and attested by

- (i) The O. C. (if the individual is serving)
- (ii) Any of the under noted responsible persons**
(if the nomination is made by the individual after discharge).

Nomination by.....
Rank & Unit.....

Signature of O.C./Other Officers
Designation and Office seal
Date.....

- ** (a) Sarpanch of village
- (b) Any serving or retired Gazetted Officer, civil or military including J.C.O.
- (c) Sub Postmaster:
- (d) Qanungo or Patwari;
- (e) Sub Inspector of Police:
- (f) A Member of a Municipal Corporation of Committee or Zila-Parishad/District Board:
- (g) Panchayat President/Village Munsif/Patel/Village Officer/Panchayat Executive Officer;
- (h) Member of Parliament/Member of Legislative Assembly/Member of Legislative Council;
- (i) Oath Commissioner/Notary Public; and
- (j) Diplomatic or Consular Representative of Govt. of India in cases where claimants are residing outside India.

ATTESTATION

“Certified that to the best of my knowledge and belief the particulars given above are correct.”

Signature

(Name, Designation and Address)

Station

Date.....

Countersigned

Officer In-charge Record Office

No..... Date.....

[Auth: Ministry of Defence Letter No. 210729/72/Pen C dated 13/12/1973)

INDEX

	Regulation
A	
Awards in respect of death not due to service	A.I. 51/80
C	
Children's allowance	
Officers -	
Cessation of	... 99
Rates-	... 96
JCOs/OR/NCs (E) -	
Cessation of	... 240
Conditions for grant	
... 236	
Rates	...
238	
Commutation of pension- Officers	
Anticipatory/provisional pension	
... 348	
Calculation of commuted value	...
344	
Conditions and limit of	...
342	
Expenses incurred in connection with	...
347	
Withdrawal of application for	
... 346	
When becomes absolute	...
345	
When permissible	...
343	
Compassionate Gratuity Fund (DS)-	
Compassionate gratuity fund-	
Appendix IV	
When ex-gratia awards made	
.... 106	
Constant attendance allowance	
Officers-	... 63
JCOs/OR/NCs(E)	...
189	

D

Defence Security Corps personnel

Former service - counting of
... 267

Rates-

Children's allowance
... 283

281 Constant attendance allowance ...

280 Disability pension ...

282 Family pension- special ...

272 Service gratuity ...

271 Service pension ...

Dependants pension-Officers

When admissible ... 85

When brothers and sisters pension ceases
... 101

When parents pension ceases -
... 100

Disability Pension

Officers (including those of the MNS) -
Compulsory retirement on account of age
... 53

Late entrants
.. 49

Manifestation of disability after retirement
... 54

Negligence or misconduct
... 51

Period for which granted ... 60

Rank for assessment of service element
... 59

Rate ... 60

Reduction or removal of disability
... 56

Refusal to undergo treatment
... 52

Service qualifying for pension ... 58

	Voluntary retirement		
	... 50		
	When admissible		... 48
JCOs/OR/NCs(E)	Cessation of		
	... 186		
	Conditions for the grant of		
	... 173		
	Manifestation of disability after discharge from service		
	... 178		
	Period of grant		
	... 185		
	Rank for assessment of	... 180	&
182	Rates		...
183	Reassessment of	...187	&
188	Reduction of-in cases of negligence and misconduct		
	... 175	Reduction of-When compensation is paid from public revenues	
		... 176	
	Recruits and Young Soldiers		
	... 181		
	Dismissal from service-effect of pension		
	JCOs/OR/NCs(E)		...
113	Officers		... 16

E

	Education allowance -children of officers		
	(obsolete)		
	Ex-gratia awards to other relatives		
	... 217		

F

Family pension-			
Officers -	Cannot be claimed as a right		
	... 82		
	Cessation of widow's pension		
	...98		
	Division of pension		
	... 97		

	Negligence or misconduct	
	... 83	
	Officers suffering from T.B. but retained in service	
	... 94	
	Ordinary rates-when admissible	AI
51/80	Promoted from ranks	
AI 51/80	Rank for assessment of pension Rates-	
	Ordinary	... 96
	Special	
	... 95	
	Reduction when another pension is granted	
	... 91	
	Restoration of pension on second widowhood	
	... 102	
	Separation of widow from her husband	
	.. 90	
	Service in aid of civil power	
	...84	
	Special rates-when admissible	.. 85
	Widow who dies before establishing her claim	
AI 51/80		
JCOs/OR/NCs(E) -		
	Cessation of	...
231		
	Civil power-service rendered in aid of	...
214		
	Conditions of eligibility	...
220		
	Continuance of	...
230		
	Date from which granted	...
221		
	Division of pension	
	... 228	
	Eligible members of a family	
	... 216	
	For whom intended	
	... 215	
	Individuals in Govt. employment	
	... 222	

	Individual in receipt of another pension		
	... 222		
218	Nomination of heir for	...	
	Ordinary family pension-when admissible		
	... 212		
225	Rank for assessment of pension	... 223	to
226	Rates-ordinary family pension	...	
	Rates-special family pension		
	... 227		
	Special family pension-when admissible		
	... 213		
229	Regulation Transfer of pension	...	

G

Gratuity-Officers and their families

Officers other than those of the MNS -

104	Family gratuity for the widow	...	
	Retiring gratuity-rate of	...	32
	Retiring gratuity-qualifying service for		
	... 27		

Officers of the MNS -

	Retiring gratuity-rate of	...	43
	Retiring gratuity-qualifying service for		
	... 38		

Gratuity -JCOs/OR/NCs(E) and their families

232	Family gratuity	...	
168	Invalidment from service with attributable disability assessed at less than 20%	...	

	Individuals remustered from higher to lower group		
	... 142		

Service gratuity

	Minimum qualifying service required-Combatants		
	... 139		
	Minimum qualifying service required-NCs(E)		
	... 147		

	Pay for assessment of-Combatants	
	... 141	
149	Pay for assessment of-NCs(E)	...
	Scale of-Combatants	
	... 140	
148	Scale of NCs(E)	...
140	When admissible-Combatants	...
	When admissible- NCs(E)	
	...148	
	Special gratuity	
	Pay for assessment of	
	...166	
165	Rank for assessment of	...
	Scale of	
167		...
164	When admissible	...

I

	Invalid pension & gratuity	
	... 196	
	Interpretation on rules	
	...2	
	Invalidation on account of leprosy	
	...116	
	Invalidation on account of indulgence in drugs or drink	
	...117	

L

	Late entrants-Definition of	
	... 15	
	Assessment of disability pension	
	... 49	
	Assessment of retiring pension-Officers other than those of the MNS	
	... 31	
	Assessment of retiring pension-Officers of the MNS	
	... 42	

P

Pension -

Full rate not invariably admissible	
... 3	
Grant subject to future good conduct	
... 4	
Individuals who aggravate or retard the cure of disability	
..118	
Officers Cadets drawn from ranks	
... 114	
Only one pension admissible	
...115	
Personnel in civil Govt. employment	
...6	
When nationality is changed	
.... 8	
Withholding of	...5

Pensioners-

Convicted of crime or guilty of misconduct	
... 119	
Employed in a civil capacity	
...7	
Employment under a Government outside India or commercial employment	... 18
Eligibility for family pension	
... 222	
Re-employment in Defence Services in an emergency	
...120	
Re-employment in Defence Services otherwise than in an emergency	
... 121	

R

Rank for assessment of pension-

Officers -

Family pension	... 93
Family pension-Officers suffering from TB but retained in service	... 94
Retiring pension-Officers other than those of the MNS	
... 28	
Retiring pension-officers of the MNS	
... 39	

	Service element of disability pension	
	... 59	
JCOs/OR/NCs(E) -		
	Disability pension	...
180	Family pension and gratuity	
	... 223	
	Service pension - combatants,	
	... 133	
	Special pension	...165
Re-employment of JCOs/OR/NCs(E) in Defence Services-		
	In an emergency	
	...120	
	Otherwise than in an emergency	
	... 121	
Rates		
Officers -		
	Children's allowance-rates	
	... 96	
	Constant attendance allowance -	
	... 63	
	Dependants pension	
	... 95	
	Disability pension	... 60
	Education allowance	...
Obsolete		
	Rtd officer re-employed in an emergency and officer	
	so recalled	... 17
	Family gratuity	...
104	Family pension--ordinary rates	... 96
	Family pension-special rates	
	... 95	
	Retiring gratuity-officers other than those of the MNS	
	... 32	
	Retiring gratuity-officers of the MNS	
	... 43	
	Retiring pension-officers other than those of MNS	
	... 29	
	Retiring pension-Officers of the MNS	... 40
JCOs/OR/NCs(E) -		
	Children's allowance	...
238 & 239		

Pension Regulations For The Army-1961 (Part-I)

	Compassionate allowance		
	... 255		
189	Constant attendance allowance	...	
	Disability pension	...183	&
183-A	Family gratuity	...	
232	Family pension-ordinary		
	...226		
227	Family pension-special	...	
155	Reservist Pension-	...	
	Service gratuity-Combatants		
	... 140		
148	Service gratuity-NCs(E)	...	
	Service pension-Combatants		
	... 136		
146	Service pension -NCs(E)	...	
	Reservists Pension		
	Premature transfer to the reserve		
	... 157		
156	Rates	...	
	Time spent outside India	...	
154	Those in receipt of service pension		
	... 153		
155	When admissible	...	
	Retiring pension		
	Officers (other than those of the MNS)		
	Late entrants		
	... 31		
	Minimum service required		
	... 25		
	Rank of pension	... 28	
	Service qualifying for pension	... 26	
	Rates	... 29	
	When admissible	... 22	

MNS Officers-

Late entrants	
... 42	
Minimum service required	
... 36	
Rank for pension	... 39
Service qualifying for pension	... 37
Rates	... 40
When admissible	... 22

Rules -

Changing of	... 2
Interpretation of	... 2

S

Service -

Regulation Officers other than those of the MNS

Minimum required for pension	... 25
Qualifying for gratuity	... 27
Qualifying for pension	... 26

JCOs/OR/NCs(E) -

Condonation of deficiency	
... 125	
Forfeiture of-for certain offences	
... 113	
Former-counting of	
... 126	
Qualifying for pension and gratuity	
...122	
Rendered in aid of civil power-title to disability pension	
...174	
Rendered in aid of civil power-title to family pensionary awards	
... 214	
Restoration of	
... 123	

Officers of the MNS

Minimum required for pension	... 36
Qualifying for gratuity	... 38
Qualifying for pension	... 37

Service pension

JCOs and OR

Deficiency in length of service- condonation of	
... 125	

	Deficiency of service in a particular rank- condonation of. ...134	
	Honorary rank Naib Subedar-addition for ... 137	
138	Individuals transferred to the Reserve	...
	Minimum service required ... 132	
	Rank and group for pension ... 133	
	Rates	...
136	Remustering from higher to lower group ... 135	
	NCs(E) -	
	Minimum service required ... 145	
	Rates	...
146		
	Reservists -	
	In receipt of service pension ... 153	
	Invalidment cases	...
158	Premature transfer to reserve ... 157	
	Rates	...
156	Time spent outside India	...
154	When admissible	...
155		
	Special pension-	
	Invalidment cases-attributable-less than 20% ... 168	
	Rank for pension	...
165	Rate of pension	...
167	When admissible	...
164	Second life pension ... 220	

Regulation [Standard] rate of retiring pension

- Officers other than those of the MNS
... 29
- Officers of the MNS
... 40

T

Territorial Army -

Commissioned officers

- Children's allowance-condition for the grant of
... 303

Constant attendance allowance ...
309

Disability pension

Cessation of ...
307

Conditions for the grant of ...
303 8, 304

Rank for assessment of ...
306

Rates of ...
305

- When disability manifests itself after retirement
... 308

Family pension

Conditions for the grant of ...
... 303

Rank for ...
312

Rates of ...
311

When admissible ...
310

Terminal gratuity

- Conditions for the grant of
... 296
- Rate of
... 297

JCOs/OR/NCs (E)

Constant attendance allowance ...
331

Disability pension

Cessation of	...
329	
Conditions for the grant of	...
325 & 326	
Rank for	...
328	
Rate of	
... 327	
When disability manifest itself after retirement	
... 330	

Family pension

Condition for the grant of	
Rank for	...
334	
Rates of	...
333	
When admissible	...
332	

Terminal gratuity

Conditions for the grant of	
... 318	
Rate of	
... 319	

***AT A GLANCE**

What is Pension? Dictionary meaning of pension is payment made by the Govt. or former employer to a person, no longer employed.

1.1 Fourth Pay Commission has defined pension as 'A pension is a series of periodic payment to a person, usually payable monthly, for life for past services of himself or another'.

1.2 **PURPOSE OF PENSION**-Basic purpose of scheme of pension is to give employees and through them, their families, the confidence that they will not be left in poverty when the bread winner retires from service or is incapacitated or dies and the State will help them to maintain a level of living which is not far below the level to whom they had accustomed.

3. **AIM OF PENSION**-Aim of the pension is both social as well economic.

4. **FORMS OF PENSION**-Pension may be in the form of

(a) Monthly recurring payment called pension

Or

(b) One time lump sum called gratuity

Or both

5. FACTOR GOVERNING PENSION- Pensionary entitlements is computed on the basis of-

- (a) Reckonable emoluments.
- (b) Length of service.
- (c) Rank.

* These short notes are purely and totally for understanding the-provisions of Pension Regulations Part I and, therefore, examinees are CAUTIONED not to quote any authority from these notes unless specific authority is mentioned.

PENSION SANCTIONING AUTHORITIES

1.1 The Defence Accounts Department` has been authorised to sanction pensionary awards and other terminal benefits in respect of

- (a) Commissioned Officers and their families of Armed Forces.
- (b) Personnel below officer rank of Armed forces.
- (c) Defence civilians, DAD, GREF and Coast Guard employees and their families.

1.2 The Chief CDA (Pensions) Allahabad sanctions all pensionary awards in respect of the following categories of officers and personnel below officer rank :-

(a) Officers and Personnel of Armed Forces except in the case of Naval and Air Force Officers and personnel below officers rank who retire/die while in service on or after 1-11-85.

(b) Defence Civilians of Defence Factories, Army, Navy & Air Force Unit/Establishments, DAD, GREF & Coast Guards.

1.3 The CDA (Navy) Bombay sanctions pensionary awards in respect of Naval Officers and Sailors who became non effective on or after 1-11-85.

1.4 The CDA (Air Force) New Delhi is authorised to sanction pensionary awards in respect of AF, Commissioned Officers and Airmen who became non effective on or after 1-11-85.

1.5 The service gratuity and family gratuity in respect of personnel below officers rank is sanctioned by respective PAOs.

1.6 The family pensionary awards and reassessment of Disability Pension in respect of Naval and Air Force Officers and Personnel below officer's rank that became non effective prior to 1-11-85 continue to be sanctioned by CCDA (P). The CCDA(P) also adjudicate the entitlement for special family pension, disability pension, disability element, reassessment of disability pension in respect of Naval and Air Force Officers and Personnel who became non effective on or after 1-11-85, but award is notified in PPOs by CDA (Navy or AF) as the case may be.

DIFFERENT TYPE OF PENSIONARY AWARDS ADMISSIBLE TO ARMED FORCES OFFICERS AND PERSONNEL BELOW OFFICER RANK

1.1 The different type of pensionary awards i.e. admissible to Armed Forces officers and personnel below officer rank are-

- (a) Retiring pension and Retiring gratuity.
- (b) Serve pension and Service gratuity.
- (c) Special pension and special gratuity.
- (d) Reservist pension and terminal gratuity.
- (e) Invalid pension and invalid gratuity.
- (f) Disability pension.
- (g) Constant Attendance allowance.
- (h) Ordinary family pension.
- (i) Special family pension.
- (j) Liberalised pensionary awards/special family pension.
- (k) Family Gratuity.
- (l) Ex-gratia Awards in Flying Accidents.
- (m) Retirement Gratuity.
- (n) Death Gratuity.

2. Ordinary Family Pension to families of Armed Forces is granted at the same rate and under the same conditions as in the case of civilians in whose case the awards is known as family pension.

3. Retiring Pension and Retiring Gratuity of Commissioned Officers (Regular) including Military Nursing Service and Territorial Army.

3.1 Retiring Pension:

The minimum period of qualifying service (without weightage) actually rendered and required for earning retiring pension is 20 years (15 years in the case of late entrants). The amount of retiring pension is calculated with reference to actual qualifying service rendered by the officer plus a weightage (in years.) appropriate to the rank held subject to the total qualifying service including weightage not exceeding 33 years. Weightage for the purpose of calculation of pension of commissioned officers is as under:

Rank	Weightage
2 Lt., Lt., Capt.,	9 years.
Major	8 years
Lt. Col. (TS), Brig.	5 years
Lt. Col. (S), Col.	7 years
Maj. Gen., Lt. Gen., Army	3 years.

Commander, VCOAs, COAs.	
MILITARY SERVICE:	NURSING
Captain	7 years.
Major	6 years
Lieutenant Col. Brig.,	5 years
Maj. Gen.	3 years.

3.1.2-The emoluments for the purpose of calculation of retiring pension reckon average of the pay, NPA and rank pay, if any, drawn during the last 10 months of his service.

3.1.3-The amount of the retiring pension for 33 years of qualifying service is calculated at 50 % of the average of emoluments reckonable for pension, subject to a maximum of Rs.4500/- per month and for lesser period reckonable qualifying service it is proportionately reduced.. If the amount of pension so determined is less than Rs.375/-, it is stepped up to Rs.375/- per month.

3.1.4 Reckoning of Qualifying Service (Salient features on Revised orders on Pension)

1. The concept of Grant of Pension for 33 years of service stands introduced for the first time.

2. With the changed concept, care has also been taken to add rank wise weightage in years to the service. Such a computation shall at no stage exceed 33 years.

3. The above weightage shall not be reckoned for determining the minimum qualifying service of 20 years and 15 years for late entrant for admissibility of Retiring/Service Pension of officers.

4. In calculating the length of qualifying service, fraction of a year equal to three months and above but less than 6 months shall be treated as a completed one half year and reckoned as qualifying service.

5. Full pre-commissioned service rendered under the Central Government or in the Armed Forces shall be taken into account for working out the qualifying service for earning pensionary benefit subject to fulfillment of other conditions.

3.1.5 Cases in which weightage will not be admissible.

1. There will be no weightage for officers of the Territorial Army.

2. There will be no weightage for officers who retire prematurely for permanent absorption in Public Sector Undertakings and Autonomous' Bodies.

3.1.6 Calculation of Retiring Pension

Retiring pension in respect of the commissioned officers including MNS and TA officers, shall be calculated at 50% of the average of emoluments as defined in 14.2 above. The amount so determined shall be subject to a maximum of Rs. 4500/- p.m. and shall be the retiring pension for 33 years of qualifying

service. For lesser years of qualifying r service, this amount shall be proportionately reduced.

3.1.7 Overriding Condition

The retiring pension of an officer of the rank of Lt. Col. (TS), Brigadier or Major General shall not be less than the pension which would have been admissible to him as Major, Col. or Brigadier as the case may be, had he not been promoted to the higher rank.

3.18 Manner of Calculating Average Emoluments [ILLUSTRATION]

Rank Colonel
 Date of Retirement 31st Oct 1993.
 Normal Date of Increment 1st April 1993

(for determining the average emoluments the pay drawn during the last ten months of his service should be added and the total of the amount is to be divided by Ten)

Pay drawn as on,	Basic Pay	+	Rank Pay
January 1993	4500	+	1000
February 1993	4500	+	1000
March 1993	4500	+	1000
April 1993 (Increment)	4650	+	1000
May 1993	4650	+	1000
June 1993	4650	+	1000
July 1993	4650	+	1000
August 1993	4650	+	1000
September 1993	4650	+	1000
October 1993	4650	+	1000
Sum Total	46,050	+	10,000

= Rs. 56,050

Average Emoluments = 56,050 / 10 = 5,605/-

Calculation of Pension

Date of Retirement 31st October 1993
 Actual Qualifying Service 26 years
 Add Weightage 7 yrs.
 Total : Qualifying Service 33 years
 Average Emoluments: Rs. 5,605/-
 Pension admissible is 50%
 of the average emoluments i.e. Rs. 2,802.50
 Rounded off to the next higher rupee Rs. 2,803.00

Taking the above case and assuming the qualifying service even after adding the weightage works out to 31 years, the proportionate pension admissible will be calculated as under:

Since the pension admissible for the 33 years qualifying service is Rs. 2,802.50, the proportionate pension admissible for 31 years will be:

$$2802.50 \times 31/33$$

Rs. 2,632.65

Rounded off to the next higher rupee = Rs. 2,633/-

3.2-RETIRING GRATUITY

The minimum period of qualifying service actually rendered and required to earn retiring gratuity is ten years. Retiring Gratuity is payable only when one has not rendered the minimum OS for earning retiring pension.

In case of resignation on marriage by MNS Officers, the minimum QS required for earning retiring gratuity is 5 years.

The Retiring Gratuity is admissible at the uniform rate of half month's emoluments for each completed six monthly period of QS. The emoluments reckon pay + NPA and rank pay, if any, last drawn by the officer.

4. Service Pension and Service Gratuity To JCOs/ORs/NCsE of Army DSC and TA.

4.1 Service Pension:

The minimum period of OS (without weightage) actually rendered and required for earning service pension is 15 years in the case of JCOs/ORs and 20 years in the case of NCsE. Deficiencies in service for eligibility to service pension may, however, be condoned by competent authority upto six months in each case, provided the individual's discharge is not at his request and individual is not entitled for special pension or special gratuity or invalidated out of service.

Service Pension is assessed on the basis of rank actually held in a substantive or paid acting capacity and lowest group for which paid, during the last 10 months of his service qualifying pension. However a competent authority may condone deficiency in service in a particular rank not exceeding 3 months except on voluntary discharge. Service pension for 33 years qualifying service (actual qualifying service plus a uniform weightage of 5 years subject to the total qualifying service including weightage not exceeding 33 years) is calculated at 50% of the emoluments reckonable for service pension subject to maximum of 4500/- PM and for lesser period of service this amount is reduced proportionately. The amount of pension, however, shall not be less than Rs.375/-PM. The reckonable emoluments means maximum pay of the scale including 50%, of the highest classification pay, if any, of the rank held and group in which paid for at least 10 months at the time of discharge. The standard rate of service pension in respect of personnel below officer rank discharged on or after 11-86 are contained in Annexure to MD No 1(5) 87/D (Pension-Services) dated 30/10/87.

4.2 SERVICE GRATUITY:

The minimum period of qualifying service actually rendered and required for service gratuity is 5 years. The service gratuity to personnel below officer rank is at a uniform rate of half months reckonable emoluments for each completed six monthly period of QS.

The reckonable emoluments for service gratuity is pay including classification pay, if any, last drawn by the individual.

5. Special Pension and Special Gratuity:

5.1 A special pension and gratuity is granted at the discretion of President to personnel below officer rank, who are not transferred to the reserve but are discharged in large number in pursuance of Govt. policy of-

- (a) reducing the strength of establishment of the army or
- (b) re-organisation, which results in disbandment of any Unit/Formation.

5.2 Rates of special pension and gratuity:

A- Combatant.

(a) Special Pension

- | | | |
|------|---|--|
| (i) | 15 years or more | Equal to normal service pension. |
| (ii) | 10 years or more but less than 15 years | Equal to service pension as determined vide 4.1 above. |

(b) Special Gratuity

- | | | |
|------|---|--|
| (i) | 5 years or more but less than 10 years. | Equal to 1 $\frac{1}{3}$ month's emoluments for each completed year of QS. |
| (ii) | Less than 5 years | Equal to 3 month's reckonable emoluments. |
-

B-Non Combatants (Enrolled)

(a) Special Pension-

- | | | |
|------|---|---|
| (i) | 20 years or more | Equal to normal service pension. |
| (ii) | 15 years or more but less than 20 years | Equal the service pension as determined vide 4.1 above. |

(b) Special Gratuity-

- | | | |
|-----|------------------------------------|---|
| (i) | 5 years or more but less than each | Equal to 1 $\frac{1}{3}$ months emoluments for each |
|-----|------------------------------------|---|

15 years	completed year of QS.
(ii) Less than 5 years	Equal to 3 months reckonable emoluments.

6. RESERVISTS PENSION AND RESERVISTS GRATUITY:

6.1 RESERVISTS PENSION: An other rank reservist or an equivalent of Navy and Air Force who is not in receipt of service pension is granted on completion of prescribed combined colour and reserve QS, if not less than 15 years, a reservist pension equal to 2/3rd of lowest service pension admissible to a sepoy or an equivalent rank in other services, but in no case less than Rs.375/- PM.

6.2 TERMINAL GRATUITY: A terminal gratuity is payable to reservists if he is discharged from reserve but has rendered qualifying colour and reserve service less than 15 years. The scale of terminal gratuity is the same as for service gratuity.

7. INVALID PENSION AND INVALID GRATUITY:

7.1 Invalid Pension-Officer and personnel below officer rank who are invalided out on account of causes neither attributable to nor aggravated by service and also to those who has been invalided out of service on account of disability which is attributable to or aggravated by military service but disability is assessed less than 20% are granted Invalid pension or gratuity as under:

- (a) Invalid pension if the service is 10 years or more.
- (b) Invalid Gratuity if service is less than 10 years.

Low medical category individual who is discharged/retired from service for lack of alternative employments is also entitled for invalid pension/gratuity.

7.2 Rate of Invalid Pension and Invalid Gratuity.

Invalid Pension.

(a) An amount equal to service element of disability pension that would have been admissible in case the causes were attributable to or aggravated by service.

- (b) Invalid Gratuity.

At the rate of half a months emoluments for each completed six monthly period of qualifying service.

8. DISABILITY PENSION:

8.1 Disability pension is granted to officers and personnel below officer rank who are invalided out of service on account of causes which are accepted as attributable to or aggravated by service, irrespective of their length of service and provided that degree of disablement is assessed at 20% or more. The disability pension consists of two elements.

(i) Service element which depends on the length of QS and rank

(ii) disability element which depends on percentage of disablement in the case of officers and also rank in the case of personnel below officer rank. In case disability falls below 20% after grant of disability pension, the service element of disability pension is permanent.

8.2 Disability element of pension is also granted in addition to 'the retiring/service pension to officers, Personnel below officer rank who may not be invalided out but may be retired/released/discharged in the normal manner, if they are found suffering from disability attributable to or aggravated by military, service at the time of such retirement/discharge. If an individual seeks retirement/discharge at his own request (except in case an individual retires voluntarily within 30 days of the date of his normal retirement to avail himself better commutation value of his commuted portion of pension) he will not be eligible for any disability pensionary benefits.

8.3 Rank for assesment of Service Element of Disability Pension. The rank for the purpose of assessment of service or disability pension shall be the substantive rank or higher paid acting rank, ' if any, held by the individual on any of the following dates which ever is most favourable:-

(a) the date of invaliding from service; or

(b) the date on which he sustained wound or injury or was first removed from duty on account of a disease causing his disablement; or

(c) if he rendered further service, during and as a result of such service suffered aggravation of disability, the date of later removal from duty on account of disability.

(Authy-Regn. 180 PR Pt-I)

Note : In the case of an individual who on account of misconduct or inefficiency is reverted to a lower rank subsequent to the date on which the wound or injury was sustained or disability contracted, the rank for assessment of service and disability element of disability pension shall be the rank held on the date of invaliding from service. (Auth-Corr. No. 25/63 to AI 1/S/53)

Example:-(1) Hav Ram Singh invalided out of service on 31/8/85.

He contracted ID on 15/7/80, at the time he was NK.

His SE DE will be assessed on rank of Hav.

(2) Shyam Singh a NK wef 30/6/80, received wound on 30/5/81.

was reverted to the rank of sepoy on 16/8/82 and was invalided out of service on 30/9/82, his SE + DE will be assessed on the rank of Sepoy only.

8.4. The entitlement to disability pension in respect of officers is determined by Min. of Defence and in the case of personnel below officer rank by CCDA (P) Servicemen have a right to appeal against the adverse decision of the Govt./CCDA(P) regarding entitlement within 6 months of the date of communication of such decision.

COMPENSATION IN LIEU OF DISABILITY ELEMENTS:

8.6 In case a person belonging to Armed Forces is found to have a disability which is (i) accepted by the competent authority as attributable to aggravated by service factors and (ii) assessed at 20% or more for life but the individual is retained in service, despite such disability, he is paid compensation in lieu of disability element. The rank for disability elements is the rank held at the time of onset of the disability and age next birth day is reckoned with reference to the date of onset of disability with loading to age, if any, recommended by the medical board. Once compensation is paid, there shall not be any claim for disability element or that disability.

[AUTH:-Para 14.4 of MOD letter No. 1(5)/87/D (Pensions-services) dated 30/10/87]

8.7.1 Rate of service element:

(a) In the case of commissioned officers the rate of service element of disability pension shall be equal for the retiring pension.

(b) In the case of personnel below officers rank:

(i) Where individual has rendered sufficient service to earn a service pension i.e. actual service is 15 years or more 20 years in the case of NCsE, the service element is equal to the service pension.

(ii) Where the individual has not rendered sufficient service to qualify for a service pension, the service element is equal to service pension as determined in para 4.1 above.

8.7.2. Rate of Disability Element:

The rate of disability element for 100% disability is as under:

(a) Officers and Hon Commissioned Officers.	Rs.750/-
(b) JCOs.	Rs.550/-
(c) ORs & NCsE.	Rs.450/-

For disability less than 100% but not less than 20% the above rates are proportionately reduced.

9. CONSTANT ATTENDANCE ALLOWANCE:

A constant attendance allowance at the rate of Rs.300/- PM is granted to an individual who is awarded a disability pension for 100% disability, if in the opinion of the individual or a re- survey medical board; he/she needs the services of a constant attendant for at least a period of 3 months.

ORDINARY FAMILY PENSION

1. **To whom applicable.** Families of armed Forces Personnel except.

(a) NCC Auxiliary Cadet Corps and Lok Sahayak sena.

(b) TA Personnel except when they die while rendering Military service.

(c) Persons who are executed on, being convicted of death sentence by court.

2. When admissible:

When an individual dies on account of causes which are neither attributable to nor aggravated by Military service.

(i) either while in service provided he had been found fit after successful completion of the requisite training and medical examination for commission or at the time of enrolment in the case of personnel below officer rank.

(ii) or after retirement/discharge from services and was on the date of death in receipt of or eligible for retiring/special/reservist/disability/invalid/war injury pension. (iii) Death due to suicide does not disqualify the heir from ordinary family pension.

3. Rates of ordinary family pension:

The rates of ordinary family pension in respect of personnel other than reservists are as follows:

	Reckonable emoluments	Rates per month
(i)	(i) Not exceeding Rs. 1500/- PM	30% of reckonable emoluments subject to a minimum of Rs. 375/-
(ii)	(ii) Exceeding Rs. 1500/- PM but not exceeding Rs. 3000/- PM	20% of reckonable emoluments subject to minimum of Rs. 450/-
(iii)	(iii) Exceeding Rs. 3000/- PM	15% of reckonable emoluments subject to a minimum of Rs. 600/- and a maximum, of Rs. 1250/-

[Auth:-Para 13(4) of MOD letter dated 30/10/87]

In the case of reservist, the ordinary family pension will be at the above rates where the individual dies in reserve after earning a service pension for colour service. Where the individual was in receipt of reservist pension, the amount of pension should not exceed 2/3rd of reservist pension subject to minimum of Rs. 375/

4.1 Enhanced rate of ordinary family pension

(i) When individuals die while in service after having rendered not less than 7 years continuous qualifying service or who die after retirement/invalidment with a pension ordinary family pension will be granted at an enhanced rate equal to 50% of the reckonable emoluments last drawn or twice the ordinary family pension admissible vide para 3 above whichever is less, for a period of 7 years from the date following the death of individual or upto the date on which the deceased would have completed the age of 65 years whichever is earlier. In case death takes place after release/retirement/discharge/invalidment the amount of ordinary family pension shall not exceed the amount of pension authorised to deceased. Where, however the amount of such pension is less than the amount

mentioned in para 3, the amount of ordinary pension under para 3 will be admissible.

[Auth:-Para 13(b) of MOD letter dated 30/10/87]

NOTE : (i) Pension granted on retirement includes commuted portion of pension also.

(ii) Period under suspension and service rendered before attaining the age of 16 years (17 years to those enrolled prior to 1.3.84) will not be included in computing 7 years continuous service.

4.2 After expiry of the period mentioned in para 4.1 the family pension will be payable at ordinary rates mentioned in para 3 above. 4.3 Not reduction in ordinary family pension will be made.

(i) even if a cut was imposed in the pension of the deceased and

(ii) where any compensation is payable from public revenues for death of the individual.

5. Rounding off the amount of ordinary family pension.

It will be rounded off to the next higher rupee. In the case of enhanced pension, the rounding off will be done only at the final stage.

6. Eligible members for ordinary family pension.

(i) Wife, in the case of male Army personnel, or husband in the case of female.

(ii) A judicially separated wife or husband provided the surviving spouse was not held guilty of committing adultery. If the deceased has left an eligible child also, the family pension will be payable to spouse as guardian. In case the spouse ceases to be guardian, the pension will be payable to eligible child. Where a member of family is charged with offence of murdering or abating in the commission of such an offence, the grant of family pension will be suspended. If the charge is proved such heir will be debarred from the pension.

(iii) Sons/unmarried daughters including those adopted legally before release/retirement/discharge/invalidment.

It includes posthumous child as well as step child.

7. Period for which ordinary family pension is payable.

(i) In the case of widow or a widower, upto the date of death or remarriage whichever is earlier.

(ii) In the case of a son, until he attains the age of 25 years and

(iii) In the case of an unmarried daughter, until she attains the age of 25 years or until she gets married.

7.2 The declaration of widowhood by the widows will be submitted once at the time of drawal of Ist pension. In the case of widower and unmarried daughters it will be submitted half yearly in the month of May and November.

7.3 However, in case the eligible child is physically or mentally handicapped and is unable to earn a livelihood the family pension would be admissible for life to such a child.

[Auth:-Para 13(d) of MOD letter No. 1(5)/87/D/Pen-ser dated 30/10/1987]

7.4 In the case of mentally handicapped child the payment will be made through guardian and in other cases to the son/daughter, if they have attained majority. The certificate of mental unfitness to be obtained from a doctor not below the rank of civil surgeon, will be submitted by the guardian in every three year. In other cases the certificate will be submitted by the guardian or the son/daughter himself in each month that he/she has not started earning or in the case of daughter she has not married.

8. Revision of ordinary family pension

Ordinary Family Pension is payable to only one heir at a time. However (a) where the deceased is survived by more than one widow, it will be equally granted to the surviving widows (b) where one of the widows dies during the life time of the deceased and leaves eligible child, her share will be granted to her child/children. Where the family pension ceases to the surviving child/children at that share will be passed on to the surviving widow or eligible child in receipt of family pension.

10. Grant of Ordinary Family Pension, if both wife and husband are Govt. employees. It is payable:

(i) Spouse in addition to pension or pay as the case may be.

(ii) In the event of death of both the parents, the eligible heir will be entitled to family pension for both the parents provided the ordinary/enhanced amount for both the persons does not exceed Rs. 1250/- PM and Rs. 2500/- PM respectively.

11. Entitlement of ordinary family pension for Military pensioners in civil service

(i) If he dies while holding a civil post in a temporary capacity, his family may opt for pension under Military Rules or civil rules.

(ii) If he retires from civil service without holding permanent post in a substantive capacity, only family pension under Army rules is payable.

(iii) if on confirmation in civil post he opts to retain his Military pension, the family pension under civil/Military rules is permissible, as per his option within the stipulated period. In the absence of such option, family pension under Military rules is permissible. [These orders are however under revision for giving option to the widows for opting the beneficial rates.]

10. SPECIAL FAMILY PENSIONARY AWARDS:

10.1 These are admissible in the case of officers and personnel below officer rank who die on account of causes which are accepted as attributable to or aggravated by service, irrespective of the length of service on the date of death. These awards consist of special family pension, payable to widow only, in the case of officers and to the eligible member of the family in the case of personnel below officer rank. In addition a lump sum death gratuity and family gratuity (if death occurs in action or in certain other specified circumstances).

10.2 If an officer, leaves more than one widow, who are eligible for special family pension, the awards may be divided amongst them by Government. In case a deceased officer does not leave behind a widow eligible for special family pension to eligible child/children is granted at the same rates as would have been admissible to the widow, if she were alive and eligible. In case a deceased officer does not leave behind a widow or a child eligible for family pension, dependant pension will be payable to his parents at 50% of the rate laid down for the widow. If an officer retires voluntarily at his own request and dies after such retirement special family pensionary awards are not admissible to the family. In the case of single officer, a dependant's pension may be entitled to his parents and in their absence to his brothers and sisters, subject to dependency at the scale of 50% of special, family admissible to the child less widow. In the case of personnel below officer rank, if the Special Family pension was sanctioned to the widow initially, on her death or disqualification, Special Family Pension is continued to the father or mother @ 50% of rate of pension for childless widow. If parents are not surviving eligible dependant brother sisters may claim dependant pension. In case special family pension was initially granted to father or mother, on his/her death or disqualification special family pension is transferred to widow.

RATES OF SPECIAL FAMILY PENSION:

10.3 The rates of special family pension inclusive of children allowance and children education allowance is as under

Reckonable

Rate of Special

Pension Regulations For The Army-1961 (Part-I)

PM.	emoluments	Family Pension
(a) If the widow is Childless	(i) Not exceeding Rs.1500/- (ii) Exceeding Rs. 1500/-but not exceeding Rs.3000/- (iii) Exceeding Rs. 3000/-	50% of reckonable emoluments. 40%of reckonable emoluments to a minimum of Rs.750/-. 30% of reckonable emoluments
subject subject Rs.1200/- Rs.2500/-.		to a minimum of and maximum of
(b) If the widow has Child/Children.	In all cases.	60% of reckonable emoluments subject to minimum of Rs.750/- maximum of Rs.2500/-.
and		

(Auth:-Para 15.2 of MOD letter dated 30/10/87)

10.4 Special family pension at the rates indicated at (b) above is admissible to the widow till the child/children attains the age prescribed under the rules and thereafter the widow shall be paid family pension at the rates indicated at (a) above. Special family pension is regulated similarly where parents in the case of personnel below officer rank, have been nominated as the first awardee.

(Auth:-Para 15.3 of MOD letter dated 30/10/87)

10.5 In cases where Special family pension is granted to the widow and she dies or remarries, the children would be paid Special family pension at the rates indicated in (a) above and the same rate would also apply to fatherless/motherless children. In both cases, special family pension would be paid to the children for the period during which they would have been eligible, as in the case of ordinary family pension.

(Auth:-Para 15.4 of MOD letter dated 30/10/87)

11. LIBERALIZED PENSIONARY AWARDS: (Battle Casualty and such other cases as may be specially notified by Government.

11.1 Service Officers and personnel below offices rank, who arc killed or disabled on account of injuries sustained.

(i) in international war

(ii) as a result of fighting in war like operations or border skirmishes with other countries.

(iii) during Fighting in service with a peace keeping mission abroad.

(iv) while employed in aid of civil administration to deal with agitating para military personnel.

(v) as a result of accidental explosions of mines caused while laying operationally oriented mine fields or lifting or negotiating mine fields laid down by the enemy or by own forces in operational areas near international border or the line of control (other than accidental explosions caused during training with live mines).

(vi) as a result of frost bite during wars or war like operations.

(vii) as a result or battle inoculation training exercises or demonstration with live ammunition where safety distance are reduced for real in training.

(viii) while fighting against armed hostilities.

(ix) as a result of operations specifically notified by the Government, are granted liberalised pensionary awards as under:

11.2 War Injury Pension: War Injury Pension for 100% disability is equal to the reckonable emoluments last drawn on the date of invalidment. Where disability is less than 100%, the amount of War Injury Pension is proportionately reduced but in no case, the amount of war injury pension is less than 60% and 80% of reckonable emoluments last drawn in the case of officers and personnel below officer rank respectively. The minimum amount of War Injury pension is also admissible in case degree of disablement falls below 20% on subsequent re-assessment. In addition to the War Injury Pension the individual shall be entitled to Retirement Gratuity which shall be calculated on the basis of reckonable emoluments on the date of invalidment but counting of service upto the date in which he would have normal retired in that rank plus weightage of 5 years (total not exceeding 33 years).

(Auth:-Para 18.2, 18.3 and 18.4 of MOD letter No. 1(5)/87/D (Pensions/services) dated 30/10/87)

NOTE:-Constant Attendance Allowance' where admissible is granted in addition.

11.3 Liberalised Special Family Pension:

(1) Widows in the case of officers and nominated heirs (in the absence of nomination-the highest eligible heir) in the case service personnel, who are killed in action or deemed to have been killed in action or in the specified circumstances are entitled to liberalised special family pension equal to the reckonable emoluments last drawn by the deceased until death or disqualification. No children allowance or children education allowance is payable in addition.

(2) In the case of both officers and personnel below officer rank, if a widow remarriage her deceased husband's real brother and continues to live a communal life with and/or contributes to support other living eligible heirs, she continues to

be eligible to the liberalised special family pension, at the rate indicated in clause (1) above. On remarriage with any other person, she forfeits her right to the liberalised special family pension but is given ordinary family pension from the date following the date of her remarriage and from the said date the children are allowed children allowance.

(Auth: - Para 19.1 of MOD letter dated 30/10/87)

3(a). If the deceased service personnel is not survived by a widow but is survived by a child/children only, all children together will be eligible for family pension at the following rates and also in addition, the children allowance specified in sub para 4 below.

Emoluments of the Individual on the Date Of Death	Family Pension
Not exceeding Rs.1500/-	- 50% of emoluments.
Exceeding Rs.1500/- but not subject exceeding Rs.3000/- Rs.750/- p.m.	- 40% of the emoluments to minimum of
Exceeding Rs.3000/- Minimum Rs.2500/	- 30% of emoluments. Rs.1200/- Maximum

(b) The above liberalised special family pension is payable to the children for the period during which they would have been eligible as in the case of ordinary family pension.

(c) The family pension is paid to the senior most eligible child at a time on the lines of Ordinary Family Pension.

(Authority for 3(a) (b) & (c)-Para 19.2 of MOD letter dated 30/10/87)

(4) CHILDREN ALLOWANCE:

In lieu of children allowance and children education allowance, a consolidated allowance at the following rate is payable in cases covered by subpara 3(a).

- | | |
|--|------------------------|
| (i) In the case of Service Officers. | Rs.150/- PM per child. |
| (ii) In the case of personnel below
officer rank. | Rs.100/- PM per child. |

FAMILY GRATUITY:

12.1 Family Gratuity is granted in addition to the receipt of the special liberalised family pension of an individual who

- (i) is killed in action or dies of wounds sustained in action.

(ii) is killed while on flying duty or parachut jumping duties in an aircraft or while being carried on duty in an aircraft (civil or service) under proper authority or dies of injuries sustained in such circumstances.

(iii) though not serving in a field area, dies of a cause attributable to circumstances which, in the opinion of the local administrative authority, are similar to those encountered on field service or in operation.

(iv) Suffers a violent death while employed in aid of the civil power.

(v) dies while laying or clearing land or sea mines.

(vi) dies while on diving duty.

(vii) dies while on duty in a submarine or while being carried on duty in submarine under proper authority.

(viii) dies due to injuries sustained in the circumstances mentioned in causes (iv) to (vii) above.

(Auth:-Para 104 of PR I for officers. Para 232 of PR I for personnel below officer Rank)

EX GRATIA PAYMENTS - FLYING ACCIDENTS TO SERVICE AIR CRAFTS:

13. Families of Officers and personnel below officer rank who die while traveling by service air craft as a passenger and a member of the crew in course of their official duty as a result of accidents to the air craft are sanctioned by Government an ex-gratia award at the rate of Rs. five Lakh in each case irrespective of rank of the deceased. This ex-gratia payment is in addition to the benefits of special family pension or dependent pension and is sanctioned with the concurrence of Ministry of Finance.

Retirement gratuity:

An individual who has completed 5 years qualifying service, and is eligible for service/invalid gratuity or pension of any type, shall be granted on the termination of his service a retirement gratuity equal to one fourth of reckonable emoluments for each completed six monthly period of qualifying service subject to a maximum of 16½ times the reckonable emoluments, provided that the amount of retirement gratuity payable shall in no case exceed Rupees One Lakh. There will also be no ceiling on reckonable emoluments for calculating the gratuity. The emoluments and qualifying service for this purpose shall be as defined in paras 3 and 5 respectively of MD letter No. 1(5)/87/D (Pensions/Services) dated 30.10.87.

(Auth : -Para 12.1 MD letter No. 1(5)/87/D (Pensions/Services) dated 30.10.87.)

Death Gratuity

Death gratuity at the following rates shall be admissible in the event of death in harness

Length of qualifying service	Rate of death gratuity
-------------------------------------	-------------------------------

Pension Regulations For The Army-1961 (Part-I)

(i)	Less than one year	2 times of reckonable emoluments.
(ii)	One year or more but less Than 5 years	6 times of reckonable emoluments.
(iii)	Five years or more but less than 20 years	12 times of reckonable emoluments
(iv)	20 years or more	Half of reckonable emoluments for each completed six monthly period of qualifying service above, subject to a minimum of 12 times and a maximum of 33 times the reckonable emoluments provided that the amount of Death Gratuity shall in no case exceed Rs. 1 lakh.,

Notes : (1) Death Gratuity at the rates indicated in (i) to (iii) above will be admissible also to the families of short service/emergency commissioned officers in the event of their death while in service.

(2) The emoluments and qualifying service for this purpose shall be as defined in paras 3 and 5 above respectively. There will be no ceiling on reckonable emoluments for calculating Death Gratuity.

(**Authority**-Para 12.2 M.D. Letter No. 1 (5)/87/D (Pension/Services) dated 30 Oct. 1987.

COMMUTATION OF PENSION

1.1 Commutation of pension means conversion of a portion of pension into a lumpsum cash amount. A Govt. Servant, who surrenders a portion of his monthly pension, receives a fixed or lump sum payment in lieu of such surrender.

1.2 Officers and personnel below officer rank are entitled to commute their service/invalid/disability/war injury pension upto 43% and 45% respectively. After commutation, the relief on pension is given on the total pension including the commuted portion thereof.

1.3 The commuted value of pension is worked out on the basis of the prescribed table which takes effect from 1st March, 1971.

Commutation on Invalid Pension

1.4 In case the amount of invalid pension based on qualifying service and the average emoluments is less than the ordinary family pension, the invalid pension is enhanced to the level of ordinary family pension. However for the purpose of commutation of pension, the amount of original invalid pension is taken into account.

(Ministry of Finance O M. No. F. 19(38) EV(A)/76 dt. 20.1.77.)

Commutation allowed on Minimum Pension of Rs. 375

1.5 The commutation is allowed on the minimum pension of Rs. 375 even if the actual amount of pension is less than Rs. 375.

Restoration of commuted Pension

1.6 Pensioners are entitled to have the commuted portion of pension restored on the expiry of 15 years from the date of retirement, if the commutation amount is received in the first month of retirement; in other cases, the commuted portion of pension will be restored after fifteen years from the date of receipt of commutation amount.

Calculation of Commutation Amount

1.7 Lump sum payable is related to age. In the Table given in CCS (P) Rules, commutation factor gives as Number of years of purchase. The amount to be commuted is to be multiplied by the number of years of purchase corresponding to your age next birthday. Thus the formula is : Lump sum Payable = Commutation factor X 12 X Amount of pension offered for Commutation.

The product should be rounded off to the next higher rupee.

The commutation factor is taken from the Commutation Table as relevant to the age next birthday. The age next birthday will be determined with respect to (i) the date of superannuation in cases where commutation is required along with P.P.O. (ii) the date of receipt of application in other cases where medical examination is not necessary, and (iii) the date of medical examination when it is necessary.

Commutation Table: -

The present Commutation table is effective from 18th March, 1971. This table is based on the rate of interest of 4.75 percent per annum. The table is given below:

COMMUTATION TABLE- A.I. 85/71

Age next birthday	Commutation Value expressed as No. of year's purchase	Age next birthday	Commutation Value expressed as No. of year's purchase
40	15.87	53	12.35
41	15.64	54	12.05
42	15.40	55	11.73
43	15.15	56	11.42
44	14.90	57	11.10
45	14.64	58	10.78
46	14.37	59	10.46
47	14.10	60	10.13
48	13.82	61	9.81

Pension Regulations For The Army-1961 (Part-I)

49	13.54	62	9.48
50	13.25	63	9.15
51	12.95	64	8.82
52	12.66	65	8.50

Commutation of Pension-Illustration

I. DATA

1. Rank and Name of the Officer Col Someshwar
2. Date of Birth 29.9.1936
3. Whether the date of Birth is verified Yes.
4. Date of Retirement 30.9.1988 AN
5. Nature and amount of pension Retiring pension
sanctioned Rs. 2803/- pm
6. Portion of pension already
commuted, if any Nil
7. Amount of pension at present in
issue Rs. 2803/- p.m.
8. Amount of pension proposed to
be commuted Rs. 1,205/- p.m.
9. Maximum commutable pension
43 per cent Rs. 1205/- p.m.
10. Is the amount at 8 within the
Prescribed limit ... Yes
11. Will the residual pension be equal
to/more than the prescribed minimum.... Yes
12. Age next birthday 53 years
13. Commutation value applicable vide
AI 85/71 12.35

II-Calculations

14. Capitalised sum admissible in the
case of average life $1205 \times 12 \times 12.35$
(vide Reg. 344 PRA Part-I (1961) ... 1,78,581/-

1.8 Reckoning of Age Next Birthday

- (a) The age next birthday is reckoned with regard to-
- (i) the date of superannuation;
 - (ii) the date of receipt of application in other cases where medical examination is not necessary; and
 - (iii) the date of Medical Examination when it is necessary

(b) The commuted value of pension is required to be calculated taking into account the date of medical examination, the age next birthday with reference to the date of medical examination and the factor applicable to such Govt. Servant also with reference to age next birth day after the medical examination.

[Auth:-C & A.G. of India New Delhi Letter No. 707- Audit. 1/20-90(KW)(142)dt. 2.10.90]

1.9 Restoration of Commuted Portion of Pension after 15 years

1.9.1 To whom applicable

Under the Civil Pension (Commutation) Rules 1925 later codified as Central Civil Services (Commutation of Pension) Rules 1981 and corresponding rules applicable to the Armed Forces Personnel (including, All India Service officers and Railway Pensioners etc) are allowed the optional facility of converting a portion of their pension into a lump sum amount. The pensioner used to receive only the balance amount (Full pension minus the commuted pension) for the rest of his life. However, as a result of judgement of the Supreme Court it was decided that all Central Govt. Pensioners governed by Central Civil Services (Commutation of Pension) Rules 1981 and corresponding rules for Armed Forces personnel and All India Service officers and Railway pensioners will have their commuted portion of pension restored after completion of 15 years with effect from 1-4-1985.

(Auth:-Dept. of P. &P.W OM No. 34/2/86-P. &P.W. dt. 5.3.87)

1.9.2. Reckoning the period of fifteen years for restoration.

(a) Case settled .prior to 22nd August 1990.

In case where the pensioner had completed 15 years from the date of retirement on 1.4.85 or thereafter and had died subsequently, his/her legal heir(s) is/are also entitled to receive arrears with effect from 1.4.85 (or from the date of completion of 15 years from the date of retirement whichever is later.) till the date of the pensioner's death. In case the period of 15 years of retirement is already over before 1.4.85, the date from which commuted portion is to be restored, i.e. 1.4.1985 or thereafter as and when due after completion of 15 years from the, respective date (s) of retirement.

(Auth:-Dept. of P.&P.W OM No. 34/2/86-P.&P.W. dt. 23.6.87)

(b) Cases not settled prior to 22nd August 1990

(i) 15 year period for restoration is reckoned from the date of retirement itself in case where commutation of pension was/is simultaneous with retirement. In other words, cases where payment of commuted value of pension was/is made during the first month of retirement leading to appropriate reduction on a/c of commutation in the first pension itself is deemed to be falling under this category.

(ii) In all other cases where commutation of pension led/leads to a reduction in the second or subsequent month, the 15 year period is reckoned from the date of

commutation i.e. from the date on which reduction in pension on account of commutation became/becomes effective.

(Auth:-Dept. of P.&P.W OM No. ;4/2/86-P.&P.W. dr.. 22.8.90)

1.10 Procedure for Restoration of Commuted value

Each pensioner who is eligible to have the commuted portion restored applies in the prescribed form duly completed to the Pension Disbursing Authority. The- Pension disbursing Authority restores the commuted value of pension if the commuted amount has been mentioned in the Pension Payment order and also pays the arrears, if any. If the date of commutation is not readily available in the P.P.O. the Pension Disbursing Authority obtains the information from the Pay & Accounts Officer/Accounts officer which issued the P.P.O. before restoring the commuted portion of Pension.

[Dept. of P.&P.W OM No. 34/2/86-P.&P.W. dt. 5.3.87]

1.11. Exemption of Commuted amount from Income Tax

Under Section 10(10-A) (i) of Income Tax Act 1961, both the commuted value of one third of pension and lump sum amount in lieu of pension paid to a Govt. Servant consequent upon absorption in Public Sector Undertakings/Autonomous bodies under the Central/State Govt; Union territories and A. Sector Undertaking are exempt from Income Tax.

[Auth: - Central Board of Direct Taxes circular 286 F. 174/79/80-11 (A-1) dt. 17/11/80 circulated under Ministry of Home Affairs (D.P. & A.R.) OM. No. 4(1)-PU/81 dt. 28/8/81.]

DISBRUSEMENT OF PENSION

1. GENERAL

Pension and allowances to pensioners are paid by one or other of the following authorities:

- (a) Defence Pension Disbursing Officer (DPDOs)
- (b) Civil Treasury Offices/PAOs.
- (c) Public Sector Banks.
- (d) Post Offices.
- (e) Pension Paying Authorities in foreign countries.

2. PPOs

All grants of pension, allowances, jangi inams and other awards are notified by pension sanctioning authorities to individual vide Pension payment Orders (PPOs). All PPOs/payment authorities and jangi Inam Certificates and letters issued for the resumption of pension held in abeyance due to re-employment etc. are embossed with a special seal. Specimen signatures of the officers authorised to sign these documents are sent to all Pension Disbursing Authorities (PDAs).

Before a PPO/Payment Authority is acted upon, it is to be verified by PDAs that the PPO/Payment Authority/Letter of Authority has been signed by an officer, who is authorised to sign it, with reference to intimation on the subject earlier received i.e. the signature affixed thereon agrees with the specimen signature of the officer on record with PDA. All PPOs are entered in a register maintained for the purpose.

3. ALLOTMENT OF REFERENCE NUMBER TO PENSIONERS

Pensioners belonging to Class I, II, V (Commissioned Officers of Armed Forces, widows, children and other dependants of Class I pensioners, and civilian pensioners of defence services, DAD and their heirs granted pension under CSR) are allotted PS No. Pensioners belonging to Class VI (Armed Forces Pensioners), VII (widows, children and other dependants of class VI pensioners) and Class V111 (special world war I Rewardees, Galantary Awardees) are allotted TS No.

4. PROCEDURE TO BE FOLLOWED BY DPDOs

4.1. **First Payment**-On receipt of PPO notifying pension, call letters are issued to pensioners, within one week of receipt of PPO, specifying the date of payment to the pensioner. Calculation sheet are prepared and kept with PPO, Descriptive Roll etc. in pensioner case file (PC File). After proper identification of the pensioner and collection of all relevant certificates (non/re-employment, non/remarriage, non drawal of any other Pension) pension payment schedule is prepared in- duplicate. Entries are made in check register, pension certificate and first payment register. Payment is released through cheque after obtaining the acquaintance of the pensioner.

It is the responsibility of the DPDO to deduct Income Tax from pension at source, where due.

4.2 **Subsequent Regular Monthly Payment of Pension:** All regular payments are made either through NBS or Cash.

4.2.1. **Payment of pension through NBS :** Under this scheme, the pensioners are required to open an account with a selected public sector bank branch and intimate the particulars to the DPDO in the prescribed application form (Option Form). The latter sends a cheque accompanied by pension payment schedules in duplicate to the bank for credit of the pension amount in pensioner's account every month. Adjustment of additional installment of dearness relief, any other revision of pension on account of issue of corrigendum PPO, Govt. Order is also authorised by the DPDO. Periodic Certificates are collected by the DPDOs. Annual Identification of pensioners is carried out by him. All disbursements are entered in check register.

Banks credit the pension in the account of pensioners after realisation of proceed of cheques sent by DPDOs. Banks stamp the copy of pension payment schedule and return it to the DPDO, duly receipted, not later than the 7th of the following, month. Amounts which can not be credited in to pensioner's account are refunded to DPDO through Demand Draft.

4.2.2 Payment of pension is Cash:

Specific date of payment is fixed by the DPDO. Pensioners present their pension certificate on the given date to mustering auditor (MA) of DPDO. Mustering Auditor after proper identification of the pensioner prepares pension payment schedules, obtains the acquittance of the pensioner, hands over token to the pensioner, record the entries in pension book, check register and mustering auditor register. After proper identification of the pensioner, AAO/SO(A) authenticates the pension payment documents, and passes the pension certificates to the Cashier. Pensioners collect his pension and pension certificates from cashier, on presentation of the token. Next month's date of payment of pension is also ascertained by him from the mustering auditor of DPDO office.

Periodic certificates are collected. Annual Identification is carried out. All changes in the entitlements due to change in rate of dearness relief, issue of Corr. PPOs, issue of Govt. decision are taken into account by the DPDO, while making the payments.

5. SUBMISSION OF CASH ACCOUNT BY DPDOs

Cash Assignments is placed by MO/ZO in favour of DPDOs for payment of pension. DPDOs issue Defence Cheques against their cash assignments for drawal of cash for cash payment of pension, cheque payment of pension, NBS payments.

Monthly abstract of Receipt & Charges is prepared and submitted to Accounts Section of Main Office along with all relevant documents. PM is submitted timely to the concerned EDP Centre.