

DEFENCE SERVICES REGULATIONS

PENSION REGULATIONS FOR THE ARMY

Part-I

(2008)



सत्यमेव जयते

GOVERNMENT OF INDIA
MINISTRY OF DEFENCE

Orders issued upto 30.06.2008 have been incorporated in this book

PREFACE

The Pension Regulations for the Army are divided into two parts as under: -

- Part I-** Containing Regulations regulating the pensionary awards of personnel of the Regular Army, the Defence Security Corps, Emergency/Short Service Commissioned Officer and the Territorial Army.
- Part II-** Containing Regulations relating to pension procedure affecting the personnel whose pensions are regulated by the Regulations in Part I.
2. The Regulations in this Part supersede the Regulations in Pension Regulations for the Army, Part I & Part II (1961 Edition) and have been issued under the authority of the Government of India.
 3. Except as otherwise provided in these Regulations or elsewhere, the Regulations contained in this book apply to personnel who are in Army Service on 1st July, 2008 and take effect from that date. Those who are not so governed or for whom no provision is made in these Regulations will continue to be governed by the Pension Regulations for the Army, Part I & II (1961) and Govt. Orders issued from time to time.
 4. No deviation from the Regulations in this book is permissible without the prior sanction of the Government of India.
 5. Permanent orders of only general application have been incorporated in these Regulations. Sanctions having a purely transitory interest have, however, not been included, and where such sanctions are at variance with these Regulations, the sanctions should be viewed as operative for only so long as they remain in force.
 6. The disposal of the Regulations in Pension Regulations for the Army, Part I & II (1961) and authority for each Regulation are shown in two explanatory memoranda at the end of this book.

NEW DELHI
The 1st July, 2008

Secretary to the Government of India
Ministry of Defence

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PENSION REGULATIONS FOR THE ARMY, PART-I (2008)

CHAPTER -I

SECTION – 1: General

SHORT TITLE AND COMMENCEMENT

1. These Regulations shall be called the Pension Regulations for the Army, Part-I (2008) and shall come into force with effect from 1st July 2008.

APPLICATION

2. (a) Unless otherwise provided, these Regulations shall apply to the (i) Permanent Commissioned Officer of the Army, including Military Nursing Service Officer, Territorial Army Officer, Short Service Commissioned Officer and Emergency Commissioned Officer (ii) Personnel Below Officer Rank (including those granted honorary commission while on the effective list) of regular Army Defence Security Corps and Territorial Army.

(b) Unless otherwise provided, all claims to pension, gratuity or allowance shall be regulated by the Regulations in force at the time of individual's retirement, release, resignation, discharge, invalidment, death etc., as the case may be.

(c) The day on which an individual is retired or is released or is discharged or is allowed to resign, or is invalided out from service or dies in harness, as the case may be, shall be treated as his last day in service. Provided that in the case of an individual who is retired prematurely or who retires voluntarily, the date of retirement shall be treated as a non-working day.

INTERPRETATION OF REGULATIONS

3. (a) 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.

(b) Cases not covered by these Regulations but deemed worthy of special consideration, may be submitted to the Central Government through usual channels and Accounts Officer concerned for a decision.

DEFINITIONS

4. For the purpose of these Regulations, unless the context otherwise requires:-

(i) Accounts Officer: Shall mean Principal Controller of Defence Accounts (Pensions), Controller of Defence Accounts (Officers) and Principal Controller of Defence Accounts concerned under

- whose jurisdiction Pay Accounts Officer (Other Ranks) function.
- (ii) 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.
- (iii) Armed Forces Means Army, Navy, Air Force, Defence Security Corps and Territorial Army except Civilians.
- (iv) Emoluments Shall mean as defined in regulation 27 of these Regulations
- (v) Government dues Shall include –
 (a) dues pertaining to Government accommodation including arrears of license fee, if any,
 (b) dues other than those pertaining to Government accommodation namely, balance of house building or conveyance or any other advance, over payment of pay and allowances or leave salary and arrears of income tax deductible at source under the Income Tax Act, 1961(43 of 1961).
- (vi) Gratuity Includes service/retiring/retirement/death/family/ invalid/special/terminal gratuity.
- (vii) Officer Officer means a person Commissioned, gazetted or in pay as an Officer in the Regular Army including Military Nursing Service and Territorial Army.
- (viii) Pension Shall include gratuity except when the term pension is used in contradistinction to gratuity but does not include dearness Relief.
- (ix) Personnel Below Officer Rank Means a person other than an Officer and includes Junior Commissioned Officer, Non-Commissioned Officer, and Hony. Commissioned Officer belonging to regular Army, Defence Security Corps and Territorial Army.
- (x) Public Claim Shall be held to mean any public debt or disallowance including any over issue made through an error as to the fact, 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 same.
- (xi) Retired List An Officer is said to be on the retired list if he has served in the regular Armed Forces as a Permanent Commissioned Officer and has retired therefrom or otherwise placed on the retired list according to the Regulations in force from time to time, and an Officer is deemed to be on the retired list even if he has been recalled or re-employed in the Armed Forces.

(xii) Service Personnel Includes Officer and Personnel Below Officer Rank.

KIND OF PENSIONARY AWARDS

5. (i) Retiring Pension/Service pension
- (ii) Retiring gratuity /Service gratuity
- (iii) Special pension/Special gratuity
- (iv) Invalid pension/ Invalid gratuity;
- (v) Retirement gratuity/ Death gratuity.
- (vi) Disability pension/ War injury pension
- (vii) Ordinary family pension /Special family pension /Liberalized family pension
- (viii) Dependant pension/Second life award of Special family pension/Liberalized family pension
- (ix) Family gratuity.

LIMITATION ON NUMBER OF PENSIONS

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

GRANT OF PROVISIONAL PENSION

7. (a)(i) An individual against whom any disciplinary proceedings under the Army Act, 1950 or judicial proceedings are pending / instituted may, on his retirement/release/discharge/invalidment, be authorized by the Principal Controller of Defence Accounts (Pensions), a provisional pension not exceeding the maximum pension which would have been admissible to him on the basis of the qualifying service upto the date of retirement/release/discharge/invalidment, or if he was under suspension on the date of retirement /release/discharge/invalidment, upto the date immediately preceding the date on which he was placed under suspension.
 - (ii) The provisional pension shall be authorised during the period commencing from the date following the date of retirement/release /discharge/invalidment upto and including the date on which, after the conclusion of the disciplinary 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 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.

PENSION SUBJECT TO FUTURE GOOD CONDUCT

8. (a) Future good conduct shall be an implied condition for every grant of pension or allowance and its continuance under these Regulations.

(b) The competent authority may, by an 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 only a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the amount of minimum pension fixed by Government from time to time.

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

(d) In a case not falling under clause (c) above, as well as other cases where the competent authority considers that the pensioner is prima facie guilty of grave misconduct, the competent authority before passing an order under clause (b) above;

- (i) 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 15 days of the receipt of the notice or such further time not exceeding 15 days as may be allowed by the competent authority, such representation as he may wish to make against the proposal, and
- (ii) take into consideration the representation, if any, submitted by the pensioner under sub clause (i) above.

Notes: 1. The expression 'serious crime' means an offence under the Indian Penal Code 1860 or Official Secrets Act, 1923 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 3 years or more with or without a fine.

2. 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 is 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.

RIGHT TO WITHHOLD OR SUSPEND OR DISCONTINUE PENSION

9. (a) In circumstances to be determined by the competent authority or as may be specified in these Regulations, the pension including the commuted value thereof which has not been paid or gratuity to be granted to an individual, or any portion of it, may be withheld, suspended or discontinued. In exceptional cases payment of part or whole of the pension, allowance or gratuity withheld or suspended may, by an order of the competent authority 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 during the period of service, including service rendered upon re-employment after retirement, as listed in Chapter-VI of the Indian Penal Code. Relevant provisions of the Indian Penal Code are reproduced below -
 - (1) Waging or attempting to wage war or abetting waging of war against the Government of India;
 - (2) Conspiracy to commit offence punishable by section 121 I.P.C.
 - (3) Collecting arms etc. with intention of waging war against the Government of India.
 - (4) Concealing with intent to facilitate design to wage war.
 - (5) Assaulting President, Governor etc. with intent to compel or restrain the exercise of any lawful power.
 - (6) Sedition.
 - (7) Waging war against any Asiatic power in alliance with the Government of India.
 - (8) Committing depredation on territories of powers at peace with the Government of India.
 - (9) Receiving property taken by war or depredation mentioned in sections 125 and 126 Indian Penal Code.
 - (10) Public servant voluntarily allowing prisoner of State of war to escape.
 - (11) Public servant negligently allowing such prisoner to escape.
 - (12) Aiding escape of, rescuing or harbouring such prisoner.
- (ii) Other serious crimes under Indian Penal Code, Official Secrets Act or any other special law of the land and grave misconduct; as defined in Notes to Regulation 8 of these Regulations.
- (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 loss;
- (iv) Unauthorized by 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 where required; and,
- (vii) Any other circumstances considered special by the Central Government.

PERSONNEL IN CIVIL GOVERNMENT EMPLOYMENT

10. An individual loaned for Civil Government employment irrespective of whether he is on Civil or Army rates of pay, shall be governed by the Central Civil Services (Extra-Ordinary Pension), Rules for the purpose of an extra-ordinary pensionary award in respect of injuries received or death during such employment.

The benefits admissible for the purpose of similar awards under these Regulations will be allowed in relaxation of the provisions of the Central Civil Services (Extra-Ordinary Pension), Rules, if these benefits are more advantageous than those admissible under the Civil Rules.

ATTACHMENT OF PENSION BY CIVIL COURTS

11. No pension whether due or to become due can be attached by process of any court until it has actually been paid. No pensioner can assign or sell any interest in respect of a pension not then due.

GRANT OF DEARNESS RELIEF ON PENSION/ FAMILY PENSION

12. (a) Dearness Relief against price rise may be granted to the pensioners and family pensioners at such rates and subject to such conditions as the Government may specify from time to time.

(b) If a pensioner is re-employed under the Central or State Government or a Corporation/Company/Autonomous Body/Bank under them in India or abroad including permanent absorption in such Corporation/Company/ Autonomous Body/Bank except as in clauses (d), (e) and (f) below, he shall not be eligible to draw dearness relief on pension except as in clause (d) below during the period of such re-employment and he shall be required to furnish a certificate of non-employment or re-employment once in a year in the month of November.

(c) In the event of non-production of above mentioned certificates, the payment of dearness relief on pension shall be stopped until the pensioner produces the same.

(d) The payment of dearness relief shall be allowed to re-employed Armed Forces pensioners in the case of those who held the rank below the rank of Commissioned Officer, subject to furnishing a certificate to the Pension Disbursing Authority from Central Government Department concerned including subordinate organisation employing Armed Forces Pensioners and maintaining service records of the re-employed pensioner retired from military service that –

- (i) The entire amount of pension sanctioned by the Central Government was ignored in the fixation of the pay on re-employment i.e. no part of pension was taken into account in such fixation of pay in the pay scale of the post in which the Armed Forces personnel was re-employed.
- (ii) The pay of the re-employed pensioner was/is fixed at the minimum of the pay scale of the post in which he had/has been re-employed after discharge from Armed Forces.

(e) The payment of dearness relief on family pension to employed family pensioners shall remain payable during the period of employment.

(f) A pensioner employed outside India under a Foreign Government or a private organisation shall remain eligible for dearness relief on pension/family pension.

Explanation:

Pensioner who held the rank of Officer is not entitled for dearness relief on his pension during the period of his re-employment.

EX-SERVICEMEN CONTRIBUTORY HEALTH SCHEME (ECHS)

13. (a) The Ex-servicemen Contributory Health Scheme has been made compulsory for all pensioners/family pensioners except Gorkha pensioners of Nepal domicile and pensioners of Defence Security Corps and Territorial Army.

(b) Recovery of Ex-servicemen Contributory Health Scheme contribution as prescribed from time to time shall be made by Principal Controller of Defence Accounts (Pensions) Allahabad from the retirement gratuity/death gratuity.

Notes: 1. Individual in receipt of war injury pension and liberalized family pension is exempted from payment of contribution under Ex-servicemen Contributory Health Scheme.

2. Pensioners of Regular Army who join Defence Security Corps as second career remain eligible for Ex-servicemen Contributory Health Scheme.

3. Personnel of Territorial Army of the following categories are entitled for Ex-servicemen Contributory Health Scheme.

(i) Pension holders for continuous embodied Service.

(ii) Persons with disability attributable to military service.

(iii) Gallantry award winners.

(c) A fixed medical allowance @ Rs. 100/- per month shall be payable to pensioner/family pensioner of Nepal domicile, Defence Security Corps and Territorial Army, who are not covered under Ex-servicemen Contributory Health Scheme, from the date of commencement of his pension, subject to the fulfillment of other such conditions as the Government may specify from time to time as laid down in **Appendix-I** of these Regulations.

MONETARY ALLOWANCE ATTACHED TO GALLANTARY DECORATIONS

14. Armed Forces personnel granted gallantry decoration viz. Param Vir Chakra, Maha Vir Chakra, Vir Chakra, Ashok Chakra, Kirti Chakra, Shaurya Chakra and Sena Medal (for gallantry) shall be eligible for monetary allowances attached to the above decorations alongwith the monthly pension, in addition, at the rates and subject to the conditions laid down in **Appendix-II** to these Regulations.

NOTE- Division of monetary allowance payable to the widow is not permissible among her children and parents.

ROUNDING OFF OF PENSION/GRATUITY/COMMUTED VALUE OF PENSION AND OTHER PENSIONARY BENEFITS.

15. (a) The amount of pension/gratuity/ commuted value of a portion of pension finally determined shall be expressed in whole rupees and where it contains a fraction of a rupee, it shall be rounded off to the next higher rupee.

(b) Pension/family pension when payable to more than one individual payable for part of a month shall be rounded off in the following manner:-

(i) In respect of family pension, where the pension is payable to more than one individuals, each share containing a fraction of a rupee shall be rounded off to next higher rupee except in cases where family pension, if all the shares are put together, exceed the maximum limit of family pension admissible. However, in exceptional and rare case, where the shares of family pension rounded off as above when added, cause an excess over the maximum limit, such case should be referred to Government of India for a decision.

(ii) In respect of pension paid for a part of a month due to the death of a pensioner or for any other reason where pension and relief thereon becomes payable in fraction of a rupee shall be rounded off to the next higher rupee.

Explanation:

The expression, “maximum family pension” should be understood to mean not the whole amount of family pension payable in each case but the maximum ceiling prescribed for family pension admissible at ordinary rates and at enhanced rates.

MINIMUM PENSION/FAMILY PENSION

16. If the amount of any kind of pension/family pension admissible under these Regulations works out to less than Rs. 1275.00 per month, it shall be stepped up to Rs. 1275.00 per month and authorized for payment at this rate.

SECTION – 2**QUALIFYING SERVICE AND RECKONABLE EMOLUMENTS****Sub – Section I: Qualifying Service****QUALIFYING SERVICE FOR PENSION AND GRATUITY:**

17. The term qualifying service shall mean:

(a) For Pension –

(i) **Officer** including Military Nursing Service Officer - Actual qualifying service rendered by the Officer plus a weightage (in years) appropriate to the last rank held as indicated below subject to the total qualifying service including weightage not exceeding 33 years.

(I) Officer (other than Military Nursing Service, Emergency Commission and Short Service Commission)

RANK	WEIGHTAGE IN YEARS
Lieutenant	09
Captain	09
Major	08
Lieutenant. Colonel.	07
Colonel(Time Scale)	07
Colonel(Selection)	07
Brigadier	05
Major General	03
Lieutenant. General	03
Lieutenant. General (Army Commander /Vice Chief of the Army Staff)	03
Chief of the Army Staff	03

(II) Military Nursing Service Officer

Captain	07
Major	06
Lieutenant. Colonel / Colonel / Brigadier	05
Major General	03

(ii) **Personnel Below Officer Rank** - Actual qualifying service rendered by the individual plus a weightage of 10 years in the case of Sepoy, 8 years in the case of Naik and 6 years in the case of Havildar and 5 years in the case of Junior Commissioned Officer subject to the total qualifying service including weightage not exceeding 30 years in the case of Sepoy, Naik and Havildar and 33 years in the case a Junior Commissioned Officer.

If qualifying service of a Sepoy, Naik and Havildar is more than 30 years with 5 years weightage, he would continue to get the same.

NOTE: - The period of service rendered after the date of countersignature of the proceedings of the medical board, declaring the individual unfit for military service to the date of actual discharge, will be treated as qualifying service to the grant of pension/gratuity.

(b) **Retirement Gratuity for Service Personnel** - Actual qualifying service plus a weightage of 5 years subject to the total qualifying service including weightage not exceeding 33 years.

(c) **Death Gratuity for Service Personnel** - Actual qualifying service rendered plus a weightage of 5 years subject to the total qualifying service not exceeding 33 years. In case actual service is less than 5 years, no weightage shall be given.

(d) **Retiring/Service/Invalid/Terminal Gratuity for Service Personnel** - Actual qualifying service rendered.

- Notes:**
1. There will be no weightage for service personnel who retire prematurely for permanent absorption in Public Sector Undertakings and autonomous bodies.
 2. There will be no weightage for service personnel of the Territorial Army.
 3. The weightage shall not be reckoned for determining the minimum qualifying service specified for admissibility of retiring/service pension.
 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 Regulation 34, 47 & 168 of these Regulations for earning retiring/service pension.
 5. Resignation from service, unless it is allowed to be withdrawn in public interest, entails forfeiture of past service except where it has been submitted to take up, with proper permission another appointment under the Government where service qualifies.

HALF A YEAR'S PENSION OR GRATUITY

18. (a) 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. The period of nine months and above would, therefore, be two half years. This shall however not be applicable for completing minimum qualifying service for pensionary awards.

(b) If the total period of qualifying service of an individual exceeds completed years by 6 months or more, the amount of his pension/gratuity will be computed for the completed

years plus one half year of his qualifying service including weightage, if any, admissible under these Regulations.

SERVICE WHICH QUALIFIES FOR PENSION IN RESPECT OF REGULAR OFFICER

19. The following periods of service shall qualify for pension as regular Commissioned Officer:

(a) Service as a Commissioned Officer and officer of Military Nursing Service.

(i) Previous service as Officer in the 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 ante-date except as provided in clauses (l) and (m) below.

(ii) In the case of Engineering Graduates, if Short Service Commission is followed by permanent commission, the period during which an Officer holds Short Service Commission on probation will reckon for the purpose of pensionary benefits.

(b) Embodied or called out service as an Officer of the Territorial Army or the Auxiliary Air Force, if it is preceded without a break.

(c) **Service in the rank below that of Commissioned Officer** – Service in the Armed Forces in the rank below that of Commissioned Officer, if followed by Commissioned service without a break subject to the refund of the gratuity in the prescribed manner to the Government, if any, other than war gratuity received in respect of such service.

(d) **Periods of leave** – All kinds of leave including study leave. Any period of leave without pay shall not, however, qualify unless specifically authorised by Government.

(e) **Period 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 is acquitted of the charge(s) by competent court or Authority for which he was placed under suspension. In all other cases, the period passed under suspension shall count for pension only under the orders of the Central Government.

(f) 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 by the Central Government or by the Officer himself or by the borrowing authority.

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

(h) **Previous service in Central Autonomous Bodies** - Service rendered in the Autonomous Bodies before and after his take over by the Government followed by service as a Commissioned Officer with or without break. The period of break, if any, will be automatically condoned under the provisions of Regulation 23(a) of these Regulations.

Note : Retirement benefits, if any, received for the service rendered in the Autonomous Bodies by the individual, who was in service of those bodies at the time of his being taken over by the Government will be returned to the Defence Services Estimates. The gratuity/employer's contribution, if any, received by the individual who left the service of Autonomous Bodies prior to his take over by the Government, will be refunded with simple interest at the rate prescribed by the Government from time to time from the date of receipt to the date of refund.

(j) **Period of ante-date of commission and secondment in the case of Officer of the Army Medical Corps 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:

- | | |
|---------------------------------------------------------------|-----------|
| (i) Ante-date of commission | 18 months |
| (ii) Secondment | 12 months |
| (iii) When both ante-date and
secondment have been granted | 24 months |

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 Army Medical Corps or Army Dental Corps, the periods of ante date granted on account of such higher qualifications shall continue to reckon for pension under the existing rules.

(k) **Period of secondment in case of Military Nursing Service Officer-** The period of secondment in the case of Military Nursing Service Officer if not exceeding 12 months in aggregate.

Notes: 1. The period of arrest preceding the sentence of rigorous imprisonment by court martial, in which the Officer remains in service and carries out work and

undergoes military instructions in the Unit itself under the orders and supervision of military authorities, will be treated as qualifying for pension.

2. Period of service not covered by the preceding clauses 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.

SERVICE WHICH QUALIFIES FOR RETIRING GRATUITY IN RESPECT OF REGULAR OFFICER

20. Subject to the following modifications in the case of Officer, all service which qualifies in full for pension also qualifies for retiring 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 a minimum period specified by the Government 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 as qualifying for pension in the case of Army Medical Corps and Army Dental Corps Officer shall not qualify for gratuity.

SERVICE WHICH QUALIFIES FOR PENSION AND GRATUITY IN RESPECT OF PERSONNEL BELOW OFFICER RANK

21. All service from the date of appointment or enrolment/transfer to man's service and any service rendered before attaining the age of 17 years, from the date of enrolment to the date of discharge shall qualify for pension and 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 unauthorised absence unless pay and allowances are admitted for the period of absence,
- (iii) any period of absence without leave which is regularised as extra-ordinary leave without pay and allowances,
- (iv) any period intervening between the date of dismissal/discharge/release and that of its cancellation which is regularised as extra-ordinary leave without pay and allowances,
- (v) any period of absence as a prisoner of war, unless pay and allowances are admitted for the period of absence,
- (vi) any period of detention in civil custody before being sentenced to imprisonment or fine, unless the President, as a special case, issues orders reducing the period that shall not count,
- (vii) any period of imprisonment by sentence of a civil court or of a court martial.

- Notes:** 1. The period of arrest preceding the period of rigorous imprisonment by Court Martial, in which an individual remains in service and carries out work and undergoes military instructions in the unit itself under the orders and supervision of military authorities, will be treated as qualifying for pension.
2. In case of claim 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 exception (i) to (vii) above.

EFFECT OF FORFEITURE OF SERVICE BY COURT MARTIAL UNDER THE ARMY ACT, 1950.

22. The period of service, which has been forfeited under Section 71(h) of the Army Act, 1950 by a court martial shall not be counted towards the pensionary awards.

CONDONATION OF INTERRUPTION IN SERVICE

23. (a) In the absence of a specific indication to the contrary in the service records, an interruption between 2 spells of service rendered in civil or military capacity under Central Government shall be treated as automatically condoned and the pre-interruption service treated as qualifying service for pension/gratuity.

(b) Nothing in clause (a) above shall apply to interruption caused by resignation, dismissal or removal from service or participation in strike.

(c) The period of interruption referred to in clause (b) above shall not count as qualifying service.

Note: In case of Personnel Below Officer Rank, the interruption caused by discharge at own request is not equivalent to resignation. As such the term resignation used in clause (b) above is exclusive of the interruption caused by discharge at own request.

SERVICE RENDERED IN AID OF CIVIL ADMINISTRATION

24. Service rendered by service personnel in aid of civil administration shall be treated as military service for the grant of pensionary benefits under these Regulations.

RE-EMPLOYMENT OF PERSONNEL BELOW OFFICER RANK IN THE NATIONAL CADET CORPS/AUXILLERY CADET CORPS, AND LOK SAHAYAK SENA

25.(a) Personnel Below Officer Rank re-employed on the instructional or Administrative staff in the National Cadet Corps/Auxillery Cadet Corps/Lok Sahayak Sena shall continue to draw service pension during the period of re-employment in the National Cadet Corps/Auxillery Cadet Corps, And Lok Sahayak Sena and such service shall not count for enhancement of pension. The re-employed service will also not qualify for the grant of terminal gratuity.

An individual who is not in receipt of pension, will on completion of the period of engagement including the extended period of service with National Cadet Corps/Auxiliary Cadet Corps, be eligible for a terminal gratuity for the period of service rendered in NCC/ACC at the rate as admissible for service gratuity under Regulation 55.

(b) Disability pensionary awards including constant attendance allowance shall be governed under normal rules but in addition to service pension already in issue, a disability element as admissible to regular personnel will be admissible.

Individual who is discharged from service after completion of period of engagement and at the time of discharge found to be suffering from a disability attributable to Military service, may be granted a compensation for functional incapacity at the rate laid down in Regulation 98 (b) for the rank last held, as if he has been discharged on account of that disability.

(c) Special family pension shall be admissible at the same rate and under the same conditions as applicable to regular personnel.

COMPETENT AUTHORITY

26. The authority competent to exercise powers for the purpose of various Regulations in respect of service personnel and his families shall be as indicated in **Appendix III** to these Regulations.

Sub-Section II: Emoluments

RECKONABLE EMOLUMENTS

27. The term 'reckonable emoluments' shall mean:-

Category	Retiring/service/ invalid pension	Family pension	All types of gratuities
Officer	Pay including rank pay, dearness pay, stagnation increment and non-practising allowance, if any drawn	Pay including Rank Pay, dearness pay, stagnation increment and non-practising allowance, if any, last drawn	Pay including Rank Pay, dearness pay, stagnation increment and non-practising allowance, if any, plus dearness allowance admissible on the date of retirement/invalidment/ death

Personnel Below Officer Rank	Maximum pay of the pay scale, including 50% of the highest classification allowance, if any, of the Rank held and group in which paid & dearness pay.	Pay & dearness pay including classification allowance, stagnation increment, if any, last drawn by the individual	Pay & dearness pay including classification allowance plus stagnation increment, if any, plus dearness allowance admissible on the date of retirement/discharge/Invalidment/death
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Notes: 1. Where an Officer immediately before his 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 reinstated without forfeiture of service, the emoluments which he would have drawn, had he 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 retirement or death while in service, had proceeded on leave for which leave salary is/was 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 would have continued to hold the paid acting rank but for his proceeding on leave.
3. Where an Officer immediately before his 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 drew immediately before such absence from duty or being placed under suspension, shall reckon for pensionary benefits.
4. Where an Officer immediately before his retirement or death while in service, was on annual leave or furlough leave and earned an increment during such leave 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 non-practicing allowance, rank pay and stagnation increment, if any, which he would have drawn in the Armed Forces, had he not been on such service, shall alone be treated as emoluments reckonable for pensionary benefits.

6. Where the emoluments of an Officer have been reduced during the last 10 months of his service otherwise than as a penalty, average emoluments as referred to in Regulation 35 shall be treated as emoluments for the purposes of computation of retirement/death gratuity and ordinary family pension.

CHAPTER – II**RETIRING PENSION/RETIRING GRATUITY, SERVICE PENSION/SERVICE GRATUITY AND SPECIAL PENSION/SPECIAL GRATUITY****SECTION – 1: Regular Officers****Sub-Section – I: General****TO WHOM APPLICABLE**

28. The Regulations in this Chapter shall apply to Regular Commissioned Officer and Officer of Military Nursing Service.

OFFICER CASHIERED DISMISSED REMOVED OR CALLED UPON TO RETIRE

29. (a) An Officer who is cashiered/dismitted under the provisions of the Army Act or removed under the Rules made there under as a measure of penalty, will be ineligible for pension or gratuity in respect of all previous service. In exceptional cases, however, the competent authority on submission of an appeal to that effect may at his discretion sanction pension/gratuity or both at a rate not exceeding that which would be otherwise admissible had he been retired on the same date in the normal manner.

(b) An Officer who is compulsorily retired/removed on grounds other than misconduct under the provisions of the Army Act and the Rules made thereunder remains eligible for pension and, or gratuity as admissible on the date of retirement/removal. These will suo-moto apply to cases of dismissal/removal converted into retirement subsequently.

(c) All appeals to the competent authority in this regard will be preferred within 2 years of the date of cashiering/dissimilal/removal.

RETIRED OFFICER RE-EMPLOYED IN AN EMERGENCY OR OFFICER OF THE REGULAR RESERVE RECALLED TO SERVICE

30. (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 an increase in pension or any gratuity.

(c) Disability element of disability pension or war-injury element of war-injury pension, constant attendance allowance, special/liberalised family pensionary awards on account of disablement or death due to re-employed/recalled service, shall be at the same rates and subject to the same general conditions as are applicable to other Officer on the active list.

ACCEPTANCE OF COMMERCIAL EMPLOYMENT BY OFFICER AFTER RETIREMENT WHO ARE GRANTED PENSION, GRATUITY OR OTHER BENEFITS

31. If an Officer who held the rank of Colonel and above, 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 Armed Forces service, wishes to accept any commercial employment before the expiry of one year from the date of his retirement, he shall obtain the prior sanction of the Government to such acceptance and no pension shall be payable to him if he accepts a commercial employment without such sanction in respect of any period for which he is so employed or for such longer period as the Government may direct.

Explanations:-

1. The expression “commercial employment” includes:-

(a) An employment in any capacity including that of an agent under a company, co-operative society, firm or individual engaged in trading in 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 of 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 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 Officer or Office of the Government.

2. The expression “date of retirement” including premature retirement in relation to an Officer re-employed after retirement either in the same or in any equivalent post in the Armed Forces, including National Cadet Corps, means the date on which the Officer finally ceases to be re-employed in the Defence Services.

3. 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.

EMPLOYMENT AFTER RETIREMENT UNDER A GOVERNMENT OUTSIDE INDIA

32. An Officer who wishes to accept any employment under any Government outside India shall obtain prior permission of the Central Government for such acceptance. No

pension shall be payable to a pensioner who accepts such an employment without prior permission in respect of any period as the Central Government may direct. Gratuity where due, but not already paid, shall also be liable to be forfeited in part or in full as the Central Government may, at its discretion, decide.

NOTE- Officer other than Army Medical Corps/Army Dental Corps carrying reserve liability shall obtain permission of Government before proceeding abroad and/or acquiring citizenship of a foreign country.

Explanations:-

1. For the purpose of this Regulation, the expression, “employment under any Government outside India” includes employment under a Local Authority or Corporation 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. Permission will, however, 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 Armed Forces service.

2. The expression “date of retirement” including premature retirement in relation to an Officer re-employed after retirement either in the same or in any equivalent post in the Armed Forces, including National Cadet Corps, means the date on which the Officer finally ceases to be re-employed in the Defence Services.

Sub-Section – II: Retiring Pension

ADMISSIBILITY

33. An Officer who retires on attaining the prescribed age of retirement or permitted to retire from service may be granted retiring pension or retiring gratuity as the case may be in accordance with these Regulations subject to the provisions of Regulation 29 of these Regulations.

MINIMUM QUALIFYING SERVICE FOR EARNING RETIRING PENSION

34. The minimum period of actual qualifying service (without weightage) required for earning a retiring pension shall be 20 years (15 years in the case of late entrants).

Explanation: --

For purpose 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 service (without weightage) qualifying for pension but whose total qualifying service is less than 20 years (without weightage).

AVERAGE EMOLUMENTS FOR RETIRING PENSION

35. Average emoluments in the case of Officer shall be determined with reference to the reckonable emoluments drawn by him during the last 10 months of his service.

Notes:1. If during the last 10 months of his service, an Officer had been absent from duty or leave for which leave salary is payable or having been suspended, had been re-instated without forfeiture of service, the emoluments which he would have drawn had he 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 below) 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.

RATE OF RETIRING PENSION

36. Retiring pension for 33 years of qualifying service shall be calculated at 50 per cent of average of emoluments reckonable for pension as determined in Regulation 35 above, subject to the ceiling prescribed by Government from time to time. For lesser period of reckonable qualifying service, the amount of pension shall be reduced proportionately.

Note: Retiring pension of a Lieutenant Colonel, Brigadier or Major General shall not be less than the pension which would have been admissible to him/her as a Major, Colonel(Selection) or a Brigadier as the case may be, had he not been promoted to the higher rank.

DISABILITY ELEMENT IN ADDITION TO RETIRING PENSION TO OFFICER RETIRED ON ATTAINING THE PRESCRIBED AGE OF RETIREMENT

37. (a) An Officer who retires on attaining the prescribed age of retirement or on completion of tenure, if found suffering on retirement, from a disability which is either attributable to or aggravated by military service and so recorded by Release Medical Board, maybe granted in addition to the retiring pension admissible, a disability element from the date of retirement if the degree of disability is accepted at 20% or more.

(b) The disability element for 100% disability shall be at the rate laid down in Regulation 94 (b) below. For disabilities less than 100% but not less than 20%, the above rates shall be proportionately reduced. Provisions contained in Regulation 94(c) shall not be applicable for computing disability element.

Sub-Section – III: Retiring Gratuity

ADMISSIBILITY

38. An Officer who retires/permitted to retire from service or whose services are otherwise terminated and has not earned retiring pension shall be granted a retiring gratuity in accordance with these Regulations subject to the provisions of Regulation 29 of these Regulations.

MINIMUM SERVICE FOR EARNING RETIRING GRATUITY

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

Provided that in case of resignation on marriage by Military Nursing Service Officer, the minimum qualifying service required for earning retiring gratuity shall be 5 years.

SCALE OF RETIRING GRATUITY

40. The retiring gratuity to Officer shall be admissible at the uniform rate of half a month's reckonable emoluments last drawn for each completed 6 monthly period of qualifying service. There shall be no reduction in the quantum of retiring gratuity so arrived at, in the case of Officer who is permitted to retire prematurely on compassionate grounds/personal reasons.

SECTION -2 : Personnel Below Officer Rank

Sub-Section-I: General

INDIVIDUAL DISMISSED/REMOVED OR DISCHARGED UNDER THE ARMY ACT 1950

41. (a) An individual who is dismissed under the provisions of Army Act, 1950 or removed under the Rules made thereunder as a measure of penalty, will be ineligible for pension or gratuity in respect of all previous service. In exceptional case, however, the competent authority on submission of an appeal to that effect may at its discretion sanction pension/gratuity or both at a rate not exceeding that which would be otherwise admissible had he been retired/discharged on the same date in the normal manner.

(b) An individual who is compulsorily retired/discharged or removed on grounds other than misconduct or discharged under the provisions of Army Act, 1950 and the Rules made thereunder, remains eligible for pension and/or gratuity as admissible on the date of discharge. This will suo-moto apply to cases of dismissal/removal converted into discharge subsequently.

(c) All appeals to the competent authority in this regard will be preferred within 2 years of the date of dismissal/removal.

PENSIONER RE-EMPLOYED IN EMERGENCY

42. (a) Pensioner re-employed on mobilization in military or civil capacity in emergency shall receive pension in addition to pay subject to certain conditions as prescribed in these Regulations. Re-employed service subject to the conditions as prescribed by Government, 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 competent authority, be accorded to pensioner who is re-employed in 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.

FORFEITURE OF SERVICE FOR CERTAIN OFFENCES AND ITS RESTORATION

43. (a) An individual shall forfeit the whole of his prior service towards pension or gratuity upon being convicted by court martial of the offence:

- (i) desertion, vide Section 38 of the Army Act, 1950;
- (ii) fraudulent enrolment, vide Section 43(a) of the Army Act, 1950,

(b) An individual who has forfeited service under the provisions of the preceding clause (a) (i) but has not been dismissed shall, on completion of a period of 3 years further service with exemplary conduct and without any red ink entry, be eligible to reckon the forfeited service towards pension or gratuity.

CONDONATION OF DEFICIENCY IN SERVICE FOR ELIGIBILITY TO PENSION/GRATUITY

44. The deficiency in service for eligibility to pension/gratuity may be condoned upto 12 months in each case by competent authority except in the case of:-

- (i) an individual who is discharged at his own request;
- (ii) an individual who is invalided with less than 15 years of service.
- (iii) who is eligible for special pension or gratuity under these Regulations.

COUNTING OF FORMER SERVICE FOR SERVICE PENSION/ SERVICE GRATUITY

45. Individual who has former service to his credit may be allowed by the respective Pay Accounts Office (Other Ranks) to reckon his former service towards pension and gratuity to the extent specified in the Table below subject to the fulfillment of one or more of under mentioned conditions as specified in column 5 of Table provided he was not dismissed from his former service. In individual case the respective Pay Accounts Office (Other Ranks) may relax at its discretion conditions 2 & 3 below.

Conditions:

1 At the time of re-employment/re-enrolment, the individual shall have declared his former service and cause of discharge therefrom and elected to count that service towards pension or gratuity. The option once exercised shall be final.

2 After re-employment/re-enrolment, the individual shall have completed consecutive period of 3 years service without any red ink entries or a court martial conviction and respective Pay Accounts Office (Other Ranks) has allowed to reckon his former service to the extent specified in the Table below, subject to fulfillment of the conditions stated in Column 5 thereof.

3 The individual shall have refunded pension and gratuity other than war gratuity along with interest in respect of his former service within a period of 3 years from the date of his re-employment/re-enrolment. The rate of interest shall be the rate applicable on fund deposits from time to time for the period from the date of receipt of pensionary benefits to the date of his refund to the Government.

The interest shall be calculated in the same manner as is done in respect of Defence Services Officers Provident Fund /Armed Forces Personnel Provident Fund balances. In case where after the issue of orders by the respective Pay Accounts Office (Other Ranks) on the basis of option exercised by the individual for counting of past service for pensionary purposes, if he fails to deposit the pensionary benefits already received by him within one month of receipt of communication from Pay Accounts Office (Other Ranks), a penal interest @ 2% per annum shall be charged in addition to the normal rate of interest.

TABLE

Sl No.	Category of Personnel Below Officer Rank	Description of former service	Extent to which former service specified in Col 3 qualifies for pension or gratuity in the present engagement subject to the conditions in Col 5	Conditions to be fulfilled before former service is allowed to reckon for pension/gratuity.
1.	2.	3.	4.	5.
1.	Combatants of the Army	<p>(i) Service as Combatants in Armed Forces</p> <p>(ii) Service in the Defence Security Corps.</p> <p>(iii) Called out or embodied service in Territorial Army</p> <p>(iv) Civil service (Central or State)</p> <p>(v) Service in the Central Autonomous Bodies.</p>	<p>Former qualifying service-- in full</p> <p>Former qualifying service-- in full</p> <p>Former qualifying service-- in full</p> <p>Former qualifying service-- in full</p> <p>Former qualifying service-- in full</p>	<p>(a) If discharged from former service on other than public grounds conditions 1, 2 and 3 above.</p> <p>(b) If discharged from service on public grounds such as re-organisation or reduction in establishment; conditions 1 and 3 above.</p> <p>(c) If discharged from former service on war engagement terms under Release Regulations on reduction of Armed Forces or demobilization; conditions 1 and 3 above.</p> <p>Conditions 1, 2 and 3 above.</p> <p>Conditions 1 and 2 above</p> <p>Conditions 1 and 2 above</p> <p>Conditions 1 and 2 above and</p> <p>(i) the maximum service in the Autonomous Bodies allowed to count shall be limited to 1/3rd of the total qualifying combatant service.</p> <p>(ii) Service rendered, as combatant has been at least half the service to qualify for pension as a combatant.</p> <p>(iii) The service in the autonomous body shall not count towards completion of engagement period.</p> <p>NOTE: Retirement benefits, if any, received for the service rendered in the Autonomous Bodies by the</p>

		(vi) Service as Enrolled Non Combatant	Former qualifying service-- in full	individual who were in service of those Bodies at the time of his being taken over by the Government shall be refunded to the Defence Service Estimates. The gratuity/ employer's contribution, if any, received by the individual who left the service of Autonomous Bodies prior to his take-over by the Government, shall be refunded with interest from the date of receipt to the date of refund. Conditions 1 and 3 above, provided he has completed 3 years service as combatants
2.	Combatants of Education Corps	Continuous former service as civilian school master of Services/ Units	Former service qualifying for pension under CCS (Pension) Rules, 1972—in full .	Conditions 1 & 2 above

Sub-Section-II: Service Pension

ADMISSIBILITY

46. Personnel Below Officer Rank who is discharged/retired on completion of term of engagement/prescribed age /tenure/ service limit or get discharged on compassionate grounds may be granted service pension/service gratuity as admissible under these Regulations.

MINIMUM QUALIFYING SERVICE FOR SERVICE PENSION

47. Unless otherwise provided for, the minimum qualifying service for earning a service pension is 15 years.

RANK AND GROUP FOR ASSESSMENT OF SERVICE PENSION

48. (a) Service pension shall be 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 10 months of his service.

(b) Pension in respect of individual granted Assured Career Progression (ACP) upgradation, will be calculated based on the maximum of the pay scale granted under ACP upgradation including 50% of the highest classification allowance, if any, of the rank held and group in which paid subject to the condition that the upgraded pay scale should be held continuously for 10 months preceding his discharge from service.

Notes: Condition of 10 months service will not be required to be fulfilled by the Personnel Below Officer Rank who is granted Hony. Commission and who retires on completion of tenure of appointment or is discharged on account of causes beyond his control.

(c) where an individual reverts to his substantive rank under the acting promotion rules on account of his being on sick leave, the period of such reversion, though not count 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.

(d) Individual, who was remustered from a higher to a lower group on being declared surplus after rendering 15 years or more 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.

CONDONATION OF DEFICIENCY OF SERVICE IN A PARTICULAR RANK

49. Competent authority may condone a deficiency of service in a particular rank not exceeding 3 months, except in the case of discharge at his own request on compassionate ground.

RATES OF SERVICE PENSION

50. Service pension in respect of Personnel Below Officer Rank for 33 years of qualifying service shall be calculated at 50% of reckonable emoluments for pension. For lesser period of qualifying service including weightage it shall be reduced proportionately; the amount of service pension finally arrived at shall be subject to minimum pension admissible under these Regulations.

TIME SCALE (TS) NAIK AND HONORARY HAVILDAR WHILE ON THE EFFECTIVE LIST

51. Service pensions of Sepoy granted Time Scale Naik and Naiks granted honorary rank of Havildar, shall be one rupee less of the rates of service pension as admissible for the same length of qualifying service of the rank of Naik and Havildar respectively for the groups concerned in which the individual is paid.

ADDITION TO SERVICE PENSION TO HONORARY NAIB SUBEDARS ON RETIREMENT

52. Havildar who is granted honorary rank of Naib Subedar on retirement shall be entitled to an additional pension at the rate of Rs. 100/- per month. The additional pension shall be taken into account for the purpose of commutation and grant of dearness relief.

DISABILITY ELEMENT FOR DISABILITY AT THE TIME OF DISCHARGE /RETIREMENT

53. (a) An individual released/retired/discharged on completion of term of engagement or on completion of service limits or on attaining the prescribed age (irrespective of his period of engagement), if found suffering from a disability attributable to or aggravated by military service and so recorded by Release Medical Board, may be granted disability element in addition to service pension or service gratuity from the date of retirement/discharge, if the accepted degree of disability is assessed at 20 percent or more.

(b) The disability element for 100% disability shall be at the rate laid down in Regulation 98 (b) below. For disabilities less than 100% but not less than 20%, the above rates shall be proportionately reduced. Provisions contained in Regulation 98(c) shall not be applicable for computing disability element..

Notes: 1. An individual discharged on fulfilling the terms of his engagement, his unwillingness to continue in service beyond the period of his engagement should not affect his title to the disability element under the provisions of the above Regulation.

2. An individual who seeks discharge at own request shall not be eligible for disability element provided that the individual who is due for discharge on completion of tenure or on completion of service limit or on completion of terms of engagement or on attaining the prescribed age of retirement and who seeks within one month pre-mature retirement/discharge within one month on request for the purpose of getting higher commutation value of pension, shall remain eligible for disability element.

Sub-Section-III: Service Gratuity

MINIMUM QUALIFYING SERVICE FOR SERVICE GRATUITY

54. The minimum period of qualifying service actually rendered and required for earning service gratuity shall be 5 years without weightage. The service gratuity shall be admissible only when the individual has not rendered the minimum qualifying service for earning service pension under these Regulations.

Provided a Personnel Below Officer Rank who is remustered 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, will, where more favourable, be granted service gratuity which he had earned upto the date of being rendered surplus.

RATE OF SERVICE GRATUITY

55. The service gratuity shall be admissible at a uniform rate of half a month's reckonable emoluments last drawn, by the individual for each completed 6 monthly period of qualifying service. There shall be no reduction in the quantum of service gratuity so arrived at, in respect of those who are permitted to be discharged prematurely on compassionate grounds/personal reasons.

Sub-Section-IV: Special Pension and Gratuity

WHEN ADMISSIBLE

56. Special pension and gratuity sanctioned to Personnel Below Officer Rank discharged in large number in pursuance of the Government policy –

- (i) of reducing the strength of establishment of the Armed Forces; or
- (ii) of re-organisation, which results in disbandment/laying off of any Unit/Formation/establishment,

shall be admissible at the following rates.

Length of actual qualifying service rendered	Scale of special pension/gratuity
(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 the service pension determined as under:- For 33 years qualifying service, service pension shall be calculated at 50% of the reckonable emoluments and for lesser period of qualifying service it shall be reduced proportionately. Weightage as admissible shall be added to the qualifying service actually rendered.
(b) Special Gratuity	
(i) 5 years or more but less than 10 years	Equal to 1½ month reckonable emoluments for each completed year of qualifying service.
(ii) Less than 5 years	Equal to 3 months reckonable emoluments.

RANK FOR ASSESSMENT OF SPECIAL PENSION

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

CHAPTER - III

CASUALTY PENSIONARY AWARDS WHEN CAUSE OF INVALIDMENT FROM SERVICE OR DEATH IS NEITHER ATTRIBUTABLE TO NOR AGGRAVATED BY MILITARY SERVICE

SECTION – 1: Invalid Pension and Invalid Gratuity

WHEN ADMISSIBLE

58. (a) An invalid pension or invalid gratuity in accordance with the Regulations in this Section may be granted to Service personnel invalidated out of service on account of a disability incurred in the circumstances mentioned in Category A of Regulation 82 of these Regulations.

(b) A low medical category personnel who is retired/discharged from service for want of alternative employment compatible with his low medical category shall also be eligible for invalid pension or invalid gratuity.

(c) Personnel below officer rank who is invalidated out of service in consequence of any disorder (including sanity) resulting from indulgence in drugs or drinks which was within his control will be eligible for invalid pension/gratuity. Orders of the competent authority under Regulation 8 of these Regulations shall be obtained in each case.

MINIMUM QUALIFYING SERVICE

59. The minimum period of qualifying service actually rendered and required for invalid pension is 10 years or more. For less than 10 years' qualifying service, invalid gratuity shall be admissible.

SCALE OF INVALID PENSION AND INVALID GRATUITY

60. The scale of invalid pension and invalid gratuity payable to service personnel shall be as under:-

(a) Invalid Pension

(i) Officer

Length of Service

Scale of invalid pension

(i) 20 year or more

Retiring pension as admissible under normal rules.

(ii) 10 years or more but less than 20 years

Invalid pension equal to service element of disability pension as admissible under Regulation 94(a) of these Regulations.

(ii) Personnel Below Officer Rank

Length of Service

Scale of invalid pension/ invalid gratuity

15 years or more

Service pension as admissible under normal rules.

10 years or more but less than

Invalid pension equal to service element of

15 years disability pension as admissible under Regulation 98(a) (ii) of these Regulations.

Note: Individual, who was remustered from a higher to a lower group on being declared surplus after rendering 15 years or more qualifying service, may be granted, if more favourable than the pension otherwise admissible, the invalid pension that would have been admissible had he been discharged on the date he was declared surplus.

(b) Invalid gratuity

Service personnel who have rendered actual service of less than 10 years shall be paid invalid gratuity at the scale of half month's reckonable emoluments for each completed 6 monthly period of qualifying service.

INVALID GRATUITY TO RECRUITS AND BOYS

61. Recruits and boys will be eligible for invalid gratuity at the rates and under the conditions applicable to Sepoy of lowest group.

SECTION-2: Ordinary Family Pension

LIMITATION OF APPLICATION

62. These Regulations shall not apply to the following:

- (i) Members of the National Cadet Corps, Auxiliary Cadet Corps and Lok Sahayak Sena other than the service personnel serving in the instructional staff.
- (ii) Members of the Territorial Army other than those who die while rendering "Embodied Service" or after retirement with pension under these Regulations.
- (iii) Individual who is executed on being convicted to a death sentence awarded by competent court.

ORDINARY FAMILY PENSION WHEN ADMISSIBLE

63. Where Service personnel dies in the circumstances mentioned in the Category A of the Regulation 82 of these Regulations:

- (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; or

- (ii) After release/ retirement/discharge /invalidment with a pension of any kind under these Regulations,

the family of the deceased shall be entitled to ordinary family pension under these Regulations

RATE OF ORDINARY FAMILY PENSION

64. (a) Normal Rate

The ordinary family pension shall be calculated at a uniform rate of 30% of reckonable emoluments subject to a minimum of pension fixed by the Government from time to time and a maximum of 30% of the highest pay in the Armed Forces.

(b) Enhanced Rate

Where Service personnel who dies while in service after having rendered not less than 7 years continuous qualifying service, or who dies after release/ retirement/discharge /invalidment with a pension, ordinary family pension shall be granted at an enhanced rate for a period of 7 years from the date following the date of death of the service personnel or upto the date on which the deceased would have attained the age of 67 years“(65 years in case 2 years extention in service not allowed by Screening Board”), had he been alive, whichever is earlier.

The amount of enhanced ordinary family pension for this period shall be the lowest of the following amounts:

- (i) 50% of the reckonable emoluments.
- (ii) The amount of any kind of pension (before commutation) admissible under these Regulations in case where the deceased was a pensioner.

Provided that where the amount of pension authorized on retirement/discharge/invalidment is less than the amount of ordinary family pension at normal rate, the amount of ordinary family pension shall be limited to normal rate as at (a) above. After the expiry of the period, the family in receipt of enhanced rate of ordinary family pension shall be entitled to normal rate of ordinary family pension.

- Notes:**
1. The period of continuous service does not include period of suspension, if any.
 2. Where broken periods of existing/former service have been allowed to count for pension/gratuity, the entire service will be treated as continuous qualifying service for the purpose of grant of enhanced rate of ordinary family pension.
 3. The ordinary family pension in respect of an individual, who was remustered from a higher to a lower group on being declared surplus after rendering 15 years or more qualifying service, may be assessed, where more favourable than

the awards otherwise admissible, on emoluments drawn in the rank and group held on the date he was declared surplus.

REDUCTION IN ORDINARY FAMILY PENSION

65. (a) If the death of an service personnel or pensioner is wholly or partly due to his serious negligence or misconduct, ordinary family pension shall not be reduced.

(b) No reduction in ordinary family pension shall be made even if a cut was imposed in the pension of the individual whose death gives rise to the claim for Ordinary Family Pension.

(c) No reduction in ordinary family pension shall be made on account of any compensation payable from public revenues for death of the individual.

DEFINITION OF FAMILY

66. Family for the purpose of Regulations in this Section shall consist of the following:

- (i) Wife in the case of male service personnel or husband in the case of female service personnel lawfully married before or after retirement.
- (ii) A judicially separated wife or husband, such separation not being granted on the ground of adultery and the person surviving was not held guilty of committing adultery.
- (iii) Unmarried daughters/unmarried sons (including those legally adopted), widowed/divorced daughters.
- (iv) Parents who were wholly dependent on the service personnel when he was alive.

Notes: 1- Eligible son/daughter includes a posthumous child.

- 2-** In case Service personnel get marries after release/retirement /discharge /invalidment the marriage should be registered with the Registrar of the Marriages or other competent authority under the relevant law. In case where such marriage is not registered for some valid reasons, an affidavit sworn before a Magistrate or legal heirship certificate can be furnished.
- 3.** Widowed/divorced daughter including disabled widowed/divorced daughter need not come back to her parental home
- 4.** Child/children born out of the vaid marriage shall be entitled to share ordinary family pension, if otherwise eligible, though their mother would not have been eligible for the same had she been alive at the time of death of her husband on account of marriage being null and void.

PERIOD FOR WHICH ORDINARY FAMILY PENSION PAYABLE

67. The period for which ordinary family pension is payable shall be as follows:

- (i) In case of a widow or widower upto the date of death or marriage, whichever is earlier.
- (ii) In the case of eligible unmarried son, till he attains the age of 25 years or upto the date of his marriage, whichever is earlier and subject to income criteria as given in Note-2 below:
- (iii) In the case of eligible daughter, till she attains the age of 25 years or upto the date of her marriage, which ever is earlier and subject to income criteria is given in Note-2 below :

Provided that a unmarried daughter above the age of 25 years, a widowed/divorced daughter irrespective of her age and son or daughter who is suffering from any disorder or disability of mind including mentally retarded or 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 family pension shall be payable to such son or daughter for life.

- Notes: 1** Eligible son/daughter including widowed/divorced daughter shall furnish to his Pension Disbursing Authority a half yearly certificate in regard to marital status.
2. Eligible son/daughter including widowed/divorced daughter shall be paid ordinary family pension if his/her earning is not more than Rs 2550/- per month from all sources including pay and or pension. He will also submit annually a certificate to the effect that his earning is not more than Rs. 2550/- per month to his Pension Disbursing Authority.

ORDINARY FAMILY PENSION TO ONLY ONE MEMBER OF A FAMILY

68. (a) Except as provided in Regulation 71 below, the ordinary family pension shall not be payable to more than one member of the family at the same time.

(b)The ordinary family pension shall first be payable to the surviving spouse and in his absence or in the event of his disqualification or death, to the eligible child in the order of birth irrespective of the sex of the child and the younger of them will not be eligible for family pension unless the elder above him becomes ineligible for the grant of ordinary family pension.

(c) Where the ordinary 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 share shall revert to the other child and when both of them cease to be eligible, the ordinary family pension shall be payable to the next eligible single child/twin children.

(d) Ordinary family pension to unmarried daughter above 25 years of age, widowed/divorced daughter, shall be payable only after the other eligible children below the age of 25 years have ceased to be eligible to receive family pension and there is no disabled child to receive the family pension”

ORDINARY FAMILY PENSION TO PHYSICALLY/MENTALLY HANDICAPPED CHILDREN

69. (a) If a son or daughter is suffering from any disorder or disability of mind including mentally retarded or is physically crippled or disabled so as to render him/her unable to earn a living even after attaining the age of 25 years, the ordinary family pension shall be payable to the child for life in the order as set out in Regulation 68 of these Regulations and also subject to the following conditions:

- (i) The ordinary family pension shall be paid to such son or daughter through the guardian as if he or she was a minor except in the case of the physically crippled or disabled son/daughter who has attained the age of majority. However, in the case of a mentally retarded son or daughter, the family pension shall be payable to a person nominated by the service personnel/pensioner, as the case may be, and in case no such nomination has been furnished to the Army Head Quarters/Record Office by such service personnel or pensioner during his life time, to the person nominated by the spouse of such service personnel or family pensioner, as the case may be, later on.
- (ii) If such son or daughter is one among two or more children, the family pension shall be initially payable to the children in the order set out in Regulation 68 until the last minor child attains the age of 25, and thereafter the family pension shall be resumed in favour of son or daughter, who is physically crippled or disabled and shall be payable to him/her for life.
- (iii) if there are more than one such son or daughter suffering from disorder or disability of mind including mentally retarded or who are physically crippled or disabled, the family pension shall be paid in the order of their birth and the younger of them will get the family pension only after the elder, next above him/her ceases to be eligible.

(b) Before allowing the ordinary family pension for life to any such son or daughter, the appointing authority shall satisfy himself that the handicap is of such a nature so as to prevent him/her from earning his livelihood and the same shall be evidenced by a certificate obtained from a Medical Board comprising of a Medical Superintendent or a Principal or a Director or Head of the Institution or his nominee as Chairman and 2 other members, out of which at least one shall be a Specialist in the particular area of mental or physical disability including mental retardation, setting out as far as possible, the exact mental or physical condition of the child.

(c) The person receiving the ordinary family pension as a guardian of such son or daughter or such son or daughter not receiving the ordinary family pension through guardian, shall produce a certificate from a Medical Board of aforesaid composition, if the disability is permanent and if the disability is temporary, once in every 5 year, to the effect that he/she continues to suffer from disorder or disability of mind or continues to be physically crippled or disabled.

Note: A certificate of guardianship issued in respect of person with Autism, Cerebral Palsy, Mental retardation and multiple disabilities issued under National Trust Act by local level Committee is acceptable.

(d) If the marriage of the disabled daughter is legally annulled, she would be eligible for family pension for life from the date of her marriage stands annulled, subject to the following conditions:-

- (i) Divorce is valid in law.
- (ii) Divorced daughter shall not be required to come back to parent's home.
- (iii) Disability is certified by an appropriate authority as required under this Regulation.

(e) The disabled widowed daughter shall be eligible for ordinary family pension for life from the date of death of her husband even after attaining the age of 25 years of age subject to all other conditions prescribed in the case of son/daughter.

Explanations:

1. For the purpose of grant of ordinary family pension under this Regulation, the disability that manifests itself before or after the retirement or death of the service personnel shall be taken into account. This benefit will also be admissible to the eligible disabled children whether born before or after retirement.

2. A disabled son/daughter shall become ineligible for ordinary family pension under this Regulation from the date he/she gets married.

3. Ordinary family pension payable under this Regulation shall be stopped from the date of earning more than Rs. 2550/- per month from any source. It shall be the duty of the guardian or son or daughter to furnish a certificate to the Pension Disbursing Authority, annually to the effect that:

- (i) he/she has not started earning his livelihood.
- (ii) he/she has not yet married.

4. The divorced/widowed daughter shall not be required to come back to parental home to become eligible.

ORDINARY FAMILY PENSION TO PARENTS

70. Parents who were wholly dependant on the service personnel when he was alive, provided the deceased had left behind neither a widow nor child may be granted ordinary family pension for life at normal rate as admissible under Regulation 64 (a) of these Regulations subject to the condition that their earning is not more than Rs. 2550/- per month from all sources including pay, pension or self employment.

Note-1. Mother will receive ordinary family pension first and after her death, father will be re-granted family pension. A mother who becomes widow has not re-married remains eligible.

2. Income criteria shall be taken into account for both parents when both are alive.

DIVISION OF ORDINARY FAMILY PENSION

71. (a) If service personnel leave behind two or more widows who are eligible for an ordinary family pension, the pension shall be divided amongst them in equal share. On the death of widow, her share of ordinary 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 share, or if there is only one such other widow, in full to her.

(b) Where a deceased is survived by a widow and has also left behind eligible child/children from another wife who is not alive, the eligible child of the deceased wife shall be entitled to the share of ordinary family pension which the mother would have received if she had been alive at the time of death of the service personnel/pensioner.

Provided that 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.

(c) Where the deceased is survived by a widow but has left behind eligible child/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 service personnel had she not been so divorced.

Provided that 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.

Note: Children born out of void marriage in terms of Section 11 of Hindu Marriage Act, 1955 shall be entitled to share of the ordinary family pension, if otherwise admissible, though their mother would not have been eligible for the same, had she been alive at the time of death of her husband, on account of her marriage being null and void under the above said Section.

GRANT OF ORDINARY FAMILY PENSION IF BOTH WIFE AND HUSBAND GOVERNMENT EMPLOYEES

72. (a) In case where both husband and wife are Government servants and if one of the two dies while in service or after retirement with a pension, the ordinary family pension in respect of the deceased shall be payable to the widow/widower in addition to his pay or pension, as the case may be.

(b) In the event of death of both father and mother who were service personnel or one of them a Government employee, the surviving children shall be eligible to draw both the ordinary family pensions in respect of the deceased parents subject to the limits specified below:

- (i) If both the ordinary family pensions are payable at the normal rates specified in the Regulation 64(a) the amount of the two pensions shall be limited to Rs. 9,000/- per month.
- (ii) If both the ordinary family pensions are payable at the enhanced rates specified in Regulation 64(b), the amount of both the pensions shall be limited to Rs. 15,000/- per month, and shall continue to be applicable so long as the enhanced rates of either of the 2 pensions is payable.

ORDINARY FAMILY PENSION TO A JUDICIALLY SEPARATED SPOUSE WITH NO ELIGIBLE CHILD

73. Where service personnel dies leaving behind a judicially separated spouse with no eligible child, the ordinary family pension in respect of the deceased shall be payable to the surviving spouse.

Provided that where in a case the judicial separation is granted on the ground of adultery and the death of the individual takes place during the period of such judicial separation, the ordinary family pension shall not be payable to the surviving spouse if such surviving person was held guilty of committing adultery.

ORDINARY FAMILY PENSION TO A JUDICIALLY SEPARATED SPOUSE WITH AN ELIGIBLE CHILD

74. (a) Where Service personnel dies leaving behind a judicially separated spouse with an eligible child/children, the ordinary family pension payable in respect of the deceased, shall be payable to the surviving spouse provided he is the guardian of such child.

Note: The term 'guardian' includes natural guardian so long he/she maintains the child/children.

(b) Where the surviving spouse has ceased to be the guardian of such child/children, such ordinary family pension shall be payable to the person who is the actual guardian of such child/children.

(c) When child/children cease to be eligible for family pension, payment of ordinary family pension shall be allowed to Judicially separated spouse

ORDINARY FAMILY PENSION WHEN A MEMBER OF THE FAMILY CHARGED WITH OFFENCE OF MURDERING THE SERVICE PERSONNEL

75. (a) If an eligible member who in the event of death of service personnel while in service, is eligible to receive ordinary family pension under these Regulations, is charged with the offence of murdering the service personnel or for abetting in the commission of such an offence, the claim of such a person including other eligible member or members of

the family to receive ordinary family pension, shall remain suspended till the conclusion of the criminal proceedings instituted against him.

(b) If on the conclusion of the criminal proceedings referred to in clause (a) above, the eligible member concerned -

- (i) is convicted of the murder or abetting in the murder of the service personnel, such an eligible member shall be debarred from receiving the ordinary family pension which shall be payable to other eligible member of the family from the date following the date of death of the service personnel.
- (ii) is acquitted of the charge of murder or abetting in the murder of the service personnel, the ordinary family pension shall be payable to such an eligible member from the date following the date of death of the service personnel.

(c) The provisions of clauses (a) and (b) above, shall also apply to the ordinary family pension becoming payable on the death of service personnel after his retirement.

ORDINARY FAMILY PENSION IN CASE OF SUICIDE

76. Family of service personnel/pensioner, who commit suicide, shall be eligible for pensionary benefits as detailed in these Regulations.

FAMILY PENSIONARY AWARD IN CASE OF MISSING SERVICE PERSONNEL / PENSIONER

77. Where service personnel is reported missing while in service or as a pensioner, his family shall be paid, one year after the date of lodging the First Information Report, ordinary family pension as admissible under Regulation 64 in the normal conditions. However, ordinary family pension will accrue from the date of lodging the FIR or expiry of leave of the individual who has disappeared, whichever is later.

ORDINARY FAMILY PENSION FROM ONLY ONE SOURCE

78. Ordinary family pension admissible under these Regulations shall not be granted to an eligible member who is already in receipt of family pension in respect of the same person or is eligible therefor under any other Rules of the Central Government or a State Government and /or Public Sector Undertaking/Autonomous Body/Local Fund under Central or a State Government.

Provided that a member who is eligible for ordinary family pension under these Regulations, may opt to receive ordinary family pension under these Regulations, if he foregoes family pension admissible from any other source.

Provided further that ordinary family pension under these Regulations in respect of Service personnel who were / are re-employed in the organisations/ establishments where Family Pension Scheme, 1971 and Employees Pension Scheme, 1995 are in force, shall be allowed in addition to the family pension admissible under those schemes.

ORDINARY FAMILY PENSION FOR MILITARY PENSIONER IN CIVIL SERVICE

79. A military pensioner, who on retirement from military service with a pension is governed for the grant of ordinary family pension under these Regulations and is re-employed in a civil service or civil post before attaining the age of superannuation, shall for the purpose of eligibility for the family pension admissible under civil rules or the family pension already authorised under these Regulations be governed as follows:

(a) If he dies while holding a civil post, his family shall be allowed family pension under civil rules or the family pension authorised at the time of retirement from the military service, whichever is more advantageous to the family;

(b) If he has, on appointment to a civil service or post, opted to retain military pension for the past military service and -

(i) retires from the civil re-employment without earning any pension therefore, his family shall be entitled to family pension as authorised at the time of his retirement/discharge from military service;

(ii) retires from civil re-employment after becoming eligible for pension therefore, he shall exercise an option at the time of applying for pension for civil service either to be governed by family pension under civil rules or to avail of family pension benefits as authorised at the time of his retirement/discharge from military service and the said option once exercised shall be final.

(c) If on appointment to a civil service or post, he has opted to surrender military pension and count the military service for civil pension, his family shall be entitled to family pension under civil rules.

FURNISHING OF FAMILY DETAILS-RESPONSIBILITY OF SERVICE PERSONNEL

80. (a) (i) As soon as a person is commissioned in the Army, he will furnish the details of his family in the prescribed form to Integrated Headquarters, Ministry of Defence (Army).

(ii) In case the Officer has no family at the time of his commissioning he shall furnish the details in the prescribed form as soon as he acquires a family.

(iii) The Officer shall communicate to Integrated Headquarters, Ministry of Defence (Army) any subsequent change in the size of his family, including the fact of marriage of his child/children also with specific mention of disability with which a child is suffering.

(b) (i) Personnel Below Officer Rank after his attestation and personnel given direct commission will submit details of his family members including his date of birth / age to the unit commander of the unit, detachment or formation with

which the person is serving or by any officer on his behalf in the rules and entries be made in the sheet roll (IAFK-1155) and service casualty form (IAFF-958) on the authority of part II order.

- (ii) All changes in the family of a soldier during his service on account of birth/ death /marriage of his child/children also with specific mention of disability with which a child is suffering will be declared by him in writing and his declaration witnessed by two persons and countersigned by his commanding officer. It will be forwarded to Record Office for making necessary entries in the kindred roll portion of the sheet roll of the individual.

CHAPTER IV

CASUALTY PENSIONARY AWARDS WHEN CAUSE OF INVALIDMENT FROM SERVICE OR DEATH IS EITHER ATTRIBUTABLE TO OR AGGRAVATED BY MILITARY SERVICE

SECTION – 1: Disability Pension

Sub-Section –I : General

WHEN ADMISSIBLE

81. (a) Service personnel who is invalided from service on account of a disability which is attributable to or aggravated by such service may, be granted a disability pension consisting of service element and disability element in accordance with the Regulations in this section.

Explanation: -

There shall be no condition of minimum qualifying service for earning service element.

(b) The question whether disability is attributable to or aggravated by military service shall be determined under the Entitlement Rules For Casualty Pensionary award, 1982 as laid down in **APPENDIX-IV** of these Regulations.

CIRCUMSTANCE OF DEATH/DISABILITY ATTRIBUTABLE TO OR AGGRAVATED BY MILITARY SERVICE

82. For determining the pensionary benefits on death or disability which is attributable to or aggravated by Military service under different circumstance, the cases shall be broadly categorized as follows: -

Category A

Death or disability due to natural causes neither attributable to nor aggravated by military service as determined by the competent medical authorities. Examples would be ailments of nature of constitutional diseases as assessed by medical authorities, chronic ailments like heart and renal diseases, prolonged illness, accidents while not on duty.

Explanation :

The cases of death or disability due to natural causes falling under Category A entitles ordinary family pension or invalid pension or invalid gratuity as the case may be.

Category B

Death or disability due to causes which are accepted as attributable to or aggravated by military service as determined by the competent medical authorities. Disease contracted because of continued exposure to hostile work environments subject to extreme weather conditions or occupational hazards resulting in death or disability would be examples.

Category C

Death or disability due to accidents in the performance of duties such as:

- (i) Accidents while travelling on duty in Government vehicles or public/private transport.
- (ii) Accidents during air journeys
- (iii) Mishaps at sea while on duty.
- (iv) Electrocution while on duty etc.
- (v) Accidents during participation in organised sports events/adventure activities/expeditions or training.

Explanation :

Invalidment case falling under Category B and Category C due to disease contracted or injury sustained or cause of death if accepted by medical authority and/ or competent authority attributable to or aggravated by Military service the individual may be granted disability pension or special family pension as the case may be.

Category D

Death or disability due to acts of violence /attack by terrorists, anti - social elements etc. whether on duty other than operational duty or even when not on duty. Bomb blasts in public places or transport, indiscriminate shooting incidents in public etc. would be covered under this category, besides death/disability occurring while employed in aid of civil power and also while dealing with natural calamities.

Explanation :

Cases falling under Category D entitles liberalised disability pension or liberalised family pension as the case may be.

Category E

Death or disability arising as a result of: -

- (i) Enemy action in international war
- (ii) Action during deployment with a peace keeping mission abroad
- (iii) Border skirmishes
- (iv) During laying or clearance of mines including enemy mines as also mine sweeping operations.
- (v) On account of accidental explosions of mines while laying operationally oriented mine field or lifting or negotiating mine field laid by the enemy or own forces in operational areas near international borders or the line of control.
- (vi) War like situations, including cases which are attributable to/aggravated by:-
 - (1) extremist acts, exploding mines etc, while on way to an operational area
 - (2) battle inoculation training exercises or demonstration with live ammunition
 - (3) Kidnapping by extremists while on operational duty
- (vii) An act of violence/attack by extremists, anti social elements etc. while on operational duty.

- (viii) Action against extremists, antisocial elements etc. death/disability while employed in the aid of civil power in quelling agitation, riots or revolt by demonstrators shall be covered under this category.
- (ix) Operations specially notified by the Government from time to time

Explanation :

Death or injury sustained in the circumstances falling under Category E entitles liberalised family pension or war-injury pension as the case may be.

Note: The illustrations given in each category above from ‘A’ to ‘E’ are not exhaustive. Case not covered under these categories shall be dealt with as per Entitlement Rules for Casualty Pensionary Awards, 1982 as contained in **APPENDIX IV** of these Regulations.

SERVICE PERSONNEL WHO RETIRES VOLUNTARILY

83. (a) An Officer who retires voluntarily/or a Personnel Below Officer Rank who is discharged at his own request on compassionate ground shall not be eligible for any award on account of disability.

(b) Individual who is due for retirement/discharge on completion of tenure or on completion of service limits or on completion of terms of engagement or on attaining the prescribed age of retirement and who seeks pre-mature retirement/discharge on request within a month of due date of retirement/discharge for purpose of getting higher commutation value of pension, shall remain eligible for getting higher commutation value of pension and shall remain eligible for disability element.

SERIOUS NEGLIGENCE OR MISCONDUCT

84. If the disability of service personnel is wholly or partly due to his serious negligence or misconduct, the amount of disability pension or gratuity otherwise admissible may be reduced at the discretion of the competent authority.

Provided the reduced pension shall not be less than the invalid pension admissible as if the individual has been invalided from service not due to service factor.

REFUSAL TO UNDERGO MEDICAL TREATMENT

85. (a) An award of disability element of pension otherwise admissible may be withheld or be granted at a reduced rate, at the discretion of the competent authority, if an individual suffering from a disability, accepted as attributable to or aggravated by military service unreasonably refuses to undergo an operation or other medical treatment which in the opinion of the service medical authority would cure or reduce the degree of disablement.

(b) The refusal shall not be regarded as unreasonable when, in the opinion of the service medical authority, the treatment or operation may be severe and dangerous to life.

(c) The question whether Service personnel’s refusal to undergo medical treatment or an operation for his disability is reasonable or unreasonable shall be decided in accordance with the criteria laid down in **APPENDIX-V** to these Regulations.

MANIFESTATION OF DISABILITY AFTER RETIREMENT/DISCHARGE

86. Service personnel who had retired/discharged (otherwise than at his own request or in any of the circumstances specified in Regulation 29 & Regulation 41) on a retiring/service pension/gratuity, but who within a period of 10 years from the date of retirement is found to be suffering from a disease which is accepted as attributable to his military service, be granted in addition to his retiring/service pension/gratuity, a disability element with effect from the date of Review Medical Board constituted by the Director General Armed Forces Medical Services.

REFUSAL TO APPEAR BEFORE RESURVEY MEDICAL BOARD.

87. (a) In case a pensioner, who has been asked, to appear before Resurvey Medical Board for assessment of his temporary disability, refuses to do so, the disability element of his disability pension shall be suspended from the date of such refusal. However, he shall continue to draw service element of disability pension.

(b) In case the pensioner, who has been asked to appear before Resurvey Medical Board for re-assessment his disability but fails to respond within the period specified in call letter, he will be deemed to have refused to appear before the Resurvey Medical Board.

(c) If a pensioner, who has been deemed to have refused or has refused to appear before Resurvey Medical Board as above, requests later to appear before the Resurvey Medical Board, the disability element, as may be due with reference to degree of disability re-assessed by the Re-Assessment Medical Board, shall be payable from the date of such Re-Assessment Medical Board.

SERVICE PERSONNEL WHO SUFFERED FROM PULMONARY TUBERCULOSIS/LEPROSY RETAINED IN SERVICE

88. (a) Service personnel 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 therefrom on account of a relapse of the disability during a period of 5 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 was found medically fit for retention in service, in addition to -

- (i) the service element of disability pension admissible if he had been invalided on the date immediately prior to that of rejoining duty;
- or,
- (ii) if more favourable, the retiring pension/or service pension based on the total length of qualifying service rendered upto the date of retirement/discharge.

(b) If, however, he is retired from service on account of the relapse of the disability after a period of 5 year from the date of rejoining, the disability pension admissible shall be regulated by the normal Regulations.

CONSTANT ATTENDANCE ALLOWANCE

89. (a) Constant attendance allowance at a uniform rate of Rs. 600/- per month shall be granted to Service personnel who is awarded a disability pension for 100 per cent disablement, if in the opinion of the Invaliding Medical Board or Review Medical Board he needs the services of a constant attendant for at least a period of 3 months, and the necessity arises solely from the condition of the accepted disability or disabilities.

(b) The allowance shall also be granted if the accepted degree of disablement of service personnel is assessed at 100 per cent, but a reduced award is made under Regulation 84 & 85 of these Regulations.

(c) The grant of allowance is subject to the condition and that he actually employ an attendant to look after him.

(d) The allowance shall not be payable for any period during which the pensioner is an inmate of a Government Institution or Hospital or is gainfully employed.

(e) Payment of constant attendance allowance shall be made in arrears along with disability pension etc. on the basis of declaration as in **APPENDIX-VI** of these Regulations which shall be submitted to the Pension Disbursing Authority in May and November each year.

COMPENSATION IN LIEU OF DISABILITY ELEMENT

90. In case service personnel is found to have a disability which is sustained under the circumstances mentioned under category B and C of Regulation 82 and which is assessed at 20% or more for life but the individual is retained in service despite such disability and opts for lump sum compensation, within a period of 3 months at the time of retention in service, he shall be paid a compensation in lump sum in lieu of the disability element equal to the capitalised value of disability element on the basis of disability actually assessed by Disability Compensation Board. The rates of disability element for calculating the capitalised value shall be as laid down in Regulation 94 (b) and Regulation 98 (b) of these Regulations as the case may be, which shall be proportionately reduced for lesser percentage of disability. The age next birthday shall be reckoned with reference to date of onset of disability with loading of age, if any, recommended by the Disability Compensation Medical Board. Once compensation has been paid in lieu of 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 benefits or relief subsequently. This is one time payment on account of compensation, no restoration of disability element shall be permitted.

DISABILITY PENSION TO A DISABLED PENSIONER RE-EMPLOYED WITHOUT DISCLOSING HIS INVALIDATION

91. A pensioner who on his re-employment in Armed Forces does not disclose that he was previously retired/discharged from the service with Armed Forces for medical unfitness, shall be debarred from the date of his re-employment from any disability

pension admissible to him in respect of his previous service with the Armed Forces. If his re-employment is terminated on account of his medical unfitness or if on termination of the re-employment, he is brought before a medical board, his claim for a disability pension after the termination of re-employment shall be submitted for orders of the Central Government. Such orders shall duly take into consideration the effect of his re-employment in the Armed Forces service in aggravating previous disability or introducing a new one.

RE-ASSESSMENT OF DISABILITY PENSION WHEN THE DEGREE OF DISABLEMENT INCREASES

92. (a) If, at any time, an increase which is properly referable to service factors occurs in the degree of disablement not of a permanent nature, there will be only one review of the percentage by a Re-assessment Medical Board. 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 Review Medical Board constituted by Director General Armed Forces Medical Services, on the basis of whose findings the competent authority accepted the higher degree of disablement.

(b)When a disability pension is granted in accordance with clause (a) above, any service gratuity or special gratuity paid shall be adjusted against the service element of disability pension which shall be held in abeyance till the entire gratuity have been recovered.

OFFICER CADETS DRAWN FROM THE RANKS

93. An Officer Cadet drawn from the ranks shall continue to be eligible for pensionary benefits appropriate to his rank.

Sub-section-II- Regular Officer

AMOUNT OF DISABILITY PENSION

94. The amount of disability pension consisting of service element and disability element shall be as follow: -

(a) **SERVICE ELEMENT:** The amount of service element which is payable for life shall be equal to the retiring pension determined as per Regulation 36. For this purpose the reckonable qualifying service shall mean the actual qualifying service rendered by the Officer plus the full weightage appropriate to the rank held at the time of invalidment.

(b) **DISABILITY ELEMENT:** The rate of disability element for 100% disability shall be Rs. 2600/- per month. Disability lower than 100% shall be reduced with reference to percentages as laid down in clause (c) below provided that where permanent disability is not less than 60%, the disability pension (i.e. total of service element plus disability element) shall not be less than 60% of the reckonable emoluments last drawn by the Officer. The disability element will be payable for the period for which disability has been accepted.

(c) The extent of disability or functional incapacity in shall be determined in the following manner for the purpose of computing the disability element: -

Percentage of disability element as finally accepted	Percentage to be reckoned for computing disability element
Less than 50	50
Between 50 and 75	75
Between 76 and 100	100

Sub-Section-III : Personnel Below Officer Rank

INDIVIDUAL DISCHARGED BEING PERMANENTLY IN LOW MEDICAL CATEGORY

95. Individual who is placed in a low medical category (other than 'E') permanently and who is discharged because no alternative employment in his own trade/category suitable to his low medical category could be provided or who is unwilling to accept the alternative employment or who having been retained in alternative appointment is discharged before completion of the engagement, shall be deemed to have been invalided out of service under the Entitlement Rules for Casualty Pensionary Awards, 1982 as laid down in **APPENDIX-IV** to these Regulations. This provision shall also apply to individual who is placed in a low medical category while on extended service and is discharged on that account before completion of the period of his extension.

RECRUITS AND BOYS

96. Recruits and Boys shall be eligible for disability pension at the rates and under the conditions applicable to a Sepoy of the lowest group.

INDIVIDUAL REMUSTERED WITHIN THE SAME GROUP OR FROM HIGHER TO A LOWER GROUP OR VICE-VERSA

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

(b) An individual who was remustered to a new trade in the same or a higher group, but in a lower rank, for service reasons other than inefficiency or medical unfitness, but is invalided out without restoration of his rank held prior to remustering shall be granted, where more favourable than the disability pension otherwise admissible, a disability pension assessed for the rank and group held on the date of remustering but based on the qualifying service rendered up to the date of invalidment.

AMOUNT OF DISABILITY PENSION

98. The amount of disability pension consisting of service element and disability element shall be as follows:-

(a) Service element payable for life –

- | | |
|----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| (i) Where the individual has rendered sufficient service to earn service pension | Equal to normal service pension as determined under Regulation 50 for qualifying service actually rendered plus weightage as admissible |
|----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|

- (ii) Where the individual has not rendered sufficient service to qualify for service pension
- (a) 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 and group, if any
- (b) In all other cases :-
Equal to the service pension as determined under Regulation 50 for qualifying service actually rendered plus weightage as admissible. The amount of service pension 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 the ceiling prescribed for minimum pension

(b) Disability element on invalidment-

- (i) The disability element shall be payable for the period for which disability has been accepted. The rates of disability element for 100% disability for the rank last held shall be as under: -

Junior Commissioned Officer	Rs. 1900/- p.m
Other Ranks	Rs. 1550/- per
	month

- (ii) Disability lower than 100% shall be reduced with reference to percentage as laid down in clause (c) below. Provided that where permanent disability is not less than 60%, the disability pension (i.e. total of service element plus disability element) shall not be less than 60% of the reckonable emolument last drawn by the individual.

- (c) The extent of disability or functional incapacity shall be determined in the following manner for the purpose of computing disability element in:

Percentage of disability element as finally accepted	Percentage to be reckoned for computing disability element
Less than 50	50
Between 50 and 75	75
Between 76 and 100	100

SECTION-2: War Injury Pension and Liberalised Disability Pension in respect of service personnel

WHEN ADMISSIBLE

99. (a) Where Service personnel is invalided from service on account of disabilities sustained under circumstances mentioned in category 'E' of Regulation 82 of these Regulations, he shall be entitled to war-injury pension as enumerated in this Section.

(b) Where service personnel is invalided from service on account of disabilities sustained in the circumstances mentioned in category D of Regulation 82 of these Regulations, he shall be entitled to liberalised disability pension under these Regulations.

(c) Other conditions governing the grant of disability pension as laid down in Section-I shall apply.

AMOUNT OF WAR INJURY PENSION ON INVALIDMENT

100. War-injury pension shall consist of service element and war-injury element as follows: -

(a) **Service Element:** Equal to retiring/service pension to which he would have been entitled on the basis of his emoluments on the date of invalidment from service but counting service up to the date on which he would have retired in that rank in normal course including weightage in service, as admissible. Service element will be calculated at 50% of emoluments on the date of invalidment for 33 years. For lesser period of reckonable qualifying service, the amount shall be proportionally reduced.

(b) **War Injury Element:-**

(i) Equal to reckonable emoluments last drawn for 100% disablement. For lower percentage of disablement, war injury element shall be proportionately reduced. However in no case the aggregate of service element and war injury element should exceed the emoluments last drawn.

(ii) The percentage of disability as accepted shall be reckoned in the same manner as in Regulation 94 (c) or 98 (c) of these Regulations, as the case may be, for computing war-injury element

WAR INJURY PENSION ON RETIREMENT/DISCHARGE FROM SERVICE

101. Service personnel who is retained in service despite the disability due to war injury sustained under circumstances mentioned in category 'E' of Regulation 82 of these Regulations and retired/discharged subsequently, shall have an option to be exercised within a period of 3 months at the time of retention in service-

- (i) to draw lump-sum compensation in lieu of war injury element, foregoing war injury element at the time of subsequent retirement;
or

- (ii) to draw war injury element at the time of retirement in addition to retiring pension admissible on retirement/discharge foregoing lump sum compensation.

LUMP SUM COMPENSATION IN LIEU OF WAR INJURY PENSION

102. (a) In case Service personnel is found to have a disability which was sustained under the circumstances mentioned in category 'E' of Regulation 82 of these Regulations which is assessed at 20% or more for life but the individual is retained in service despite such disability and opts for lump sum compensation, shall be paid the lump sum compensation in lieu of war injury element. The rate for calculation of lump sum compensation in lieu of war injury element for 100% disability for life shall be as under: -

(i) Officer	Rs. 5200/- per month
(ii) Junior Commissioned Officer	Rs. 3800/- per month
(iii) Other Ranks	Rs. 3100/- per month

(b) For disability due to war injury of less than 100%, the rate shall be proportionately reduced. The one time compensation in lump sum in lieu of war injury element shall be equal to the capitalised value of war injury element for the accepted percentage of the disability at the appropriate rate mentioned above. For this purpose, the rank shall be the rank held at the time of injury sustained by the individual due to war. Age next birth day shall be reckoned with reference to the date of onset of disability with loading to age, if any, recommended by the Disability Compensation Medical Board. Once the compensation in lieu of war injury element due to disability for life has been paid, there shall be no further entitlement on account of such a disability at the time of retirement/discharge. This is one time payment on account of compensation; no restoration of war-injury element shall be permitted.

WAR INJURY ELEMENT ON SUBSEQUENT RETIREMENT

103. (a) Where Service personnel is retained in service despite war injury/disability sustained under the circumstances mentioned in category 'E' of Regulation 82 of these Regulations and does not opt for lump sum compensation in lieu of war injury, he shall be entitled to the payment of war injury element on a monthly basis at the rates prescribed under Regulation 102 above on subsequent retirement/discharge or on completion of the terms of engagement in addition to retiring pension/service pension as admissible under normal rules.

(b) For disabilities less than 100% but not less than 20%, the above rate shall be proportionately reduced. No war injury element shall be payable for disabilities less than 20%. The provision contained in Regulation 94 (c) or Regulation 98 (c) above shall not be applicable for computing war injury element.

LIBERALISED DISABILITY PENSION

104. Service personnel sustaining disability under the circumstances mentioned in category 'D' of Regulation 82 of these Regulations shall be entitled to same pensionary benefits as admissible under this Section to war injury cases on retirement/invalidment including lump sum compensation in lieu of disability. However, on invalidment, he shall

be entitled to disability element instead of war injury element in addition to service element. The service element will be equal to the retiring pension to which he would have been entitled on the basis of his emoluments on the date of invalidment but counting service up to the date on which he would have retired/discharged in that rank in the normal course including weightage, as admissible.

The disability element shall be admissible as laid down in Regulation 94 (b) or Regulation 98 (b) as the case may be of these Regulations. For lower percentage of disablement, this amount shall be proportionately reduced. However, in no case aggregate of service element and disability element shall be less than 80% of reckonable emoluments last drawn.

Explanation:

Service personnel sustaining disability under the circumstances mentioned in category 'D' of Regulation 82 of these Regulations shall not be treated as war disabled. Hence, they shall not be entitled to any special concession/dispensation otherwise admissible to war disabled.

SECTION - 3: Special Family Pension

Sub-section-I General

WHEN ADMISSIBLE

105. (a) Special family pension may be granted to the family of Service personnel if his death occurred in the circumstances mentioned in category B and category C of Regulation 82 of these Regulations due to or hastened by:

- (i) a wound, injury or disease which was attributable to military service,
or
- (ii) was due to aggravation by service of a wound, injury or disease which existed before or arose during service and in case of death after retirement/discharged. Provided that the service personnel had retired/discharged otherwise than voluntarily/at own request on compassionate grounds before completion of terms of engagement..

(b) The question whether death is attributed to or aggravated by military service shall be determined under the Entitlement Rule For Casualty Pensionary Awards, 1982 contained in **APPENDIX-IV** to these Regulations.

SERIOUS NEGLIGENCE OR MISCONDUCT

106. If the death of an individual is wholly or partly due to his negligence or misconduct, special family pension shall not be reduced.

DEFINITION OF FAMILY

107. Family for the purpose of the Regulations in this Chapter shall consist of the following:

- (i) Husband/wife lawfully married before or after retirement.
- (ii) A judicially separated wife or husband, such separation not being granted on the ground of adultery and the person surviving was not held guilty of committing adultery.

Note: In case service personnel marriages after retirement /invalidment, the marriage should be registered with the Registrar of the Marriages or other competent authority under the relevant law. In case where such marriage is not registered for some valid reasons, an affidavit sworn before a Magistrate or legal heirship certificate shall be furnished.

- (iii) Unmarried son/unmarried daughter actual and legitimate including posthumous/widowed /divorced daughter.
- (iv) Father
- (v) Mother

- (vi) Unmarried brother
- (vii) Unmarried sister

- Notes:**
1. Eligible son/daughter includes posthumous child and legally adopted.
 2. The terms 'Father' and 'Mother' (or 'parents') used in the above or any other Regulations 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 the deceased personnel of the Army.

SPECIAL FAMILY PENSION TO PHYSICALLY/MENTALLY HANDICAPPED CHILDREN

108. If the son or daughter of Service personnel is suffering from any disorder or disability of mind including mentally retarded or is physically crippled or disabled so as to render him/her unable to earn a living even after attaining the age of twenty-five years, the special family pension shall be payable to the child for life in the order set out in Regulation 113(b) of these regulations and also subject to the following conditions:

(a) The special family pension shall be paid to such son or daughter through the guardian as if he or she were a minor except in the case of the physically crippled or disabled son/daughter who has attained the age of majority. However, in the case of a mentally retarded son or daughter, the family pension shall be payable to a person nominated by the Officer or the pensioner, as the case may be, and in case no such nomination has been furnished to the Army Head Quarters by such Officer or pensioner during his life time, to the person nominated by the spouse of such Officer or family pensioner, as the case may be, later on.

(b)(i) If such son or daughter is one among two or more children of the Officer, the family pension shall be initially payable to the minor children in the order set out in Regulation 113(b) until the last minor child attains the age of 25 years, and thereafter the family pension shall be resumed in favour of the son or daughter, who is physically crippled or disabled and shall be payable to him/her for life.

(ii) if there are more than one such son or daughter suffering from disorder or disability of mind including mentally retarded or who are physically crippled or disabled, the family pension shall be paid in order of their birth and the younger of them will get the family pension only after the elder next above him/her ceases to be eligible.

(c) Before allowing the special family pension for life to any such son or daughter, the Appointing Authority shall satisfy himself that the handicap is of such a nature so as to prevent him/her from earning his livelihood and the same shall be evidenced by a certificate obtained from a Medical Board comprising of a Medical Superintendent or a Principal or a Director or Head of the institution or his nominee as Chairman and two other members, out of which at least one shall be a Specialist in the particular area of mental or physical disability including mental retardation setting out as far as possible, the exact mental or physical condition of the child.

(d) The person receiving the special family pension as a guardian of such son or daughter or such son or daughter not receiving the special family pension through guardian, shall produce a certificate from a Medical Board comprising of a Medical Superintendent or a Principal or a Director or Head of the institution or his nominee as Chairman and two other members, out of which at least one shall be a Specialist in the particular area of mental or physical disability including mental retardation, once, if the disability is permanent and if the disability is temporary, once in every five years, to the effect that he/she continues to suffer from disorder or disability of mind or continues to be physically crippled or disabled.

Note: A certificate of guardianship issued in respect of persons with Autism, Cerebral Palsy, Mental retardation and Multiple disabilities issued under National Trust Act by local level Committee is acceptable.

(e) On dissolution of marriage of the disabled daughter, she would be eligible for family pension for life from the date of her marriage stands annulled, subject to the following conditions:-

- (i) Divorce is valid in law.
- (ii) Divorced daughter shall not be required to come back to parent's home.
- (iii) Disability is certified by an appropriate authority as required under this Regulation.

(f) The disabled widowed daughter shall be eligible for special family pension for life from the date of death of her husband even after attaining the age of 25 years of age subject to all other conditions prescribed in the case of son/daughter.

Explanations:

1. For the purpose of grant of special family pension under this Regulation, the disability that manifests itself before or after the retirement or death of the service personnel shall be taken into account. This benefit will also be admissible to the eligible disabled children whether born before or after retirement.

2. A disable son/daughter shall become ineligible for special family pension under this Regulation from the date he/she gets married.

3. Special family pension payable under this Regulation shall be stopped from the date of earning more than Rs. 2550/- per month. It shall be the duty of the guardian or son or daughter to furnish a certificate to the Pension Disbursing Authority, annually to the effect that:

- (i) he has not started earning his livelihood.
- (ii) he has not yet married.

Sub-section II - Regular Officer

CONDITIONS FOR ELIGIBILITY TO SPECIAL FAMILY PENSION AND DEPENDANT PENSION

109. Special family pension to the widow and children and dependant pension to parents and brother/sister will be granted subject to the conditions indicated below:

(i) **Widow** -till her widowhood, also refer Regulation 114.

(ii)**Children** – (a) In the case of eligible son or daughter including widowed/divorced daughter, till he/she attains the age of 25 years or upto the date of his marriage/re-marriage, whichever is earlier.

(b) The unmarried daughter above 25 years of age / widowed/ divorced/ disabled daughter irrespective of her age would also be eligible for family pension for life, subject to conditions that her monthly earning from all sources is less than Rs 2550/-per month.

Note: Family Pension shall be payable only after the other eligible children below the age of 25 years have ceased to be eligible to receive family pension and that there is no disabled child to receive the family pension.

(iii) **Parents** - For life and in the case of a mother who remarries, upto the date of re-marriage.

(iv)**Brother/Sister**-In the case of an unmarried brother/unmarried sister upto the date he/she attains the age of 25 years or until he/she gets married, whichever is earlier and has not started earning his lively hood.

Note: Dependant pension to brother/sister may be continued beyond the age of 25 years or granted beyond that age under the same conditions as for children if they are incapable of self-support by reason of mental or physical infirmity.

SPECIAL FAMILY PENSION/DEPENDANT PENSION ADMISSIBLE TO ONLY ONE MEMBER OF FAMILY AT A TIME

110. Except as provided in Regulation 114and Regulation 117 of these Regulations, the special family pension/dependant pension shall be payable to only one member of the family at a time as under:

- (i) a special family pension to widow/widower;
- (ii) in the absence of widow/widower, special family pension to eligible children in the order of birth irrespective of sex of the child and the younger of them will not be eligible unless the elder above him/her becomes ineligible ;

(iii) in the absence of the widow/widower/children, dependant pension to parents if they were largely dependent on the deceased .

(iv) in the absence of above relations so eligible, dependant pension to brother sister if they were largely dependent on the deceased.

Note: Dependant pension to brother/sister shall be granted to senior most brother/sister irrespective of sex.

PENSION OF A WIDOW WHO DIES BEFORE ESTABLISHING HER CLAIM

111. If the claim of a widow fails to establish special family pension, through her negligence or omission, before her death, the amount of pension to which she would have been entitled, if living, shall not be allowed to her representatives.

WHEN PAYMENT OF SPECIAL FAMILY PENSION/ DEPENDANTS PENSION CEASES

112. The payment of special family pension or dependant's pension shall cease when the recipient ceases to fulfill the conditions of eligibility under Regulation 110 or on his death, whichever is earlier.

RATES OF SPECIAL FAMILY PENSION

113. Special family pension shall be calculated at the uniform rate of 60% of reckonable emolument subject to a minimum of Rs. 2550/- per month.

SPECIAL FAMILY PENSION ON RE-MARRIAGE OF WIDOW

114. Special family pension on re-marriage of widow shall be regulated as under:-

(i) If widow has child(ren):-

(a) If she continues to support children after re-marriage Full special family pension.

(b) If she does not support children after re-marriage Ordinary family pension equal to 30% of emoluments last drawn to the re-married widow. 50% of the special family pension to the eligible children.

(ii) If widow has no child(ren):- Full special family pension .

RATE OF DEPENDANT'S PENSION

115. (a)Dependant's pension shall be admissible to the parent(s)/eligible brothers and sisters of the deceased Officer at a rate equal to 50% of the notional special family pension that would have been admissible as per Regulation 113 above.

(b) There shall be no condition of means limit for grant of dependent pension to parents, brother and sister of the deceased Officer who was a bachelor or widower without children provided they were largely dependent on the deceased Officer for support and are in pecuniary need. A self-attested declaration on any normal paper on format published as **Appendix VII** of these Regulations from the dependent parents/eligible brother/sister shall be furnished which shall be treated as sufficient proof in the matter for grant of dependent pension.

DIVISION OF SPECIAL FAMILY PENSION

116. (a) If an Officer leaves behind more than one widow who are eligible for special family pension, the pension may, by order of the Integrated Headquarters, Ministry of Defence (Army), be divided amongst them.

(b) If in a case where a special family pension has been so divided, one of the recipients dies or is disqualified, her share of the special family pension may, at the discretion of the Integrated Headquarters, Ministry of Defence (Army), be paid to other recipient or if there is more than one recipient, be divided amongst them.

Sub-Section-III : Personnel Below Officer Rank

NOMINATION OF AN HEIR TO SPECIAL FAMILY PENSION

117. (a) Personnel Below Officer Rank may nominate any, one, of the members of the family specified in clauses (i) to (v) of Regulation 107, as heir to the special family pension.

Provided that a Gorkha recruited from, or whose family resides in Nepal may, nominate in addition, another relative from amongst those specified in Regulation 107, 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 Principal Controller of Defence Accounts (Pensions) decides that the claim to special family pension is admissible.

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

ORIGINAL GRANT OF SPECIAL FAMILY PENSION

118. (a) **Where there is a nomination –**

- (i) If on the date on which the Principal Controller of Defence Accounts (Pensions) decides that the claim to special 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 eligible heirs.
- (iii) If an heir (other than the widow) who is nominated for the special 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 in sub clause (i) above.

(b) **Where there is no nomination -**

The special family pension shall be granted to the living eligible heir who stands highest in the list in Regulation 107 on the date on which the Principal Controller of Defence Accounts (Pensions) decides that the claim to special family pension is admissible.

Provided where special family pension is to be granted to a son/daughter, the same shall be granted to the eligible child in the order of his birth irrespective of the sex of the child.

CONDITIONS OF ELIGIBILITY

119. Special family pension shall be admissible to the members of family subject to the fulfillment of the following conditions:

(i) **Widow** – till her widowhood. Also refer Regulation 121.

(ii) **CHILDREN:** (a) In the case of an eligible son or daughter, till he/she attains the age of 25 years or upto the date of his/her marriage, whichever is earlier.

(b) The unmarried daughter above 25 years of age / widowed/ divorced/ disabled daughter irrespective of her age would also be eligible for family pension for life, subject to conditions that her monthly earning from all sources is less than Rs 2550/-per month.

Note: .Family Pension shall be payable only after the other eligible children below the age of 25 years have ceased to be eligible to receive family pension and that there is no disabled child to receive the family pension.

(iii) **Father** – for life.

(iv) **Mother** – till her widowhood.

Note -1 A mother who is a widow at the time of her son's death or who becomes a widow thereafter and has not re-married remains eligible.

2 If the widowed mother had re-married before her son's death, she shall remain eligible for special family pension, unless and until she again becomes a widow and re-marries.

(v) **Brother and sister-** till he /she attains the age of 25 years or upto the date of marriage whichever is earlier and has not started earning his/her livelihood.

RATES OF SPECIAL FAMILY PENSION

120. (a) Special family pension shall be calculated at a uniform rate of 60% of reckonable emoluments last drawn subject to minimum of Rs. 2550/- per month irrespective of whether widow has child(ren) or not. There shall be no maximum ceiling of special family pension.

(b) In case children become the beneficiary, special family pension at the same rate mentioned in clause (a) above shall be admissible to the senior most eligible child thereafter special family pension shall pass on to the next eligible child.

SPECIAL FAMILY PENSION ON RE-MARRIAGE OF WIDOW

121. Special family pension on re-marriage of widow shall be regulated as under:-

(I) Where first life award sanctioned to widow:

- | | |
|------------------------------------------------------------|----------------------------------|
| (i) If she has child(ren):- | Full special family pension to |
| (a) If she continues to support children after re-marriage | continue |
| (b) If she does not support children after re-marriage | Ordinary family pension equal to |

30% of emoluments last drawn to the re-married widow. 50% of the special family pension to the eligible children.

- (ii) If widow has no children Full special family pension to continue .

(II) Where first life award sanctioned to parents:

- (a) If widow continues to support child(ren) after re-marriage or has no issue 50% of special family pension to parents and 50% of special family pension to widow
- (b) If widow does not support children after re-marriage but child(ren) are supported by the parents Full special family pension to parents and ordinary family pension to widow.
- (c) If child(ren) are not supported either by, widow or the parents 50% of special family pension to eligible children and Ordinary family pension to widow
- (d) On death or disqualification of parents and the widow supports the child(ren) or has no issues. Full special family pension to widow
- (e) On death or disqualification of parents and the widow does not support children Full special family pension to eligible child(ren) and ordinary family pension to widow

DATE FROM WHICH THE SPECIAL FAMILY PENSION PAYABLE

122. (a) The original grant of special family pension shall be made as 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 heir highest in the order of precedence on the date referred to in Regulation 118(b) .

(b) If on the date of casualty referred to in clause (a) above, all the eligible members are dead or disqualified, the arrears of special family pension may only be paid at the discretion of the Central Government.

(c) In no case the claims preferred after disqualification shall be entertained.

WHEN PAYMENT OF SPECIAL FAMILY PENSION CEASES

123. The payment of special family pension shall cease when the recipient ceases to fulfill the conditions of eligibility under Regulation 119 or on his death, whichever is earlier.

ELIGIBILITY OF RECRUITS AND BOYS

124. Special family pension shall be admissible in respect of recruits and Boys at the rate and under the conditions applicable to the Sepoy of the lowest group.

INDIVIDUAL REMUSTERED FROM A HIGHER TO A LOWER GROUP

125. The special family pension in respect of an individual, who was remustered from a higher to a lower group on being declared surplus after rendering 15 years or more qualifying service, may be assessed, where more favourable than the awards otherwise admissible, on emoluments drawn in the rank and group held on the date he was declared surplus.

TRANSFER OF SPECIAL FAMILY PENSION

126. 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 119.

CONTINUANCE OF SPECIAL FAMILY PENSION TO PARENTS/ BROTHERS /SISTERS

127. (a) After the expiry of the first life award of special family pension to an eligible member, second life award of special family pension may be granted to the parents and in his absence to the brothers/sisters. Provided the claimant was largely dependent on the deceased for support and is in pecuniary need. A self-attested declaration on any normal paper on format published as **Appendix VII** of these Regulations from the dependent parents/eligible brother/sister shall be furnished which shall be treated as sufficient proof in the matter for grant of continuance of special family pension.

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

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

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

(e) The second life award shall be granted from the date following the date of death or from the date of disqualification of first life awardee.

RATE OF CONTINUANCE AWARD

128. The rate of second life awards of special family pension to the parents of deceased irrespective of single or both and in the absence of parents, to the eligible brother and sister of the deceased shall be at the rate equal to 50 per cent of the special family pension as admissible.

PENSION INTENDED FOR THE WHOLE FAMILY

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

DIVISION OF SPECIAL FAMILY PENSION

130. (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 the child but not devoted to the interest of the family generally, the competent authority may, on the basis of verification/investigation report rendered by the Zila Sainik Board/Recruiting Organization and supported by the statement of any one of the under mentioned Local Civil Authorities, divide at his discretion, the special family pension among the eligible heirs of the deceased:

- (i) Sarpanch of a Village;
- (ii) Any serving or retired Gazetted Officer, Civil or Military, including a Junior Commissioned Officer.
- (iii) Sub Post Master;
- (iv) Qanungo or Patwari/Lekhpal;
- (v) Sub-Inspector of Police;
- (vi) A Member of Municipal Corporation or Committee or a Zila Parishad/District Board;
- (vii) Panchayat President/Village Munsif/ Patel/ Village Officer/Panchayat Executive Officer.
- (viii) Member of Lok Sabha, Rajya Sabha, Vidhan Sabha or Vidhan Parishad;
- (ix) Oath Commissioner/Notary Public.

Notes:1. The competent authority may order similar division of special family pension at the time of initial grant, if 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 is not willing to contribute proportionately towards his support.

- 2. In the event of a division of special 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) The division of special family pension as per clause (a) above, shall hold good only for the period during which the pension is payable to the original recipient under the Regulation 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 living, or shall be divided among the remaining recipients, if there are more than one.

EX- GRATIA AWARDS TO OTHER RELATIVES

131. (a) An ex-gratia award may be sanctioned to foster parents and step child of an individual, 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. A self-attested

declaration from the foster parent shall be furnished on any normal paper as in **Appendix VII** to these Regulations, which shall be treated as sufficient proof in the matter for grant of ex-gratia award. The rate of ex-gratia award admissible to foster parents shall be equal to 50% of the special family pension as specified in Regulation 120(a).

(b) An award under clause (a) above shall not be made if special family pension is admitted to a member of the family specified in Regulation 107.

SECTION – 4 : Liberalised Family Pensionary Awards

EXTENT OF APPLICATION

132. (a) In case of death of Service personnel under the circumstances mentioned in category 'D' & 'E' of Regulation 82 of these Regulations, the eligible member of the family shall be entitled to the liberalised family pension as enumerated in this Section.

(b) If Service personnel, having sustained an injury in war or war like operations mentioned above, is invalidated out of service with war injury pension and subsequently dies as a result of the same injury he shall be deemed to have been killed in action for grant of liberalised family pensionary awards

(c) All other conditions governing the grant of special family pension shall also apply.

AMOUNT OF LIBERALISED FAMILY PENSION IN RESPECT OF OFFICER

133. (a) If an Officer is survived by the widow, she will be entitled to liberalised family pension equal to the reckonable emoluments last drawn by the deceased Officer.

(b) Liberalised family pension on re-marriage of widow of the deceased Officer shall be regulated as under: -

(I) **If she has children**

- | | |
|-------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(a) If she continues to support children after re-marriage</p> | <p>Full liberalised family pension.</p> |
| <p>(b) If she does not support children after re-marriage</p> | <p>(i) Ordinary family pension equal to 30% of emoluments last drawn, to the widow
(ii) Special family pension equal to 60% of emoluments last drawn, to eligible children</p> |

(II) **If widow has no child (ren)** Full liberalised family pension to continue to widow.

(c) If the Officer is not survived by widow but is survived by child/children only, all children together shall be eligible for liberalised family pension at the rate equal to 60% of reckonable emoluments. Liberalised family pension shall be payable to the children for the period during which they would have been eligible as in the case of special family pension. This shall be paid to the senior most eligible child irrespective of sex of the child at a time. On his death /disqualification, it shall pass on to the next eligible child at the same rate and the younger of them will not be eligible for special family pension unless the elder above him/her becomes ineligible.

(d) When an Officer dies as a bachelor or as a widower without children, dependent pension will be admissible to parents without reference to his pecuniary circumstances at the rate of 75% of liberalised family pension for both parents and at the rate of 60% of liberalised family pension for single parent. On the death of one parent, dependant's pension at the latter rate will be admissible to the surviving parent. In the absence of parents, dependent pension shall be admissible to dependent brother(s)/sister(s), if otherwise eligible, at the rate of 60% of liberalised family pension.

Note: The Integrated Headquarters, Ministry of Defence (Army) may, on a representation made by either or both the parents of a deceased Officer, divide the liberalised special family pension between the widow and parents provided that the share of either or both the parents, as the case may be, shall not exceed the amount of dependent pension and the share of widow shall not be less than the amount of special family pension.

DIVISION OF LIBERALISED FAMILY PENSION IN RESPECT OF OFFICER

133-A If on representation made by either or both of the parents of a deceased officer, Government, after making such investigation as they deem necessary, are satisfied that the officer, while he was alive, was contributing towards the maintenance of the parents and that the widow receiving the liberalized family pension is not doing so, then Government may, at their discretion, devide the liberalized family pension between the widow and the parents in such proportion as they may decide fit, provided that the share of either or both of the parents as the case may be, shall not exceed the amount of dependent pension which would have been admissible to them under Regulation 115 as the officer had died as a batchelor but killed in action, and his death has been accepted as attributable to service factors, and that the share of the widow shall not be less than the amount of special family pension which would have been admissible to her under Regulation 114.

AMOUNT OF LIBERALISED FAMILY PENSION IN RESPECT OF PERSONNEL BELOW OFFICER RANK

134. (a) In case of death of a Personnel Below Officer Rank, the eligible member of the family shall be entitled to liberalised family pension equal to reckonable emoluments last drawn by the deceased. Liberalised family pension at this rate shall be admissible to the nominated heir until death or disqualification.

(b) If an individual is not survived by widow but is survived by child (ren) only, all children together shall be eligible for liberalised family pension at the rate equal to 60% of reckonable emoluments last drawn. Liberalised family pension to children shall be payable to the child/children for the period during which, they would have been eligible as in the case of special family pension. The liberalised family pension shall be paid to the senior most eligible child at a time. On his death/disqualification it shall pass on to next eligible child and the younger of them will not be eligible for special family pension unless the elder above him/her becomes ineligible.

Note: In case the eligible child is physically or mentally handicapped and unable to earn livelihood, the liberalised family pension @ 60% of reckonable emoluments shall be admissible to such child for life as laid down in Regulation 108 above. Child

includes widowed/divorced daughter irrespective of her age and unmarried daughter above 25 years of age.

LIBERALISED FAMILY PENSION ON RE-MARRIAGE OF WIDOW PERSONNEL BELOW OFFICER RANK

135. Liberalised family pension on re-marriage of widow of a Personnel Below Officer Rank shall be regulated as follows

(a) **If liberalised family pension is sanctioned as first life award to widow:**

(I) **If she has children**

- | | |
|------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) If she continues to support children after re-marriage | Full liberalised family pension to continue to widow |
| (b) If she does not support children after re-marriage | (i) Ordinary family pension equal to 30% of emoluments last drawn, to the widow
(ii) Special family pension equal to 60% of emoluments last drawn, to eligible children |

(II) **If widow has no child (ren)** Full liberalised family pension to continue to widow.

(b) **Where first life award is sanctioned to parents:** The admissibility of liberalised family pension in such cases, would be regulated depending upon the time of widow's re-marriage as follows:-

(i) **If widow continues to support the children or has no children:**

Widow shall get liberalised family pension equal to special family pension (i.e. 60% of liberalised family pension or reckonable emoluments) from the date of re-marriage and parents shall also get family pension @ 60% of liberalised family pension for the balance of 7 years if the re-marriage of widow takes place during 7 years of casualty. After the period of 7 years or where re-marriage of widow took place after 7 years, the widow shall get family pension @ 60% of liberalised family pension and parents shall get family pension @ 30% of liberalised family pension. On death or disqualification of parents, widow shall get family pension equal to the liberalised family pension.

(ii) **If widow does not support the children:**

Widow shall get ordinary family pension (i.e. 30% of reckonable emoluments) for life from the date of re-marriage and the parents shall continue to get first life award at the same rate (i.e. full liberalised family pension) for balance of 7 years where re-marriage takes place within 7 years of casualty, provided they support the children. Otherwise, the entitlement of parents shall be equally divided between the parents and children. After the period of 7 years of casualty or where re-marriage of widow takes place after 7 years of casualty, parents shall get family pension @ 60% of liberalised family pension provided

they support the children otherwise it shall be divided equally between the parents and children. On death/disqualification of parents of the deceased, the senior most eligible child shall get family pension @ 60% of liberalised family pension.

SECOND LIFE AWARD OF LIBERALISED FAMILY PENSION IN RESPECT OF PERSONNEL BELOW OFFICER RANK.

136. Second life award of liberalised family pension in respect Personnel Below Officer Rank shall be regulated as under:

(a) If the first recipient (other than the parents) of the family pensionary award dies/is disqualified earlier than 7 years (counting from the date of casualty), the award shall be continued at the same rate to the parents as second life award, if still alive, for the balance of 7 years without any reduction. After the initial period of 7 years, the second life award shall be continued at the rate of 60% of the liberalised family pension.

(b) Where the first life award was given to a parent and the widow remarries, the liberalised family pension shall be regulated depending upon the time of widow's re-marriage as follows:-

(i) **If Widow continues to support the children or has no child: -** Widow shall get family pension equal to special family pension (i.e. 60% of liberalised family pension or reckonable emoluments) from the date of re-marriage and the parents shall also get family pension at the rate of 60% of liberalised family pension for the balance of 7 years if the re-marriage of widow takes place during 7 years of casualty. After the period of 7 years or where re-marriage of widow took place after seven years, widow shall get family pension @ 60% of liberalised family pension and parents shall get family pension at the rate of 30% of liberalised family pension. On death or disqualification of parents, widow shall get family pension equal to the liberalised family pension for life.

(ii) **If Widow does not support the children:-**

Widow shall get ordinary family pension (i.e. 30% of reckonable emoluments) for life from the date of re-marriage and the parents shall continue to get first life award at the same rate (i.e. full liberalised family pension) for balance of 7 years where re-marriage takes place within 7 years of casualty, provided they support the children. Otherwise, the entitlement of parents shall be equally divided between the parents and children. After the period of 7 years where re-marriage of widow takes place after seven years of casualty, parents shall get family pension at the rate of 60% of liberalised family pension provided they support the children, otherwise it shall be divided equally between the parents and the children. On death/disqualification of parents of the deceased, the senior most eligible child shall get family pension at the rate of 60% of liberalised family pension.

Note: Wherever children become beneficiary the award shall be continued for a period and subject to conditions as applicable for grant of special family pension.

SECTION – 5 : Family Gratuity to service personnel

FAMILY GRATUITY WHEN PAYABLE

137. Family gratuity shall be granted in addition to special/liberalised family pensionary awards to the family of Service personnel 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 from an aircraft or while being carried on duty in an air craft (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 Central Government, are similar to those encountered on field service or in operations; or
- (iv) suffers a violent death while employed in aid of civil power; or and the circumstances mentioned in category 'D' of Regulation 82 of these Regulations.
- (v) dies while laying or clearing land or sea mines; or
- (vi) dies while on diving duty; or
- (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 category E of Regulation 82 of these Regulations.

Provided that family gratuity shall not be granted in cases under items (ii) and (iii) above, if the death of the service personnel is due to his own serious negligence or misconduct.

Explanations:

1. Service personnel employed on the work of disposal by demolition, burning, burial, breakdown or dumping of unserviceable stock of explosives, shall be deemed to be on field or operational service for the purpose of eligibility to family gratuity under item (iii) above.

2. Service personnel 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 distances are reduced for realism in training, shall, for the purpose of grant of family gratuity, be deemed to be covered under item (iii) above i.e., his death shall be accepted as due to a cause attributable to circumstances similar to those encountered on field service or in operations.

3. Eligible family members of Service personnel who reported missing 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. If, however, the individual is found alive subsequently, the case shall be reported to Government for orders regarding adjustment of family gratuity paid to eligible member.

FAMILY GRATUITY – TO WHOM PAYABLE

138. (a) Family gratuity shall be payable to the recipient of the special/liberalised family pension.

(b) If, on the date on which the Principal Controller of Defence Accounts (Pensions) decides that the claim to a special/liberalised family pension is admissible but all the members in the list of eligible heirs have died or become disqualified, the family gratuity shall only be payable to legal heirs under the orders of the Central Government.

RATE OF FAMILY GRATUITY

139. (a) The rates of family gratuity payable to family of an Officer are given in the table below:

Lump sum rate of family gratuity: -

Ranks	Where ex-gratia lump sum is Paid under Regulation 140 of these Regulations		Where ex-gratia lump sum is not under Regulation 140	
	Widow/ Children	Parents	Widow/ Children	Parents
	Rs	Rs	Rs	Rs
Lieutenant	2000	1000	3000	1500
Captain	2670	1335	4500	2250
Major	4000	2000	6500	3250
Lt. Colonel	6000	3000	8000	4000
Colonel	8000	4000	9500	4750
Brigadier	10670	5335	11000	5500
Major General	13000	6500	13000	6500
Lieutenant General	14500	7250	14500	7250
General	16000	8000	16000	8000

(b) The rates of family gratuity payable to family of a Personnel Below Officer Rank (other than Defence security corps) are given in the table below:

Rank	Lump sum rates of Family Gratuity	
	Where ex-gratia is paid under Regn 140 of these Regulations. (Rs.)	Where ex-gratia is not paid under Regulations 140 of these Regulations. (Rs.)
Honorary Captain	1200	1600
Honorary Lt.	1200	1500
Subedar/Major/Risaldar/Major	1200	1400
Subedar/ Risaldar	1200	1300
Naib Subedar	600	1000
Dafadar /Havildar	400	650
Lance Dafadar/ Naik	300	550
Sowar/ Sepoy	250	450
Boys/Recruits	250	450

SECTION – 6 : Ex-gratia lump-sum Compensation to family of service personnel

WHEN ADMISSIBLE

140. (a) Payment of ex-gratia lump-sum compensation is admissible to families when service personnel concerned died in harness in specified circumstances in the actual performance of bonafide official duties where a causal connection and nexus exists between the occurrence of death and military service.

(b) If service personnel had died in such circumstances that a medical report could not be secured, the nexus and causal connection with military service would need to be adequately established in determining the entitlement to the ex-gratia lump-sum payment. In deciding this issue, all evidence (both direct and circumstantial) shall be taken into account and the benefit of reasonable doubt more liberally be given to the claimant

Notes: 1. Ex-gratia lump sum is payable to the next of kin where death occurs in an accident while travelling on duty by service aircraft. The payment of ex-gratia in these cases will be without prejudice to the bond required to be executed by the service personnel, if any, indemnifying the Government against any claims on account of death while travelling by service aircraft.

2. Default or contributory negligence, if any, on the part of the service personnel concerned shall not be taken into account in sanctioning the compensation.

Explanation :

In case of accidents while travelling by commercial aircraft resulting in death of service personnel, compensation is not payable to the next of kin under these Regulations as compensation is payable by the national or private airline concerned in terms of international conventions.

RATE OF EX-GRATIA LUMP SUM COMPENSATION

141. (a) Ex-gratia lump-sum compensation is payable at the following rate to the families of service personnel who die in harness in the performance of official duties:-

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| (i) Death occurring due to accidents in the course of performance of duties. | Rs.5 lakhs. |
| (ii) Death occurring in the course of performance of duties attributable to acts of violence by terrorists, anti-social elements, etc. | Rs.5 lakhs. |
| (iii) Death occurring during (a) border skirmishes; and (b) action against militants, terrorists, extremists etc. | Rs.7.5 lakhs. |
| (iv) Death occurring during enemy action in international war or such war like engagements which are specifically notified by Ministry of Defence. | Rs.10 lakhs. |

(b) The admissibility of and entitlement to the ex-gratia lump-sum compensation in the circumstances specified in these Regulations may be decided in each individual case by the Principal Controller of Defence Accounts (Pensions).

(c) The ex-gratia compensation admissible in terms of clause (a) above shall be reduced by the compensation, if any, received by the next of kin of service personnel killed in train accidents while travelling on duty.

- Notes:**
- 1- Ex-gratia compensation under clause (a) (ii) above will be admissible to service personnel killed while employed in aid of the civil administration in quelling agitations, protest demonstrations, riots, etc., regardless of whether such agitations, demonstrations, etc., are resorted to by members of the public, political parties, etc., or by other public servant, including police personnel. In addition, service personnel on duty could become unwitting victims of bomb blasts in public places or vehicles, indiscriminate shooting incidents in public, etc, often resorted to by terrorists, anti-social elements, etc. The compensation under clause (a)(ii) will also, be admissible in cases of death in such incidents.
 - 2- Cases of death resulting from acts of violence or assault by terrorists, anti-social elements, etc. against Service personnel with the intention of deterring or preventing him from performing his duties, or because of any act done or attempted to be done by such service personnel in the lawful discharge of his duties, or because of his official position is also covered under clause (a)(ii) above.
 - 3- Ex-gratia compensation under clause (a)(iii) above will generally be restricted only to those cases where the death of the service personnel is directly caused by actual field operations. Families of service personnel killed after being kidnapped by militants, terrorists, extremists, etc. because of his official position or with a view to spreading terror will also be entitled to the compensation under this Regulation.
 - 4- Few illustrative examples of cases to be covered under the different clauses (a)(i) to (iv) above are contained in the **statement** published as in **Appendix VIII** of these Regulations for the guidance of sanctioning authority. In case of any doubt in regard to the applicability of the ex-gratia compensation scheme, such cases will be referred to the Department of Pension & Pensioners' Welfare for appropriate decision in consultation with the Department of Expenditure.
 - 5- The ex-gratia compensation in the circumstances specified in these Regulations shall be admissible in addition to such other benefits as may be admissible under the liberalised Pensionary Award Scheme as the case may be. This will also be mutually exclusive of such other benefits as may be admissible under the Group Insurance Scheme of the respective Defence Service Fund etc., and will be payable in addition to such benefits.

- 6- Ex-gratia payments, if any, made to families of the deceased service personnel from State funds by the State Government concerned shall not be taken into account and shall be excluded.
- 7- In certain cases, relief is also provided to families of deceased service personnel from sundry Government sources, such as the Prime Minister's Relief Fund, Chief Minister's Relief Fund etc. in such cases, it should be ensured that the aggregate of the relief/ex-gratia compensation paid from different sources does not exceed Rs. 10 lakhs in each individual case.

CHAPTER-V

RETIREMENT GRATUITY AND DEATH GRATUITY

RETIREMENT GRATUITY WHEN ADMISSIBLE

142. (a) Service personnel who has completed 5 years actual qualifying service and is eligible for retiring/service/invalid/special/disability/war-injury/liberalised disability pension or retiring/service / special gratuity under these Regulations, shall be granted on termination of his service, a retirement gratuity equal to one fourth of the reckonable emoluments for each completed six monthly period of qualifying service, subject to a maximum of 16¹/₂ times the reckonable emoluments, provided that the amount of retirement gratuity payable shall in no case exceed Rupee 3.5 lakhs.

(b) If a service personnel who is eligible for any kind of pension or gratuity as at (a) above, dies within 5 years from the date of termination of his service and the sum actually received by him upto the time of his death on account of such gratuity or pension (including dearness relief) and the commuted value of any portion of pension commuted by him, with the retirement gratuity admissible under clause(a) above, is less than the amount equal to 12 times of his reckonable emoluments, a residual gratuity equal to the deficiency shall be granted to his family in the manner indicated in Regulation 147 below.

Explanation: -

The word “termination of Service” in this chapter mean release/retirement/discharge / invalidment from service.

DEATH GRATUITY WHEN ADMISSIBLE

143. Death gratuity at the following rates shall be admissible in the event of death of Service personnel while in service, to the family in the manner indicated in Regulation 147 below: -

Length of Qualifying Service	Rate of Death Gratuity
(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 subject to maximum of Rs. three and half lakhs.
(iv) 20 years and more	Half of reckonable emoluments for each completed six monthly period of qualifying service (including weightage of 5 years) subject to a maximum of 33 times of reckonable emoluments, provided that the amount of Death Gratuity shall in no case exceed Rs. 3.5 lakh.

DEFINITION OF FAMILY

144. For the purpose of the Regulations under this Chapter the term "Family" shall include the following: -

- (i) Wife or wives including judicially separated wife or wives, in the case of a male service personnel,
- (ii) Husband including judicially separated husband in the case of a female Service Personnel,
- (iii) Sons including step sons and legally adopted sons
- (iv) Unmarried daughters including step daughters and legally adopted daughters
- (v) Widowed/divorced daughters including step daughters and legally adopted daughters,
- (vi) Father } including adoptive parents in case of individual whose
- (vii) Mother } personal law permits adoption.
- (viii) Brothers below the age of 25 years including step brothers,
- (ix) Unmarried sisters and widowed sisters including step sisters,
- (x) Married daughters, and
- (xi) Children of a pre-deceased son.

NOMINATIONS

145. (a) Service personnel shall make a nomination in one of the prescribed forms as per **Appendix IX** to these Regulations as may be appropriate in the circumstances of the case, conferring on one or more persons the right to receive retirement/death gratuity.

Provided that if at the time of making a nomination,

- (1) the individual has a family, the nomination shall not be in favour of any person or persons other than the members of his family.
- (2) if the individual has no family, the nomination may be made in favour of a person or persons, or a body of persons, whether incorporated or not.

(b) If an individual nominates more than one person, he shall specify the amount of share payable to each of the nominees in such a manner as to cover the whole amount of the gratuity.

EFFECT OF DEATH OF NOMINEE OR ON ACQUIRING FAMILY

146. Service personnel may provide in the nomination--

(a) (i) that in respect of any specified nominee, who pre-deceases him or who dies after his death but before receiving payment of gratuity, the right conferred on that nominee shall pass to such other person as may be specified in the nomination;

Provided that --

- (1) if at the time of making nomination, the individual has a family consisting of more than one member, the person so specified shall not be a person other than a member of his family.

(2) where an individual has only one member in his family, and nomination has been made in his favour, it is open to the individual to nominate alternate nominee or nominees who may be a person or a body of persons, whether incorporated or not.

(ii) that the nomination shall become invalid in the event of the happening of the contingency provided therein.

(b) The nomination made by an individual who has no family at the time of making it, or the nomination made by him under the proviso (2) of clause (a) (i) above, shall become invalid in the event of his subsequently acquiring a family or an additional member in the family, as the case may be.

(c) An individual may, at any time, cancel a nomination by sending a notice in writing to the appropriate authority indicated in clause (e) below, along with such notice he may send a fresh nomination made in accordance with these Regulations.

(d) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination, or on the occurrence of any event by reason of which the nomination becomes invalid, the individual shall send to the appropriate authority indicated in clause (e) below, a notice in writing formally canceling the nomination together with a fresh nomination.

(e) Every nomination made, and every notice of cancellation given, by an individual under these Regulations, shall be sent by him immediately to: -

- (i) The Integrated Headquarters, Ministry of Defence(Army), Adjutant General's Branch, MP-5&6 in the case of a non-medical Officer and Medical Personnel Record Section (Officers) in the case of Army Medical Corps, Army Dental Corps & Military Nursing Service Officer and Territorial Army Directorate in the case of Territorial Army personnel.
- . (ii) The respective Record Office in respect of Personnel Below Officer Rank.

(f) Every nomination made, and every notice of cancellation given by an individual shall to the extent that it is valid, take effect from the date on which it is received by the authority mentioned in the preceding clause.

(g) Nomination made after the termination of an individual's service, shall not be regarded as valid.

DISBURSEMENT OF RETIREMENT GRATUITY AND DEATH GRATUITY

147. (a) The gratuity shall be paid to the person on whom the right to receive the gratuity is conferred by means of a valid nomination.

(b) If there is no such nomination or if nomination made does not subsist, the gratuity shall be paid in the manner indicated below:-

- (i) If there are one or more surviving members of the family as in items (i), (ii), (iii) & (iv) of Regulation 144 the gratuity shall be paid to all such members in equal shares.

- (ii) If there are no such surviving members in the family as in sub- clause (i) above, but there are one or more members as in items (v), (vi), (vii), (viii), (ix), (x) & (xi) of Regulation 144, the gratuity shall be paid to all such members in equal shares.

(c) If an individual has made no nomination, or the nomination made does not subsist, and dies after termination of service, without receiving retirement gratuity, the gratuity shall be disbursed to the family in the manner indicated in clause (b) above.

(d) The right of a female member of the family or that of a brother of an individual, who dies while in service or after his service terminates, to receive the share of gratuity, shall be determined with reference to the facts as they stood on the date of death of the individual. The entitlement shall not be affected if a female member marries or re-marries or the brother attains the age of 25 years, after the death of the service personnel and before receiving her or his share of the gratuity.

DEBARRING OF PERSON FROM RECEIVING GRATUITY

148. (a) If a person, who in the event of death of Service personnel while in service, is eligible to receive gratuity in terms of Regulations 147 but is charged with the offence of murdering the service personnel or for abetting in the commission of such an offence, his claim to receive his share of gratuity shall remain suspended till the conclusion of the criminal proceedings instituted against him.

(b) If on the conclusion of the criminal proceedings referred to in clause (a) above, the person concerned

- (i) is convicted for the murder or abetting in the murder of the service personnel, he shall be debarred from receiving the share of gratuity, which shall be payable to other eligible members of the family, if any,
- (ii) is acquitted of the charge of murdering or abetting in the murder of service personnel, his share of gratuity shall be payable to him.

LAPSE OF GRATUITY

149. If an individual dies while in service or after his service terminates, without receiving the amount of death /retirement gratuity and leaves behind no family and has also made no nomination or the nomination made does not subsist, the amount of gratuity shall lapse to the Government.

Provided that the amount of death /retirement gratuity shall be payable to the person in whose favour a succession certificate in respect of the gratuity in question has been granted by a court of Law.

RECOVERY OF PUBLIC CLAIMS OR GOVERNMENT

150. While authorising payment of retirement gratuity, the Principal Controller of Defence Accounts (Pensions) shall recover any public claim or Government dues brought to his notice as outstanding against the serving personnel from the retirement gratuity or death gratuity payable to him or his nominee as the case may be.

CHAPTER - VI

COMMUTATION OF PENSION

WHEN ADMISSIBLE

151. Service personnel in receipt of or entitled to any of the following kind of pension for life may be allowed to commute a portion of his pension to the extent indicated in Regulation 153:

- (i) Retiring pension;
- (ii) Service pension (including additional pension payable to Havildar granted honorary rank of Naib Subedar);
- (iii) Special pension;
- (iv) Disability pension or war injury pension or liberalised disability pension.
- (v) Invalid pension.

Note: Where the individual is granted temporary disability pension, commutation of pension shall be allowed with reference to service element of disability pension only.

WHEN PERMISSIBLE

152. Commutation may take place on release/retirement/discharge/ invalidment or at any time subsequent thereto.

Provided that an individual against whom departmental/judicial proceedings have been instituted before the date of his release/ retirement/discharge/invalidment from service or the pensioner against whom such proceedings are instituted after the date of release/ retirement /discharge/invalidment shall not be eligible to commute a fraction of his provisional pension authorised under Regulation 7 of these Regulations or the pension during the pendency of such proceedings..

CONDITIONS AND LIMIT

153. Service personnel may be permitted, subject to the report of a medical board, where necessary under these Regulations, as to his physical fitness and to any decision taken in exercise of discretion provided in Regulation 9 to commute for a lump-sum payment a fraction not exceeding 43 percent in the case of a Commissioned Officer and 45 percent in the case of a Personnel Below Officer Rank, of his pension (less any amount previously commuted).

- Notes:**
- 1.** If fraction of pension to be commuted results in fraction of rupee, such fraction of a rupee shall be ignored for the purpose of commutation.
 - 2.** When a part of pension is withheld/withdrawn under Regulation 9 the admissible amount that can be commuted shall be calculated with reference to reduced pension payable from that date;

Explanation:

Where a lump sum compensation is paid in lieu of disability element for a particular disability under the provisions of Regulations 90 and 102, commutation of pension shall be allowed with reference to any other disability and service element of disability/war injury pension granted after release/retirement/discharge or invalidment.

WHEN TO APPLY FOR COMMUTATION OF PENSION

154. (a) Officer retired on attaining the prescribed age of retirement and Personnel Below Officer Rank who are discharged on completion of tenure or age of retirement or of service limit and desires payment of commuted value of pension being authorised at the time of issue of the pension payment order, and desires payment of commuted value of pension being authorized at the time of issue of the pension payment order may express his wish for commutation of pension before the date of retirement/discharge so as to reach the application to the Principal Controller of Defence Accounts (Pensions) not later than three months before the date of release/retirement/discharge. In such case the service personnel has no option to withdraw the request for commutation of pension. In such case the service personnel has no option to withdraw the request for commutation of pension.

Provided that in the case of an individual who applies for commutation of pension before his retirement/discharge, the Government shall have no liability for the payment of commuted value of pension if the individual dies before his retirement/discharge, or forfeits claim to pension before such retirement/discharge.

(b) The individual can submit application for commutation of pension under these Regulations any time after the date of release/retirement/discharge or invalidment from service.

COMMUTATION OF PENSION WITHOUT COMMUTATION MEDICAL BOARD

155. (a) An applicant shall, subject to the permissible limits prescribed be eligible to commute a fraction of the pension, after he has been declared fit at the time of Release Medical Examination if he applies on the prescribed form for commutation—

(i) either before retirement/discharge who has not expressed his wish for commutation of the pension 3 months before retirement/discharge

Or

(ii) any time after release/retirement/discharge/ invalidment however the application must reach the Principal Controller of Defence Accounts (Pensions) before the expiry of one year from the date of release/retirement/discharge or invalidment from service.

Provided that in the case of an applicant -

- (1) who is authorised a pension on absorption in Public Sector Undertaking or Autonomous Body and is entitled to pro-rata pension and retirement gratuity and in whose case orders retiring him from Armed Forces service had been issued from a retrospective date, the period of one year for the purpose of item (ii) above, shall reckon from the date of issue of the letter conveying the terms and conditions of absorption.
- (2) who is authorised final pension after the conclusion of the disciplinary or judicial proceedings the period of one year for the purpose of item (ii) above shall reckon from the date of the issue of orders consequent on the finalisation of the disciplinary/court or judicial proceedings.

(b) In case of individual who are found in low medical category at the time of his release/retirement/ discharge and who appear before the Release Medical Board or who are invalided out of service by the Invaliding Medical Board or who are discharged from service before completion of engagement on account of being placed in low medical category, an annotation shall be made by the Release Medical Board or Invaliding Medical Board on the Release/Invaliding Medical Board proceedings, regarding such addition of year(s) of age in case of impaired life which shall be taken into account by the Principal Controller of Defence Accounts (Pensions) for purpose of commutation of pension.

(c) Individual who applies for commutation of pension under this Regulation shall have no option to withdraw subsequently his application for commutation of pension.

COMMUTATION OF PENSION AFTER COMMUTATION MEDICAL BOARD

156. An individual who-

- (i) either applies for commutation of pension after the expiry of one year from the date of release/retirement/discharge /invalidment, or
- (ii) whose application for commutation reaches Principal Controller of Defence Accounts (Pensions) after the expiry of one year from the date of release/retirement/discharge /invalidment,

shall be eligible to commute a fraction of his pension after he has been declared fit by the Commutation Medical Board and subject to such addition of year(s), if any, of age in the case of impaired life, by the competent medical authority.

COMMUTATION OF PENSION TO BECOME ABSOLUTE

157. The commutation of pension shall become absolute -

- (i) in case where one applies before retirement/discharge under Regulation 154(a) on the date following the date of retirement/discharge.
- (ii) in case where one applies within one year after release/ retirement/ discharge/ invalidment under clause (a) of Regulation 155 on the date on which the application is received by the Principal Controller of Defence Accounts (Pensions), and

- (iii) in case where one applies after one year after release/retirement/discharge/invalidment and where Medical Board for Commutation is held—on the date on which the medical board signs the medical certificate.

Note: Government shall have no liability for the payment of commuted value of pension if the individual dies before commutation of pension become absolute under this Regulation.

CALCULATION OF COMMUTED VALUE OF PENSION

158. (a) The formula for calculation of capitalised value of commuted portion of pension shall be:

$$\left\{ \begin{array}{l} \text{Portion of pension} \\ \text{i.e. 43\% or 45\% of pension} \\ \text{as the case may be,.} \end{array} \right\} \times 12 \times \left\{ \begin{array}{l} \text{Purchase value for the} \\ \text{age next birthday} \end{array} \right\}$$

(b) The purchase value of commutation shall be as given in the commutation table prescribed by the Government from time to time. The current table is given as **APPENDIX-X** to these Regulations.

(c) The age of the individual shall be taken as being the age he shall attain on the next birthday following the date on which the commutation shall become absolute subject to such addition of year(s) of age in the case of impaired life, as may be recommended by the medical authority or Release/Invaliding Medical Board or Medical Board for Commutation.

(d) In case the value specified in Table is modified at any time before the commutation becomes absolute, the commuted value shall be calculated and paid in accordance with the modified table.

Provided that where the commuted values calculated with reference to the table as modified, is less favourable than the value determined with reference to the table before it was so modified, the Principal Controller of Defence Accounts (Pensions) shall inform the individual of the revised value and communicate to him the provisions of clause (i) of Regulation 160.

REDUCTION IN PENSION ON PAYMENT OF COMMUTED VALUE OF PENSION

159. (a) In case of pensioners falling in clause (i) of Regulation 157 i.e. in whose case the commuted value of pension becomes payable on the day following the date of his retirement/discharge, the reduction in the amount of pension on account of commutation shall be operative from its inception. Where, however, payment of commuted value of pension could not be made within the first month after the date of retirement/discharge, the

difference of monthly pension for the period between the day following the date of retirement/discharge and the date preceding the date on which the commuted value of pension is deemed to have been paid in term of Rule 49 of the Central Government Accounts (Receipt and payments) Rule 1983 shall be authorised by the Principal Controller of Defence Accounts (Pensions).

(b) In the cases of pensioners falling in clauses (ii) or (iii) of Regulation 157, if he is drawing his pension from Treasury/Pay Accounts officer/Defence Pension Disbursing Office or Post Office, the reduction in the amount of pension on account of commutation shall be operative from the date of receipt of the commuted value of Pension or at the end of three months after the date of issue of the Pension Payment Order by the Principal Controller of Defence Accounts (Pensions) for payment of commuted value of pension, whichever is earlier. Or

If the pensioner is drawing his pension from a Bank the reduction in the amount of pension on account of commutation shall be operative from the date on which commuted value of pension is credited by the bank to the pensioner's account to which pension is being credited.

WITHDRAWAL OF APPLICATION FOR COMMUTATION OF PENSION

160. The withdrawal of application for commutation of pension under these Regulations permissible under the following circumstances:

- (i) When the table of values applicable to him is modified between the date of application for commutation and the date on which the commutation becomes absolute and the modified table is less favourable than that previously in force, or
- (ii) when in the case of impaired life, the medical board recommends an addition of year(s) of age to his actual age.
- (iii) an 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 an authority.

NO RE-IMBURSEMENT OF INCIDENTAL EXPENSES INCURRED

161. No reimbursement of any travelling or other expenses incurred by an individual in connection with commutation of his pension shall be admissible.

COMMUTATION OF ADDITIONAL PENSION BECOMING DUE AS A RESULT OF RETROSPECTIVE REVISION OF PENSION

162. An individual who has commuted a fraction of his pension and whose pension after commutation has been revised and enhanced retrospectively as a result of Government's decision, shall be paid the difference between the commuted value determined with reference to the enhanced pension (by taking into account the same age next birthday, including loading if any, which was taken earlier while computing the capitalised value of a fraction of pre-revised pension) and the commuted value already paid. For the payment of difference of commuted value, he shall not be required to apply afresh.

RESTORATION OF COMMUTED PORTION OF PENSION

163. The pensioners who have commuted the admissible portion of pension are entitled to have the commuted portion of pension restored after 15 years. The restoration may be reckoned from the date of retirement/discharge itself only in cases where commutation of pension was notified simultaneously with any kind of pension. In all other cases where commutation of pension led to a reduction in second or subsequent months, 15 years will be reckoned from the date of commutation i.e. from the date on which reduction in pension on account of commutation became effective.

CHAPTER - VII**EMERGENCY COMMISSIONED AND SHORT SERVICE COMMISSIONED OFFICER****SECTION-1: Emergency / Short Service Commissioned Officer coming direct from civil life****RATE OF TERMINAL GRATUITY**

164 (a). The rate of terminal gratuity to the Officer coming direct from civil life shall be half a month's reckonable emoluments for each completed 6 monthly period of qualifying service.

(b). The grant to terminal gratuity and the amount thereof to an Officer, whose commissioned service has been terminated on disciplinary grounds, shall be at the discretion of the Central Government.

GRANT OF TERMINAL GRATUITY TO OFFICER INVALIDED OUT OF SERVICE

165. Officer whose service has been terminated on account of medical unfitness for military service due to causes beyond his control and who does not qualify for disability pension shall be granted terminal gratuity as admissible under Regulation 164.

Provided that if such an Officer is subsequently granted disability pension or in the event of his death, special family pension is granted, the terminal gratuity shall be adjusted against such an award in such manner as may be decided by the Central Government in each case.

PAYMENT OF TERMINAL GRATUITY IN THE EVENT OF DEATH

166. Terminal gratuity of an Officer, who dies after release from service but before it is paid to him, shall be paid to his legal heir.

OPTION TO PERMANENT CIVILIAN GOVERNMENT SERVANT

167. Permanent Civilian Government servant granted Emergency/Short Service Commission will have the option to be governed by either the civil rules or the military rules for disability and special family pensionary awards. The option may be exercised at any time during service or when the claim to disability or special family pension is considered. If the Officer is fit for civil service on invalidment from the Armed Forces, he shall be allowed only the disability element in addition to civil pay. If the Civilian Government Servant dies without making an option, the family shall be given the more favourable award.

SECTION-2: Personnel Below Officer Rank granted Emergency/ Short Service Commission

MINIMUM SERVICE FOR RETIRING PENSION

168 (a). The minimum period of qualifying service actually rendered and required for earning retiring pension by Officer shall be 12 years. In case where actual qualifying service is less than 12 years, terminal gratuity shall be admissible.

(b) Officer retiring after rendering actual qualifying service of 12 years or more but less than 20 years will be granted uniform weightage of 5 years.

(c) Officer retiring after rendering qualifying service of 20 years and more will be granted rank-wise weightage as for Regular Officer.

RATE OF RETIRING PENSION

169. (a) The retiring pension to Officer shall be computed under Regulation 36 as in the case of Regular Officer.

(b) The grant of retiring pension and amount thereof to an Officer whose commissioned service has been terminated on disciplinary ground, shall be at the discretion of the Central Government.

RETIREMENT GRATUITY

170. (a) Emergency Commissioned and Short Service Commissioned Officer granted commission from ranks shall be eligible for retirement gratuity as admissible under Chapter V to these Regulations.

(b) The amount of retirement gratuity shall be calculated based on actual qualifying service without weightage.

INVALID PENSION/INVALID GRATUITY OR ORDINARY FAMILY PENSION

171. Officer who is invalided from service or died on account of causes neither attributable to nor aggravated by military service, shall be entitled to invalid pension/invalid gratuity or ordinary family pension as applicable to Regular Officer under Chapter III of these Regulations.

DISABILITY PENSION/WAR-INJURY PENSION OR SPECIAL FAMILY PENSION/LIBERALISED FAMILY PENSION

172. (a). Entitlement to disability pension or war-injury pension or liberalised disability pension, constant attendance allowance and special family pension or liberalised family pension shall be regulated under the same conditions and at the same rate as applicable to Regular Officer under chapter IV of these Regulations. The service element of disability pension shall however be computed for actual qualifying service under Regulation 36.

(b).The Officer who are found in low medical category at the time of release than the one in which they were recruited and where disability is accepted as attributable to or aggravated by military service shall be granted disability pension as for regular Commissioned Officer as admissible to them at the time of sustaining disability, even though they are retained in service and are subsequently released under phased release programme.

Provided that the disability pension or disability element shall be payable from the date from which the Officer is released from service.

CHAPTER-VIII**DEFENCE SECURITY CORPS****GENERAL PROVISION**

173. The grant of pensionary awards to personnel of the Defence Security Corps shall be governed by the same Regulations as are applicable to Personnel Below Officer Rank of the Army, except where they are inconsistent with the provisions of the Regulations in this chapter.

COUNTING OF FORMER SERVICE

174. (a) An individual who has rendered previous service in the Armed Forces is eligible to count such former service for pension/gratuity to the extent and subject to the conditions laid down in Regulation 45.

(b) An individual who is in receipt of pension in respect of his former Armed Forces service on accepting re-employment/re-enrolment in the Defence Security Corps shall opt within 6 months either:

- (i) to continue to draw Military Pension and retain retirement gratuity including service gratuity, if any and in which case his former service shall not count for pension/retirement gratuity of re-employed/re-enrolled service in Defence Security Corps; or
- (ii) to cease to draw his pension and refund the pension already drawn with effect from the date of employment/re-employment and the value received for the commutation of a part of Military pension and the amount of retirement gratuity including service gratuity, if any, with interest and count previous service as qualifying service towards current engagement in Defence Security Corps.

(c) The option once exercised shall be final. If no option is exercised, within the stipulated time, the individual shall be deemed to have exercised the option as at clause (i) above.

(d) The right to count previous service as qualifying service shall not revive until the whole amount has been refunded.

(e) On release from the Defence Security Corps either the service pension or service gratuity and retirement gratuity as admissible under Regulation 176 or any higher pension and retirement gratuity earned under Regulations 177 shall be payable.

Note:- The pension drawn till the date of re-employment/re-enrolment shall not be required to be refunded.

OPTION TO CONTINUE TO DRAW MILITARY PENSION

175. (a) The retired Armed Forces personnel re-employed in Defence Security Corps and who opted under Regulation 174(b)(i) to continue to draw pension and retain retirement gratuity including service gratuity, if any, for former service in the Armed Forces, shall for his service with Defence Security Corps, be entitled to the following:

- (i) **Service Pension** - In case his service in Defence Security Corps is 15 years or more, service pension shall be calculated as per Regulation 50 for actual qualifying service rendered in the Defence Security Corps without the element of weightage.
- (ii) **Service gratuity**- An individual who is discharged with less than 15 years of qualifying service but 5 years or more, will be eligible for service gratuity at the rate of half a month's reckonable emoluments last drawn for each completed six monthly period of qualifying service. There shall be no reduction in quantum of service gratuity so arrived at, in respect of one who is permitted to be discharged prematurely on compassionate grounds/personnel reasons.

(b) Special pension/special gratuity shall be granted under the same condition and at the same rate as for regular personnel.

OPTION TO CEASE TO DRAW MILITARY PENSION OR TO REFUND GRATUITY

176. An individual who is re-employed/re-enrolled in the Defence Security Corps and had opted to cease to draw his service pension and had refunded the service pension and retirement gratuity together with service gratuity, if any, already drawn with interest and counts previous service as qualifying service for current engagement in Defence Security Corps as per Regulations 174(b) (iii), on discharge from re-enrolled/re-employed service in Defence Security Corps, shall be entitled to enhanced pension and retirement gratuity taking into account his total qualifying service i.e. previous Armed Forces service plus current qualifying service in Defence Security Corps with admissible weightage.

RETIREMENT / DEATH GRATUITY

177. (a) Retirement/Death gratuity shall be admissible as applicable to regular Army personnel under Chapter VII for actual qualifying service rendered.

(b) Individual who has previous service, the retirement gratuity shall be admissible for service rendered in Defence Security Corps including previous service, if any, subject to maximum of 16 ½ months emoluments.

COMMUTATION OF PENSION

178. Defence Security Corps personnel shall be entitled to commute a portion of his pension in accordance with the Regulation under Chapter VI. applicable to the regular Army.

DISABILITY/ LIBERALISED DISABILITY/WAR-INJURY PENSION

179. The disability/liberalised disability/war injury pension and contant attendance allowance on invalidment and low medical category personnel discharge before the prescribed age shall be admissible under the same conditions and at the same rates as applicable to regular personnel under Chapter IV of these Regulations.

INVALID PENSION AND ORDINARY FAMILY PENSION

180. When cause of invalidment from service or death of Defence Security Corps personnel is neither attributable to nor aggravated by Military Service, the invalid pension and ordinary family pension to his family shall be admissible under the same conditions and at the same rates as applicable to regular Army personnel under Chapter III of these Regulations.

SPECIAL FAMILY PENSION / LIBERALISED FAMILY PENSION FAMILY GRATUITY AND EX-GRATIA LUMP-SUM COMPENSATION

181. (a) The special family pension/liberalised family pension and ex-gratia lump-sum compensation is admissible to the families under the same conditions and at the same rates as applicable to regular Army personnel under Chapter IV of these Regulations.

(b) Family gratuity shall be paid under the same conditions as in Section VI of Chapter IV of these Regulations at the following rates.

Rank	<u>Rates of Family Gratuity</u>	
	Where ex-gratia is paid under Regulation 146. (Rs.)	Where ex-gratia is not paid (Rs.)
Honorary Captain	----	----
Honorary Lieutenant	----	----
Subedar Major	----	1275
Subedar	1100	1200
Naib Subedar	525	875
Havildar	325	525
Naik	250	450
Sepoy	225	400

CHAPTER-IX**TERRITORIAL ARMY****SECTION-1****EXTENT OF APPLICATION**

182. The grant of pensionary awards to the serve personnel 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. These Regulations shall not apply to those who are –

- (i) Civil Government servants holding permanent appointments and
- (ii) Retired Civil Government servant.

DEFINITION OF MILITARY SERVICE

183. Military Service for the purpose of this Chapter shall mean service as defined in Sub Section (3) of Section 7 of the Territorial Army Act, 1948, and training as defined in Rule 18 of the Territorial Army Rules, 1948.

QUALIFYING SERVICE FOR PENSION AND GRATUITY

184. (a) Subject to following provisions, the service qualifying for pension and reckonable emoluments in case of Territorial Army personnel shall be as specified in Section-2 of Chapter-I:

- (i) Aggregate of qualifying embodied service whether continuous or broken shall count for service pension and gratuity. For calculating the total embodied service the break in embodied service due to disembodiment shall be treated as condoned but the period of breaks itself shall not be treated as qualifying service for pension. Where qualifying embodied service has been rendered in broken spells, 5 percent cut shall be imposed on the pension of the Personnel Below Officer Rank who have completed 15 years or more of aggregate embodied service, but have not completed 20 years of aggregate embodied service.
- (ii) Former qualifying regular service in Army, Navy and Air Force in any rank irrespective of regular, short service or emergency commission shall be counted as qualifying service to the same extent as admissible to the regular Armed Forces personnel where one has opted for counting of the former service for pensionary benefits.
- (iii) Former service in Civil Department of Central Government.
- (iv) Service in Central Government Civil Department during disembodied period while in Territorial Army Service.

(b) Weightage added to the qualifying service of Regular Armed Forces shall not be allowed in the case of Territorial Army Personnel.

OPTION TO COUNT FORMER SERVICE

185. (a) The service personnel who had formerly served in the regular Army, Navy or Air Force and is now serving in the Territorial Army shall have the option either:

(i) to continue to draw military pension and retain gratuity received on discharge from military service in which case his former military service shall not count as qualifying service for pension under these Regulations,

or

(ii) to cease to draw pension henceforth and refund the gratuity, including retirement gratuity, if any, already drawn along with interest for the previous military service and count the previous military service as qualifying service for grant of pension etc. under these Regulations.

(b) The above option shall be exercised within 12 months of enrolment in Territorial Army.

(c) The option once exercised shall be final. If no option is exercised, within the stipulated time, the individual shall be deemed to have exercised the option at clause (i) above.

(d) The right to count previous service as qualifying service shall not revive until the whole amount has been refunded.

(e) On release from the Territorial Army either the service pension or service gratuity and retirement gratuity as admissible under Regulation 184 or any higher pension and retirement gratuity earned under Regulations 185 shall be payable.

NOTE:- The pension drawn till the date of enrolment in Territorial Army shall not be required to be refunded.

MINIMUM QUALIFYING SERVICE FOR PENSION

186. All Territorial Army personnel (other than civil Government servants and civil pensioners), who have a minimum qualifying aggregate embodied service of 20 years in the case of Officer and 15 years in the case of Personnel Below Officer Rank, shall be eligible for service pension.

RATE OF RETIRING/SERVICE PENSION

187. (a) **Officer** -Retiring pension shall be calculated for actual qualifying service in same manner as prescribed for regular Officer as in Regulation 36.

(b)**Personnel Below Officer Rank** -Service pension shall be calculated for actual qualifying service in the same manner as in Regulation 50 for regular Personnel Below Officer Rank of Army.

RETIRING/SERVICE PENSION WHO OPT TO COUNT FORMER MILITARY SERVICE

188. Individual who is re-employed/re-enrolled in the Territorial Army and had opted to cease to draw his service pension and had refunded the service pension and retirement gratuity together with service gratuity, if any, already drawn with interest and counts previous service as qualifying service for current engagement in Territorial Army as per Regulations 185(a) (ii), on discharge from Territorial Army, shall be entitled to enhanced pension and retirement gratuity taking into account his total qualifying service i.e. previous Armed Forces service plus current qualifying service in Territorial Army.

TERMINAL GRATUITY

189. (a) **Conditions for grant of Terminal Gratuity:** - Terminal gratuity shall be granted to an individual who has completed a minimum of 5 years of aggregate embodied service in Territorial Army or 10 years engagement in Territorial Army (combined embodied and non-embodied) and who dies during the period of disembodiment or who retires in the following circumstances:

(i) In the case of Officer or Junior Commissioned Officer:

- (1) On disbandment/re-organisation /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;
- (2) On reaching the prescribed retiring age;
- (3) On being declared medically unfit for further service due to causes neither attributable to nor aggravated by military service;
- (4) On completion of tenure of appointment or service limits; or
- (5) When services are no longer required otherwise than on disciplinary grounds;

(ii) In the case of Other Ranks;

- (1) On becoming entitled to receive his discharge under the Territorial Army Act/ Rules;
- (2) On being declared medically unfit for further service due to causes neither attributable to nor aggravated by military service,
or
- (3) When services are no longer required otherwise than on disciplinary grounds.

(b) The terminal gratuity shall be admissible only when the individual has not rendered the minimum qualifying service (including former military service) required for earning retiring/service pension.

Note: - Terminal gratuity shall not be paid for the embodied service in addition to service pension/retiring pension and retirement gratuity.

(c) In cases of termination of service on account of medical unfitness, the terminal gratuity is payable only if the individuals not entitled to disability pension/war-injury pension.

(d) In case of death of an individual during the period of disembodiment, the Terminal Gratuity shall be paid to his legal heir provided the family is not eligible for any family pensionary awards from the Central/State Governments.

(e) The scale of terminal gratuity shall be a half a month's reckonable emolument, for each completed six monthly period of aggregate embodied service.

RETIREMENT GRATUITY/DEATH GRATUITY

190 (a) Retirement gratuity or Death gratuity shall be admissible as applicable to regular Army personnel under Chapter V for actual qualifying service rendered.

(b) Individual who has previous service, the retirement gratuity shall be admissible for service rendered in Territorial Army subject to maximum of 16 ½ months including previous service, if any.

COMMUTATION OF PENSION

191. Territorial army personnel shall be entitled to commute a portion of his pension in accordance with the Regulations, applicable to the corresponding ranks in the regular Army under Chapter VI.

ORDINARY FAMILY PENSION

192. The ordinary family pension shall be admissible to the families of Officer and Personnel Below Officer Rank as applicable to regular Army personnel under Chapter III . Ordinary family pension shall be subject to limitations as specified in Regulation 62(ii) of these Regulations.

DISABILITY PENSION OR WAR-INJURY PENSION OR LIBERALISED DISABILITY PENSION AND CONSTANT ATTENDANCE ALLOWANCE

193. (a) Disability/war-injury/liberalised disability pension and constant attendance allowance may be granted to an individual if he is invalided from the Territorial Army on account of disability attributable to or aggravated by Military service under the same conditions and at the same rates as applicable to regular Army personnel under Chapter IV to these Regulations.

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 minor defect.

(b) Service element of disability pension shall be computed as per Regulation 94 (a) and Regulation 98 (a) as the case may be without adding any weightage to qualifying service actually rendered.

(c) Personnel of Territorial Army who are placed permanently in a low medical category other than 'A' and for whom no suitable employment compatible to his medical category can be found will be discharged from service and will be deemed to have been invalidated out of service for the purpose of Entitlement Rules for Casualty Pensionary Award, 1982 and his disability pension shall be dealt with under normal rules.

(d) Individual who are found to be ineligible for the grant of disability pension will be paid terminal gratuity for his qualifying service under Regulation 189.

SPECIAL FAMILY PENSION OR LIBERALISED FAMILY PENSION

194. (a) Special family pension/liberalised family pension may be granted under the same conditions and at the same rates as admissible to regular Army personnel under Chapter IV of these Regulations.

(b) The award of special/liberalised family pension shall not 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. This provision shall not, however, apply in respect of death by accident while Territorial Army personnel are on embodied duty.

(c) Family gratuity may, in addition to special family pension or liberalised family pension be granted to the widow, if the death of the Territorial Army personnel occurs in the circumstances mentioned in Regulation 137 of these Regulation.

SECTION -2:Extent of application to Civil Government Servant.**SPECIAL FAMILY PENSION /LIBERALISED FAMILY PENSION -**

195. (a) Officer and Personnel Below Officer Rank of Territorial Army who are Civil Government servants and who, while holding his civil posts, are subject to Central Civil Service (Extra Ordinary Pension), Rules or the analogous rules framed by the State Governments, shall be eligible to opt to be governed by the provisions of these Regulations or by the Central Civil Services (Extra Ordinary Pension) Rules applicable to them. The option may be made at any time during his service in the Territorial Army or after it, but before retirement from civil service. Option once exercised shall be final. In case such an individual dies while serving in the Territorial Army without making an option, his family shall be eligible to receive pensionary awards under these Regulations or the appropriate civil rules, whichever are more favourable.

(b) The award of special/liberalised family pension shall not 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. This provision shall not, however, apply in respect of death by accident while TA personnel are on embodied duty.

DISABILITY ELEMENT TO CIVIL GOVERNMENT SERVANT HOLDING LIEN ON CIVIL APPOINTMENT

196. On reversion to the civil appointment on which he holds a lien, disability element of pension as admissible to regular Army personnel shall be paid in addition to civil pay and allowances.

In case an individual becomes eligible for pension under relevant civil rule, the disability element as calculated above remain admissible.

APPENDIX –I

(Referred to in Regulation 13 (c))

GRANT OF FIXED MEDICAL ALLOWANCE TO ARMED FORCES PENSIONERS AND THEIR FAMILIES

1. (a) Fixed medical allowance @ Rs. 100/- per month shall be granted to pensioners/family pensioners given below for meeting expenditure on day-to-day medical expenses that do not require hospitalization, if and only if, the individuals is not covered under Ex-Servicemen Contributory Health Scheme (ECHS).

- (i) Gorkha pensioners of Nepal domicile.
- (ii) Defence Security Corps pensioners except those who join as second career.
- (iii) Pensioners of Territorial Army except
 - 1) Pension holders for continuous embodied Service.
 - 2) Persons with disability attributable to Military Service.
 - 3) Gallantry award winners.

(b) If any pensioner or family pensioner is in receipt of two pensions, medical allowance would be admissible on only one pension, if he does not avail of the medical facilities provided by the respective organizations.

(c) Re-employed pensioners/employed family pensioners are not entitled to medical allowance as medical facilities are provided by his/her organisation.

(d) The beneficiaries of the ex-gratia and compassionate allowance are not entitled to medical allowance, as they are not treated as Defence pensioners/family pensioners

2. Pensioner/Family pensioner whom Ex-Servicemen Contributory Health Scheme does not apply shall submit an application as in **Annexure I** to this Appendix for payment of medical allowance along with pension. Next of kin of Ex-serviceman shall apply on the prescribed form as per **ANNEXURE II** of this **APPENDIX**.

3. Specific entry to this effect shall be made in the Pension Payment Order as well as in the Pension Certificate by the Principal Controller of Defence Accounts (Pensions). The Station Headquarters while issuing Identity Card to the pensioner shall check the position in this regard from Pension Payment Order /Pension Certificate and restrict the facilities to indoor patient treatment only requiring hospitalisation where pensioner is in receipt of fixed medical allowance of Rs.100/- per month

4. The payment shall be made to the pensioners by the Pension Disbursing Authority along with pension/family pension on monthly basis.

ANNEXURE-I to APPENDIX-I*(To be submitted by service personnel who is being brought on pension establishment)*

To

The Principal Controller of Defence Accounts (Pensions)
Allahabad.

I.....No.....Rank
.....of Unit/Corpsrequest for payment of medical allowance on my release/retirement /discharge or invalidment of service with effect from for meeting expenditure on day to day medical expenses in out patient department of a hospital , that do not require hospitalization in Military Hospitals

Station.

Date.....

Signature.....

Name.....

Rank.....

Personal No./ Regtl. No.....

Unit/Formation.....

Address.....

ANNEXURE-II to APPENDIX-I*(To be submitted by next of kin of Ex-service personnel)*

To

The Principal Controller of Defence Accounts (Pensions)
Allahabad.

I.....wife/son/daughter/father/mother of
Ex-No.....Rank
Name.....of the Unit/Corps
.....request for payment of medical allowance with effect from(date of death) for meeting expenditure on day to day medical expenses in out patient department of a hospital , that do not require hospitalization in Military Hospitals

Station.

Date.....

Signature.....

Name.....

Rank.....

Personal No./ Regtl. No.....

Unit/Formation.....

Address.....

APPENDIX-II
(Referred to in Regulations 14)

MONETARY ALLOWANCES ATTACHED TO GALLANTARY DECORATIONS

Monetary allowance at the following rates shall be payable to each recipient for bravery, irrespective of rank and income:-

<u>Gallantry Awards</u>	<u>Rs. per month</u>
Param Vir Chakra	3000/-
Ashok Chakra	2800/-
Maha Vir Chakra	2400/-
Kirti Chakra	2100/-
Vir Chakra	1700/-
Shaurya Chakra	1500/-
Sena Medal/Nausena Medal/ Vayusena Medal	500/-

2. Each bar to the above decorations shall carry the same amount of monetary allowance as admissible for the original award.

3. The allowance shall be admissible to the recipient of the award and on his death to his widow lawfully married by a valid ceremony. The widow shall continue to receive the allowance until her re-marriage or death. The payment of the allowance shall, however, be continued to a widow who remarries to the late husband's brother and lives a communal life with the living heirs eligible for family pension. Ordinarily the widow who was first married shall receive the allowance but with the special sanction of the Government the allowance may be divided equally between the lawful widows of recipients. Payments to all widows shall cease when the allowance to the first widow terminates.

4. When the award is made posthumously to a bachelor, the monetary allowance shall be paid to his father or mother and in case the posthumous awardee is a widower, the allowance shall be paid to his son below 18 years or unmarried daughter as the case may be.

5. Allowance for one decoration (and a Bar or Bars thereto) only can be drawn at a time. The less favourable allowance shall be relinquished from the date of the grant of the more favourable one.

LUMP SUM AWARD FOR GORKHA

6. In case of Nepalese Gorkha recipients of Gallantry Awards, following Lump-sum monetary amounts are payable:-

<u>Gallantry Awards</u>	<u>(in Rs.)</u>
Param Vir Chakra(PVC)	150000/-
Ashok Chakra(AC)	125000/-
Maha Vir Chakra(MVC)	100000/-
Kirti Chakra(KC)	75000/-
Vir Chakra(VC)	50000/-
Shaurya Chakra(SC)	40000/-
Sena Medal	20000/-

Note: 1 In the case of posthumous awardees and awardees who died before the receipt of the reward, the lump-sum monetary rewards will be paid to the heirs in the order mentioned below:-

- (a) The widow of the deceased {in case the recipient leaves two or more widows, the amount will be paid in the manner prescribed in the Rule 240(b) of Pay and Allowance Regulations (Revised Edition)}.
- (b) The male lineal descendents of the deceased in the male line of the descent.
- (c) The unmarried daughters of the deceased.
- (d) The parents of the deceased.

2 The award of Bar to the medal will not entitle any additional monetary award.

APPENDIX-III

(Referred to in Regulations 26)

AUTHORITY COMPETENT TO SANCTION VARIOUS KINDS OF PENSIONARY AWARDS

Item No.	Reference to Regulation in Army (pension) Regulations Part-I, 2008	Nature of Award	Authority Competent to sanction Award in case of	
			Officers	Personnel Below Officer Rank
1	8(b) & (d)	To with hold or withdraw pension or part there of	Min. of Defence	Area or Independent Area Commander in whose jurisdiction the individuals Record Office falls.
2	9(a)	Payment of part or whole of the pension allowance or gratuity to the wife or other dependants of the pensioner.	Min. of Defence	Area or Independent Area Commander in whose jurisdiction the individual's Record office falls.
3	29(a)	To sanction pension/ gratuity or both on appeal made by officer on i) dismissal ii) Cashing	Adjutant General, Integrated Headquarters, Ministry of Defence (Army) Ministry of Defence	-----
	29(b)	Pensionary award to officers who are discharged, called upon to resign or retired	Adjutant General, AHQ	-----
4	41(a)	To sanction pension/ gratuity or both on appeal made by personnel below officer rank on dismissal.	-----	Adjutant General, Integrated Headquarters, Ministry of Defence (Army)
5	42(b)	To allow to receive	-----	Min of Defence

		pension in addition to pay to re-employed pensioners in Military or Civil capacity in Defence services in emergencies		
6	44	Condonation of deficiency in service for eligibility to service pension/gratuity to personnel below officer rank	-----	(i) Officer In Charge Records concerned and Addl Director General in Territorial Army Directorate in respect of Territorial Army personnel upto 6 months (ii) AG's Branch Integrated Headquarters, Ministry of Defence (Army) beyond 6 months and upto 12 months
7	49	Condonation of deficiency in service in a particular rank in respect of personnel below officer rank	-----	Officer In-Charge Record Office concerned
8	84	Reduction in disability pension or gratuity wholly or partly when disability of Service personnel is due to his serious negligence or misconduct	Min of Defence	Min of Defence
9	85	Withholding or grant at a reduced rate of disability element of pension where individual unreasonably refuses to under-go operation or other medical treatment	Min. of Defence	Min. of Defence

APPENDIX-IV

(Referred to in Regulations 81, Note below Regn 82, 95& 105)

ENTITLEMENT RULES FOR CASULTY PENSIONARY AWARDS

(Entitlement Rules For Casualty Pensionary Awards, 1982 is under revision, hence not published.

APPENDIX-V

(Referred to in Regulation 85(c))

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 a valid nature and the refusal is the bonafide outcome of such prejudices.

2. Refusal to undergo medical treatment or an operation shall be treated as unreasonable –

(a) When, in the opinion of the medical authorities, it is due to malingering;

or

(b) When, in the opinion of the Officer Commanding Unit, it is due to 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 above for refusing medical or operative treatment, the case shall be referred to the Area/Independent Sub-Area commander for a decision as to whether the objection is reasonable or not and his decision shall be final.

APPENDIX-VI

(Referred to in Regulation 89 (e))

Declaration for drawl of Constant Attendance Allowance by service personnel along with their disability pension/war injury pension.

- (i) TS No./PS No.....
- (ii) Name of pensioner
- (iii) Personal/Regimental No
- (iv) Rank
- (v) Regiment/Corps/Unit
- (vi) PPO No.
Dated
- (vii) Rate of Constant Attendance Allowance per month
- (viii) 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 the hospital/institution

(b) Date of discharge from hospital/Institution

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.

- (a) I was not an inmate or an inpatient of a Government hospital/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.
- (c) I was not gainfully employed.

Place.....
Date

.....
(Pensioner's signature)
Full Address

I certify to the best of my knowledge and belief that the above declaration is correct.

Place.....
Date

.....
(Signature of a
responsible officer or
well known person)
Full name & Designation
.....

APPENDIX-VII

(Referred to in Regulation. 115(b) and 131(a))

DECLARATION FROM PARENTS/ ELIGIBLE BROTHERS/ SISTERS FOR DEPENDENT PENSION

I..... (Name of applicant),
Father/Mother/Brother/Sister of Ex. No. Rank
Name Unit
.....aged.....years.....resident of
..... do hereby solemnly affirm and declare
as under:-

The deceased(Name of the deceased
service personnel) was my son/daughter/brother/sister.

I was dependent upon my late son/daughter/brother/sister mentioned above, for
pecuniary needs.

DEPONENT

VERIFICATION

I, the above said.....(Name of applicant), do
hereby solemnly affirm and declare that the facts mentioned above are true to the best of
my knowledge and belief and nothing has been concealed thereof.

DEPONENT

PLACE:

DATE:

APPENDIX-VIII

(Referred to in Note 4 of Regulation 141)

STATEMENT OF ILLUSTRATIVE EXAMPLES OF CASES**Cases covered under clause (a)(i) of Regulation 141: Death Attributable to accidents while on duty :**

1. Death, as a result of an accident while travelling in a public, private or official vehicle or otherwise, of a Group 'D' employee, Dispatch Rider, Messenger, Postman, Notice server etc. deputed to distribute dak notices, etc., or of personnel on field duties.
2. Death occurring due to an accident while travelling on bonafide official duties in a service aircraft.
3. Accidents during test flights of aircraft and non-scheduled flight of chartered aircraft resulting in death of service personnel travelling on duty in public interest in such flights.
4. Death, in train accidents, of personnel undertaking official journeys on duty.
5. Accidents to ships, river steamers, etc. resulting in death of service personnel undertaking journeys on duty by these modes of travel.
6. Death, as a result of accidents, of service personnel while proceeding on raids against anti-social elements, etc.
7. Death, due to contact with live electric/power lines, of personnel deployed on flood/cyclone relief activities.
8. Death, due to electrocution, of service personnel engaged in rectification of defects in generation and distribution of electricity.
9. Accidents while engaged in rectification of defects in machinery and equipper monthent.
10. Death due to accidental explosion of boilers, storage tanks of inflammable materials, chemicals etc.
11. Death due to fire accidents while on duty.
12. Death of fire fighting staff engaged in fire-fighting operations.

Cases covered under clause (a)(ii) of Regulation 141: Death Attributable to acts of violence by terrorists & anti-social elements etc.

1. Death resulting from acts of violence or assault by terrorists, smugglers, dacoits, anti-social elements etc. against an individual service personnel:-
 - (a) With the intention of deterring of preventing him from performing his duties; or
 - (b) Because of any act done or attempted to be done in the lawful discharge of his duties; or
 - (c) Because of his official position.
2. Service personnel killed in the course of performance of their duties as a result of violence or attack by armed hostile, extremists, terrorists, anti-social elements, etc.
3. Service personnel on duty, killed in incident of terrorists violence in Jammu & Kashmir, the North Eastern Region, Punjab, etc. other than in actual operations and encounters.
4. Death, due to stone-throwing, use of weapons and other violent acts by demonstrators, anti-social elements, etc; service personnel while employed in aid of the civil administration in quelling agitations, protest demonstrations, riots, etc.
5. Death of service personnel while proceeding on raids against anti-social elements, etc; attributable to attacks by the parties so raided, including anti-social elements.
6. Death, while on duty, as unwitting victims of bomb blast in public places or vehicles, indiscriminate-shooting incidents in public, etc. often resorted to by terrorists, anti-social elements, etc.

Cases covered under clause(a)(iii) of Regulation 141: Death occurring during wars or border skirmishes and action against militants, terrorists and extremists.

The ex-gratia compensation under clause a(iii) of Regulation 146 will be restricted only to those cases where service personnel are killed in actual field operations. A higher rate of compensation has been prescribed in these cases having regard to the magnitude of the hardships and risks involved in field operations including combating operations against terrorists, militants, etc. This will generally be applicable only to the service personnel deployed along the borders, line of control etc. as well as those engaged in combating terrorism. The condition of being actually involved in field operations will therefore, have to be satisfied before the higher ex-gratia compensation of Rs.7.50 Lakhs is sanctioned.

Cases covered under clause(a)(iv) of Regulation 141: Compensation under this clause will be admissible to families of service personnel killed: -

- (i) In action in international wars;
- (ii) While fighting in war-like situations or border skirmishes with any country;
- (iii) In action against armed hostile, militants, terrorists and extremists;
- (iv) During laying or clearance of mines, including those laid by enemies, militants, terrorists, etc., as well as in the course of minesweeping operations;
- (v) As a result of exploding mines on route to an operational area;
- (vi) During battle inoculation as part of prescribed training exercises involving the use of live ammunition.

In addition families of service personnel killed after being kidnapped by militants, terrorists, extremists, etc. because of their official position or with a view to spreading terror will also be entitled to the compensation under this clause.

APPENDIX -IX

(Referred to in Regulation – 145(a)(1))

FORM 'A'**Nomination for Retirement Gratuity/Death Gratuity**

When the individual has a family and wishes to nominate one member or more than one member, thereof.

I, No. _____ Rank _____ Name _____

hereby nominate the person/persons mentioned below who is/are member(s) of my family, and confer on him/them the right to receive, to the extent specified below, any gratuity the payment of which may be authorised by the Government in the event of my death while in service and the right to receive on my death, to the extent specified below, any gratuity, which having become admissible to me on retirement may remain unpaid at my death.

Original nominee(s)				Alternate nominee(s)	
Name & Address of nominee/nominees	Relationship with the individual	Age	Amount or share of gratuity payable to each*	Name, Address, Relationship & Age of the person or persons, if any, to whom the right conferred on the nominee shall pass in the event of the nominee, predeceasing the individual or the nominee dying after the death of the individual but before receiving payment of the gratuity	Amount or share of gratuity payable to each**
(1)	(2)	(3)	(4)	(5)	(6)

This nomination supersedes the nomination made by me earlier on _____ which stands cancelled.

Note:1. The individual shall draw lines across the blank space below the last entry to prevent the insertion of any name after he has signed.

2. Strike out which is not applicable.

* This column should be filled in so as to cover the whole amount of the gratuity.

** The amount/share of the gratuity shown in this column should cover the whole amount/share payable to the original nominee(s).

Dated This _____ day of _____ 20__ at _____

Witnesses to signature

1. _____

2. _____

Signature of individual

II

(To be filled by the Commanding Officer in the case of PBOR)

Nomination by: _____

Designation: _____

Office: _____

Signature of Commanding Officer

Name:

Designation:

Date:

Proforma for acknowledging the receipt of the nomination from

To.

Sir,

In acknowledging the receipt of your nomination/cancellation, dated the _____ of the nomination made earlier, in respect of gratuity in Form 'A', I am to state that it has been duly placed on record.

Place: _____

Dated the: _____

Signature

Designation _____

Note: The individual is advised that it would be in the interest of his nominees if copies of the nominations and the related notices and acknowledgements are kept in safe custody so that they may come into the possession of the beneficiaries in the event of his death.

Appendix IX
(Referred to in Regulation 145(a)(2))

FORM 'B'

Nomination for Retirement Gratuity/Death Gratuity

When the individual has no family and wishes to nominate one person or more than one person

I, No. _____ Rank _____ Name _____, having no family, hereby nominate the person/persons mentioned below, and confer on him/them the right to receive, to the extent specified below, any gratuity the payment of which may be authorised by the Government in the event of my death while in service and the right to receive on my death, to the extent specified below, any gratuity, which having become admissible to me on retirement may remain unpaid at my death:

Original nominee(s)				Alternate nominee(s)	
Name & Address of nominee/nominees	Relationship with the individual	Age	Amount or share of gratuity payable to each*	Name, Address, Relationship & Age of the person or persons, if any, to whom the right conferred on the nominee, pre-deceasing the individual or the nominee dying after the death of the individual but before receiving payment of the gratuity	Amount or share of gratuity payable to each**
(1)	(2)	(3)	(4)	(5)	(6)

This nomination supersedes the nomination made by me earlier on _____ which stands cancelled.

Note:(i) The individual should draw lines across the blank space below the last entry to prevent the insertion of any name after he has signed.

(ii) Strike out which is not applicable.

Dated This ____ day of _____ 20__ at _____

Witnesses to signature 1. _____

2. _____

Signature of individual

II

(To be filled by the Commanding Officer in the case of PBOR)

Nomination by: _____

Designation: _____

Office: _____

Signature of Commanding Officer

Name:

Designation:

Date:

- * This column should be filled in so as to cover the whole amount of the gratuity.
 ** The amount/share of the gratuity shown in this column should cover the whole amount/share payable to the original nominee(s).

Proforma for acknowledging the receipt of the nomination form

To.

Sir,

In acknowledging the receipt of your nomination/cancellation, dated the _____ of the nomination made earlier, in respect of gratuity in Form _____ I am to state that it has been duly placed on record.

Place: _____

Dated the: _____

Signature

Designation _____

Note: The individual is advised that it would be in the interest of his nominees if copies of the nominations and the related notices and acknowledgements are kept in safe custody so that they may come into the possession of the beneficiaries in the event of his death.

APPENDIX-X
(Referred to in Regulation 158 (a))

TABLE

COMMUTATION VALUES FOR A PENSION OF Re. 1, PER ANNUM
(Effective from 1st March, 1971)

Age next birth-day	Commutation value expressed as number of year's purchase	Age next birth-day	Commutation value expressed as number of year's purchase	Age next birth-day	Commutation value expressed as number of year's purchase
17	19.28	40	15.87	63	9.15
18	19.20	41	15.64	64	8.82
19	19.11	42	15.40	65	8.50
20	19.01	43	15.15	66	8.17
21	18.91	44	14.90	67	7.85
22	18.81	45	14.64	68	7.53
23	18.70	46	14.37	69	7.22
24	18.59	47	14.10	70	6.91
25	18.47	48	13.82	71	6.60
26	18.34	49	13.54	72	6.30
27	18.21	50	13.25	73	6.01
28	18.07	51	12.95	74	5.72
29	17.93	52	12.66	75	5.44
30	17.78	53	12.35	76	5.17
31	17.62	54	12.05	77	4.90
32	17.46	55	11.73	78	4.65
33	17.29	56	11.42	79	4.40
34	17.11	57	11.10	80	4.17
35	16.92	58	10.78	81	3.94
36	16.72	59	10.46	82	3.72
37	16.52	60	10.13	83	3.52
38	16.31	61	9.81	84	3.32
39	16.09	62	9.48	85	3.13

Note: - This table is based on a rate of interest of 4.75% per annum.

**MEMO EXPLANATORY OF EACH REGULATION OF THE
PENSION REGULATIONS FOR THE ARMY, PART-I (2008)**

No. of Regulation as in the Pension Regulations For The Army, Part-I (2008)	No. of Regulation in; the existing Pension Regulations. For the Army Part-I (1961)	Explanatory remarks
1	2	3
1	--	New Regulation
2	--	Clause (a) is new Regulation and clauses (b) & (c) are based on Rules 5(1) & 5(2) of CCS (Pension) Rules, 1972.
3	2	Clause (b) is based on Regulation 4 of PRA Pt-II (1961).
4	2-A	(i) Revised and enlarged. (ii) Clause (iv) is based on Rules 3(h)(ii) and 71(3) of CCS (Pension) Rules, 1972. (iii) Clause (viii) is based on Rule 3(0) of CCS (Pension) Rules, 1972 Based on Rule 3(f) of CCS (Pension) Rules, 1972.
5	---	New Regulation based on the Regulation 3 of Navy (Pension) Regulations,(1964).
6	115	Modified on the lines of Rule 7 of CCS (Pension) Rules, 1972;
7	3-B	Modified based on MOD No. F 12(I)/73/556/S/D(Pen/Ser) dt. 20.07.74 and No. 12(1)/78/D(Pen/ser) dt. 24.04.79 & No. 40410/AG/PS-4(c)/3212/B/D(Pen/Ser) dt. 28.9.83 and Corr. Dated 21.06.85
8	4	Modified based on Rules 8 of CCS (Pension) Rules, 1972.
9	5 as amended by CS No. 166/IV/79	Modified based on Rules 9 of CCS (Pension) Rules.
10	6 as amended by CS No. 104/X/69	
11	--	New Regulation based on Section-IX of the Pension Army Act, 1871, and Regulation59 of PRA Pt.II (1961).
12	--	New Regulation based on Rule 55-A of CCS (Pension) Rules, 1972 and Deptt.of P&PW OM No. 45/73/97-P&PW(G) dt. 02.07.99 & MOD No 7(1)/95/D(Pen/Sers)99 dt. 06.10.1999.& No. 7(1)/95/D(Pen/Ser) dt. 28.08.2000
13	--	New Regulation MOD No.1(1)/98/D(Pen/Ser) dt 15.6.98 MOD No. B/38207/7/AG/PS4(b) /193/A/D(Pen/Ser) dt. 7.3.2001 and 22(1)/01/US(WE)/D(Res) dt 1.4.03 and No. B/49764/?AG/ECHS dt10.10.2003 & No.22(i)/us(WE)/D(Res) dt.08.03.04 and AHQ No.B/49784/AG/ECHS dt. 15.1.05.,AHQNo.B/49787/AG/ECHS dt12.7.2005
14	--	New Regulation MOD letter No. 3(5)/98/D(Cer) dt 5.9.03 and MOD ID No. 6020/D(Pen-C)/2001 dt. 10.08.2004and No. 7(32)2007/D(Cer) dt. 14.05.2008
15	--	New Regulation based on Regulation 11 of PRA Pt-II (1961) and MOD No. 5(5)/85/272/86/A/D(Pen/Ser) dt. 22.1.86 as amended by Corr No. 5(5)/85/1481/87/A/D(Pay/Sers) dt. 13.7.87 & MOD No. 1(6)/98/D (Pen/Sers) dt. 3.2.98 and 1(2)/97/D (Pen-C) dt. 31.1.2001
16	--	New Regulation based on Para 15 of MOD letter No.1

		(6)/95/D(Pen/Sers) dated 3-2-98.
17	--	New Regulation based on Para 5 and Notes (1) to (5) of MOD Letter No. A/06393/AG/PS4 (a)/903/D (Pen/Sers) dated 6.11.69 & MOD No. 1 (6)/95/D(Pen/Sers) dated 3-2-98, and No. 14(3)/2004/D(Pen/Sers)-III dated 01.02.06 & No. C/7051/1/C/PC/C/T&C/Vol-II/B/D(Pen/Sers) dated 26.05.2006
18	9	Clause (a) is based on MOD No. B/38076/AG/PS4(a)/2190/A/D(Pen/Ser) dt. 6.8.84 and (b) is based on Regulation 9 as modified.
19	26 & 37	CGDA's letter No. 6428/AT-P dated 20.10.62 MOD letter No. 9(5)/64/11813-D (Pen/Sers) dated 8.12.65. and MOD Letter No. B/40392/AG/PS4 (C)/420/C/D (Pen/Sers) dated 24.2.81, MOD Letter No. 1 (5)/87 /D (Pen/Sers) dated 30.10.87.
20	27	Read with Rule 28, 29, 30, 31-A of Leave Rules for Services Vol- I - Army.
21	122	Modified based on CGDA No. 6428/AT-P dt. 20.10.62 MOD No. B/39022/AG/PS-4 (a&c)/589/C/D(Pen/Sers) dt 27.03.02
22		New Regulation based on Section 71(h) of Army Act, 1950.
23	124	Modified based on MOD No. A/49606/7/AG/PS4(a)/2855/c/d(pen/ser) dt 31.10.79 and No.A/49606/7/AG/PS4(a)/825/c/d(pen/ser) dt 29.3.85
24	58(b), 84,174 & 214	-----
25		New Regulation. MOD No. 76642/AG/PS2(c)/676/8/D(AG-II) dt. 16.04.64 And No.76642/AG/PS-2(c)/669-S/D(AG-II) dt 16.04.64 AI 71/58 and AI 72/58, A.I. 2/69 (Corr. 2/69), A.I. 61/70 (Corr 42/70), A.I. 52/70 (Corr 36/70).
26	Table 3&6 as referred to in Regulation 18 & 22 of PRA pt-II (1961)	
27	--	New Regulation based on Para 3.1 of MOD letter NO. 1(6)/99/D(Pen/Sers) dated 3.2.98. NOTE 4 is based on Note 4 below Rule 33 of CCS (Pension) Rules and Note 1 is based on proviso to Rule 50(5) and Rule 54(14) (c) (ii) of CCS (Pension) Rules.
28	14	
29	16	Modified based on MOD Letter No. 12(6)/95/D (Pen/Sers) dt. 9.6.99 & MOD No. Air Hq/24229/Regulation/6 & 102/PP&R-3/326/A/D(Pen/Sers) dt 25.4.01, No. 4684/DIR (Pen)/2001 dt. 14.08.2001.
30	17	
31	18 as amended by CS No. 10/IV/67	Read with Deptt of P & PW Notification No. 27012/1/2006- Est (A) dt. 23.11.2006 amending Rule 18 of CCS (Pension) Rules, 1972.
32	19 as amended by CS No. 66/IV/79	Clause (d) is based on AI 10/S/63 as amended vide amendment No. 11 dated 7.3.70.
33	22	Reconstructed based on Regulation 18 of Navy (Pension) Regulations, 1964.
34	25(a) & 36(a)	Revised vide Para 5 of MOD letter No. 1(6)/98/D(pen/Sers) dated 3.2.98.
35	Proviso to 22	New Regulation based on Para 4 of MOD letter No. 1(6)/98/D(pen/Sers) dated 3.2.98 and proviso of Note 1 and Note 3 below Rule 34 of CCS (Pension) Rules.
36	--	New Regulation based on Para 6.1(a) and (c) of MOD letter No. 1(6)/98/D(pen/Sers) dated 3.2.98 & No.B/41002/T/AG/PS-

		5/1368/2007/D(Pen/Policy) dt. 27.04.2007
37	53	Reconstructed based on para 8 of MOD letter No. 1(2)/97/D(Pen/C) dated 31.1.01 read with MOD No. 220576/77/Pen-C dt. 1.10.1977.
38	--	New Regn based on Regulation 25 of Navy(Pension) Regulations,1964.
39	25(b) & 36(b)	--
40	----	Based on para 8 of MOD letter No. 1(6)/98/D(Pen/Sers) dated 3.2.98 read with Para 7.2 of MOD letter No. 1(5)/87/D (Pen/Sers) dt. 30.10.1987.
41	113	Modified based on MOD letter No. 12(6)/D(Pen/Sers) dated 09.06.1999, and MOD letter No. 4684/DIR/(Pen)/2001 dated 14.08.01.
42	120	--
43	123	---
44	125	Modified based on MOD letter No. 4684/DIR/(Pen)/2001 dated 14.08.01.
45	126	Modified based on MOD letter No. A/19008/AG/PS4(a)/5357/D(Pen/Sers) Dated 7.7.69 and MOD letter NO.B/40392/ AG/PS4(c)/ 420 /C/D(Pen/Sers) dt. 24.2.81 MOD Letter No. A/48977/AG/PS4-(B)/891/C/D(Pen/Ser) dt 04.10.95
46	--	New Regulation
47	132	--
48	133-A 135	Clause (a) is based on Note below Para 6 of MOD letter No. 1(6)/98/D(Pen/Sers) dated 3.2.98, clause (b) is based on MOD Corr No. B/39022/AG/PS-5 (Policy)/29/A/D (Pen/Sers)/06 dt. 10.1.06 and Note below clause (b) is based on Note below Para 6.2 (b), clause (c) is based on Regn 133 A as inserted vide CS No. 150/IV/76.
49	134	--
50	136-(a)	Re-constructed based on Para 6(c) of MOD letter No. 1(6)/98/D(Pen/Sers) dated 3.2.98.
51	--	New Regulation AHQ letter No. 14(1)/79/D(AG) dated 17.7.1979 AHQ letter No. 82412/ Naik/ GW-2(b)/5350/D(AG) dated 9.12.1981 MOD letter No. 15(1)/83/D(AG) dated 28.7.1984.
52	137	Modified vide MOD No. 1(1)/88/D(Pen/Sers) dated 06.11.91
53	179	Reconstructed based on para 8 of MOD letter No. 1(2)/97/D(Pen/C) dated 31.1.01 and AI 184/69.
54	139, 142	Modified vide based on para 8 of MOD letter No. 1(6)/98/D(Pen/Sers) dated 3.2.98.
55	140	Modified vide based on Para 8.2 of MOD letter No. 1(6)/98/D(Pen/Sers) dated 3.2.98.
56	164 167	Modified vide based on Para 11 of MOD letter No. 1(6)/98/D(Pen/Sers) dated 3.2.98.
57	165	--
58	70, 71 & 196,197	Clause (b) is based on MOD No. A/15774/AG/PS-4(a)/493/D(Pen/Ser) dt. 18.4.1967 & No. A/05210/AG/PS-4 (d)

		dt. 14.12.72
59	72 & 198	---
60	75,77 & 200,201	Modified vide based on Para 9 of MOD letter No. 1(6)/98/D(Pen/Sers) dated 3.2.98.
61	---	New Regulation vide CGDA No. 6518/AT-P dt. 16.10.65.
62	---	New Regulation based on para 1 of AI 51/80
63	--	New Regulation based on Note below para 1 of AI 51/80 and modified vide MOD No. A/06724/AG/PS-4(a)/39/B/D9Pen/Ser) dt. 23.01.82 & No. 1(6)/98/D(Pen/Sers) dt. 3.2.98
64	---	New Regulation based on para 13 of MOD letter No. 1(6)/98/D(Pen/Sers) dated 3.2.98, MOD No. F. 14(3)/98/D(AG) dt. 3.9.1998 and Note-2 is based on Regn 135 PR-I.
65	---	New Regulation clause (a) is based on MOD No. 220574/77/Pen-C dt. 31.7.78 Clause (b) is based on Note-2 below para 2 of AI 51/80 and clause (c) is based on MOD No.196313/pen-C dt 7.4.70
66	--	New Regulation based on Para 6 of AI 51/80 read with MOD letter No. 1 (6)/98/D (Pen/Sers) dt.3.2.98. MOD letter NO 6(7)/87/D(Pen/Ser) dated 5.4.1991. &AI 3/95
67	--	New Regulation based on para 7 of AI 51/80 & AHQ NO A/44151/M/AG/PS-4(e)/381/B/D/(Pen/ Ser) dated 11.6.1993and Para 13.2 of MOD No. 1 (6)/98/D (Pen/Sers) dt.3.2.98.MOD No. 1(3)/2007/d(Pen/Ser) (E) dt 25.10.07
68	--	New Regulation based on para 8 of AI 51/80 and MOD No. A/49601/AG/PS-4(a)/1120/B/D(Pen/Ser) dt 25.9.91& MOD ID No. 878/A/D/(Pen/Ser)/04 dt. 21.09.2004 and No. 1(3)/2007/D(Pen/Policy) dt 25.10.07
69	--	New Regulation MOD letter No. A/49601/AG/PS-4(e)/3363/B/D (Pen/Sers) dated 27.8.1987 DOP&PW Notification 1/9/96-P&PW(E) dt 21.1.99 DP&PW Notification No. 1/47/87-P&PW/C dated 13.3.90, MOD letter NO. A/49601/AG/PS 4(e) 1372/B/D (Pen/Sers) dated 20.12.91, PCMF-Air HQ/24229/788/FPHC/PP&R-3(i)/582/A/ D(Pen/Ser) dated 29.11.2005 Deptt of P&PW OM No. 1(4)/06-P&PW(E) dt 31.7.06 .
70	----	New Regulation based on Para 13.2 (b) MOD No. 1(6)/98/D(Pen/Ser) dated 3.2.1998 read with no.B/38207/AG/PS4(B) /D (Pen/ser) Dt 26.8.1998 & No. 1(3)/99/D (Pen/sers) dt. 24.11.1999.
71	-----	New Regulation based on Para 9 of AI 51/80. MOD letter No. A/06320/Div/AG/PS-4 (e)/395 /B /D(Pen/Sers) dated 25.5.1992
72	---	New Regulation based on Para 10 of AI 51/80 & MOD NO. B/38278/FPS/AG/PS-5/815/A/(Pen/sers)/2005 dt. 07.03.2006
73	---	New Regulation based on Rule 54 (11-A) of CCS(Pension) Rules,1972.
74	---	New Regulation based on Rule 54 (11-B) of CCS (Pension) Rules, 1972. MOD No. 1(4)/99/D(Pen/Sers) dt 5.9.2000.
75	----	New Regulation based on Rule 54 (11-C) of CCS (Pension) Rules, 1972.
76	----	New Regulation based on para 13 of AI 51/80.
77	----	New Regulation based on MOD letters No. 12(16)/86/D(Pen/Sers) dt.3.6.88; No 12(16)/86/D(Pen/Sers) dt.20.3.90 23.3.92,26.8.93 and No. 12(15)86/D(Pen/Sers) dt. 15.9.99.

78	---	New Regulation based on Rule 54(13-B) of CCS (Pension) Rules, 1972. MOD letter No. 2/CC/B/D/(Pen/Sers) 2001 dt. 28.8.2001.
79	---	New Regulation based on Rule 13 A of CCS (Pension) Rules, 1972
80	---	New Regulation based on Rule 54 (12) of CCS (Pension) Rules, 1972.
81	48 & 173	The explanation below clause (a) is based on Para 7.1 (i) (i) of MOD letter No. 1(2)/97/D (Pen-C) dt. 31.1.2001.
82	--	New Regulation based on Para 4.1 and Para 4.2 of MOD letter No. 1(2)/97/D(Pen-C) dt 31.01.2001
83	50	Modified based on Note below para 8.3 of MOD letter No. 1(2)/97/D(Pen-C) dt. 31.1.2001 and MOD No. 220576/77/Pen-C dt. 1.10.77.
84	51 & 175	---
85	52 & 177	----
86	54 & 178	----
87	56 & 177	----
88	57	Para 5 and 6 of MOD No 22679/DGAFMS/DG 3A/2721/D(Med) dated 18.7.74
89	63 & 189 and Appendix III	Para 13 of MOD letter No.1(2)/97/D(Pen-C) dt. 31.01.2001, No 99765/AG/PS-4(g)/10925/Pen-C dt 24.12.63
90	---	New Regulation Para 9 of MOD letter No. 1(2)/97/D(Pen-C) dt.31.1.2001. AHQ No. 20035/Org-8(1 of (a) dt. 20.4.93
91	64 & 190	----
92	187	---
93	114	----
94	60	Modified based on Para 7.1 of MOD letter No. 1(2)/97/D(Pen-C) dt. 31.01.2001
95	173-A	---
96	181	---
97	182	---
98	183	Modified based on Para 7.1 of Modified vide MOD letter No. 1(2)/97/D(Pen-C) dt. 31.01.2001
99	---	New Regulation based on para 10 of MOD letter No. 1(2)/97/D(Pen-C) dt. 31.01.2001
100	---	New Regulation based on para 10.1 of MOD letter No. 1(2)/97/D(Pen-C) dt. 31.01.2001
101	---	New Regulation based on para Para 11.1 of MOD letter No. 1(2)/97/D(Pen-C) dt.31.1.2001.
102	---	New Regulation based on Para 11.2 of MOD letter No. 1(2)/97/D(Pen-C) dt.31.1.2001.
103	---	New Regulation based on Para 11.4 of MOD letter No. 1(2)/97/D(Pen-C) dt.31.1.2001.
104	---	New Regulation based on Para 12 of MOD letter No. 1(2)/97/D (Pen-C) dt.31.1.2001.
105	85 & 213	Modified based on MOD letter No. 1(2)/97/D (Pen-C) dt. 31.01.2001
106	87&207	---
107	216	Modified based on MOD letter No. A/25002/PS-4(b)/5018/D(Pen-C) dt 14.6.74 and No. PC to F/B/39974/53/AG/ PS-4(e)/875/93/D(Pen-C) dt.25.2.1993.

108	---	New Regulation based on Note 2 below Para 5.3 of MOD letter No. 1(2)/97/D(Pen-C) dt.31.1.2001.
109	85	Modified vide MOD letter No. 1(2)/97/D(Pen-C) dt. 31.01.2001
110	85	Modified based on MOD letter No. 1(2)/97/D(Pen-C) dt.31.1.2001.
111	92	---
112	100,101	---
113	95	Modified vide MOD letter No. 1(2)/97/D(Pen-C) dt. 31.01.2001
114	---	New Regulation based on Para 5.8 of MOD letter No. 1(2)/97/D(Pen-C) dt.31.1.2001.
115	95	Modified based on MOD no. 1(2)/97/D(Pen-C) dt 31.1.2001, Para 16 of MOD No. 1(5)/87/D(Pen/Sers) dt. 30.10.1987, No 1(7)/89/D(Pen-C) dt 21.1.2004, No. 1(7)/89/D (Pen-C) dt. 24.1.2005
116	97	--
117	218	--
118	220	--
119	219	Modified vide MOD letter No. 1(2)/97/D(Pen-C) dt. 31.01.2001
120	227	Modified vide MOD letter No. 1(2)/97/D(Pen-C) dt. 31.01.2001
121	--	New Regulation Modified vide Para 5.8 of MOD letter No. 1(2)/97/D(Pen-C) dt. 31.01.2001
122	221	--
123	231	--
124	224	--
125	225	--
126	229	--
127	230	Modified vide MOD letter No. 1(2)/97/D(Pen-C) dt. 31.01.2001
128	--	New Regulation vide Para 5.7 & 5.6 of MOD letter No. dt.31.1.2008.
129	215	--
130	228	Modified vide MOD No. 200068/70/Pen-C dt 30.5.75 & 20068/70/Pen-C dt. 07.05.76
131	217	Modified vide MOD letter No. 1(2)/97/D(Pen-C) dt. 31.01.2001
132	213 (a)	New Regulation Para 6.1 of MOD letter No. 1(2)/97/D(Pen-C) dt.31.1.2001, NOTE 2 below Para A (b) (ii) of Annexure I to MOD No. 200847/Pen-C/71 dt. 24.2.72
133	--	New Regulation Para 6.1, 6.6, 6.2, 6.4 of MOD letter No. 1(2)/97/D(Pen-C) dt.31.1.2001 & No. 200847/Pen-C/71 dt. 24.2.72.
133-A	New Regulation	Based on MOD letter No. 200847/Pen-C/71 dt. 24.2.72 & 11.10.72.
134	--	New Regulation Para 6 of MOD letter No. 1(2)/97/D(Pen-C) dt.31.1.2001.
135	--	New Regulation Para 6 of MOD letter No. 1(2)/97/D(Pen-C) dt.31.1.2001.
136	--	New Regulation Para 6 of MOD letter No. 1(2)/97/D(Pen-C) dt.31.1.2001.
137	104 & 232	MOD letter No. 94846/AG/PS-4 (C)/47 (S)/ Pen-C dated 13.3.70.
138	104& 232	--
139	104& 232	Modified vide MOD letter No197829/68/ Pen-C/III dated 30.10.1968

140	--	New Regulation Min.of Defence letter No.20(1)/98 /D(Pay/Sers)dated 22.9.98. as amended vide No.20(1)/98/D (Pay/Sers)dated 12.4.99, No.20(1) /98 /D(Pay/Sers) dated 3.8.99
141	--	New Regulation Min. of Defence letter No.20(1)/98 /D(Pay/Sers)dated 22.9.98. as amended vide No.20(1)/98/D (Pay/Sers)dated 12.4.99,
142	--	New Regulation based on Para 2(a) & (b) of AI 8/S/70.
143	--	New Regulation based on Para 2(c) of AI 8/S/70.
144	--	New Regulation based on Para 2(c) of AI 8/S/70
145	--	New Regulation based on Para 4 of AI 8/S/70.
146	--	New Regulation based on Para 5(a) ,5(b),5(c),5(d) of AI 8/S/70.
147	--	New Regulation based on Para 7 of AI 8/S/70.
148	--	Based on Rule 51(A) of CCS (Pension) Rules, 1972.
149	--	New Regulation based on Para 8 of AI 8/S/70
150	--	New Regulation based on Rule 71 of CCS (Pension) Rules, 1972.
151	341	Reconstructed.
152	Note below 341	Reconstructed. Based on Rule 4 of CCS (Commutation of Pension) Rules, 1981.
153	--	New Regulation based on AI 8/S/70 & Rule 5 of CCS (Commutation of Pension) Rules, 1981. MOD No A/10112/AG/PS4(c)/7495/D/Pen/Sers dt. 5.10.67
154	343	Modified based on MOD letters No. B/40323/AG/PS4(c)/31 4/D/Pen/Sers) dt. 24.7.79 and Corr No. B/40323/AG/PS 4(c)/782/A/D (Pen/Sers) dt. 26.3.1984& Rule 13(3) of CCS (Commutation of Pension) Rules, 1981
155	--	New Regulation based on MOD letter No.B/40323/AG/PS49C) 374 /US/D (Pen/Sers) dt.10.5.78. & Rule 13(3) of CCS (Commutation of Pension) Rules, 1981., No.B/ 40323/AG/PS4(c)/1750/AD (Pen/Sers) dt.26.10.81 .
156	--	New Regulation based on MOD letter No.B/40323/AG/PS49C) 374 /US/D (Pen/Sers) dt.10.5.78. No. 1/40323/AG /PS4(c)/1314/A/D (Pen/ Sers) dt. 24.7.79., No.B/ 40323/AG/PS4(c)/1750/AD (Pen/Sers) dt.26.10.81 and Rule 13 of CCS (Commutation of Pension) Rules, 1981.
157	345 & 354	Reconstructed. Based on MOD letters No. (c)/01701/AG/PS4(c) 4407/D/Pen/Sers) dt. 7.6.77, No.B/40323/AG/PS-4(C)/374/US/D (Pen/Sers) dt.10.5.78 its Corr. No.B/40323/AG/PS4(C)1858/A/D(Pen/Sers) dt.18.10.78, No.1/40323/AG/PS-4(c)/1314/A/ D(Pen/Sers) dt. 24.7.79 and Rules 6(c) and 13(3) (d) of CCS (Commutation of Pension) Rules, 1981.
158	344 & 353	Read with AI 85/71.
159	--	New Regulation Based on proviso (a) , (b) & (c) below Rule 6 (i) (ii) of CCS (Commutation of Pension) Rules MOD No 01701/AG/PS4(c)/4407/D/Pen/Sers) dt. 7.6.77 and No. 4(1)/89/D(Pen/ser) dt. 10.11.1995
160	346 & 355	Reconstructed. Clause (ii) based on Rule 28(1) of CCS (Commutation of Pension) rules, 1981.
161	347 & 356	--
162	--	New Regulation based on Rule 10 of CCS (Commutation of Pension) Rules, 1981 and MOD letter No. 1(6)/98/D (Pen/Sers) dt. 3.2.98.

163	--	New Regulation based on DP&PW OM No.34/2/86-P&PW dt.5.3.87 and No. 34/2/86-P&PW (G) dt.22.8.90; which applied to Armed Forces pensioners also.
164	--	New Regulation Para 3 of AI 6/S/65 and AI/85/66
165	--	New Regulation Para 3 of AI 6/S/65 and AI/85/66
166	--	New Regulation Para 5 of AI 6/S/65.
167	--	New Regulation Para 15 of AI 6/S/65.
168	--	New Regulation Para 6 of AI 6/S/65 and MOD No PCB/39028/AG/PS4 (a & c)/863/B/D/Pen/Sers) dt. 28.11.2000
169	--	New Regulation MOD letter No. 1(6)/98/D (Pen/Sers) dt. 3.2.98.
170	--	New Regulation MOD Letter No. B/42116/AG/PS-4(C) /351/B/D/(Pen/Ser) dated 3.6.93
171	--	New Regulation Para 9 of AI 6/S/65.
172	--	New Regulation Para 10 of AI 6/S/65 and MOD No 1(9)/2006/D(Pen-C) dt 30.8.2006. & No. 858/2001/D(Pen/Policy) dt. 21.2.2008
173	266	Reconstructed read with MOD letterNo.1 (6)/98/D (Pen/Sers) dt.3.2.98 and No. 1(2)/ 97/D(Pen-C) dt.31.1.2001.
174	267	Modified based on MOD letter No. PC-III to MF No. A/00592/DSC-2/54-C/D (GS-IV) dt.3.3.83.
175	--	New Regulation based on MOD letter No.A/00592/DSC-2/54-C/D(GS-IV dated 3.3.83 quoted above and MOD letters No 1(6)/ 98/D (Pen/Ser) dt.3.2.98 and even no dt. 9.1.2001
176	267(d)	Modified based on MOD letters.No.A/00592/DSC-2/54-C/D (GS-IV) dt.3.3.83.
177	--	AI 8/S/70
178	--	7/S/1961
179	280 & 281	Reconstructed MOD letter No. A/02361/AG/PS-4(a)/887/(Pen/C) dt. 07.02.64, MOD No. 1(2)/84/D (Pen-C) dt. 29.5.1986 and No. 1(2) 97/D (Pen-C) dt.31.1.2001,
180	293	AI 2/S/64 and AI/12/S/64
181	282	MOD letter No. 1(2) 97/D (Pen-C) dt.31.1.2001& No. A/28436/AG/PS4(d)/5397/Pen-C dt. 6.8.70
182	292,295 & 317	Reconstructed MOD letter No. 1(6)/98 /D(Pen/Ser) dated. 3.2.98 and MOD letter No.1(2) /97/D(Pen-C) dated 31.1.2001.
183	293	--
184	--	New Regulation based on MOD letters No. 68699/221/GS/TA-(A)/1181/B/D(GS-VI) dt.11.6.85 & No. 68699/GS/ TA-3(a)/1068/B/D(GS-V) dt. 1.7.86 & No. 1(6)/98/D (Pen/Sers) dt.3.2.98 & No 46347/Pen/TA/4/342/us (D) (CS-III)/2008 & dt. 23.5.2008
185	--	New Regulation reconstructed based on Para 2(a) & (b) of MOD letter dated 11.6.85, No. 68699/221/GS/TA-3(a)/884/B/D(GS-VI) dt. 29.5.86 and ID No. 20(i)/2007/D(GS-III) dt. 5.2.08
186	--	New Regulations based on Para 6.1 & 6.2(b) of MOD letter No.1(6)/98 /D(Pen/Ser) dated 3.2.1998.
187	--	New Regulation based on MOD letter dated 11.6.85, MOD letter No.1(6)/98 /D(Pen/Ser) dated 3.2.1998.
188	--	New Regulation based on MOD letter dated 11.6.85.
189	297,317,318	
190	--	New Regulation MOD letter dated 11.6.85, MOD letter

		No.1(6)/98 /D(Pen/Ser) dated 3.2.1998.
191	--	New Regulation MOD letter dated 11.6.85, MOD letter No.1(6)/98 /D(Pen/Ser) dated 3.2.1998.
192	--	New Regulation based on MOD letter dated 11.6.85, MOD letter No. 1(6)/98 /D(Pen/Ser) dated. 3.2.98.
193	302 to 309, 324,325 to 331	Revised vide MOD letter No. 1(2) /97/D(Pen-C) dated 31.1.2001.
194	302,310 to 312,324 &332 to 334	Revised vide MOD letter No. 1(2) /97/D(Pen-C) dated 31.1.2001.
195	302,310,311,312,324, 325 to 332	Revised vide MOD letter No. 1(2) /97/D(Pen-C) dated 31.1.2001.
196	127(b)	--

No. of Appendix	No. of Appendix in PRA Part –I (1961)	Explanatory remarks
I	--	New Appendix based on MOD letter No. 1(1)/98/D(Pen/Sers) dated 15.06.98, No. B/38207/7/AG/PS-49b)/193/A/D(Pen/Ser) dt. 7.3.2001.
II	--	New Appendix based on MOD No. F3/29/59/D(Cer) dt. 19.01.62 No. F. 3(32)/72/D(Cer) dt 30.10.72. No. 3(32)/72/D(Cer) dt 13.11.72 No. F.3(32)/42/D(Cer) dt. 30.9.75& Corr No. F. 3(32)/72/D(Cer) dt. 8.6.98, & No. F. 3(8)/98/D(Cer) dt. 18.3.99 revised and modified. and 3(5)/98/D(Cer) dt 5.9.2003 & No. 7(32)/2007/D(AG) dt. 14.05.08
III	--	Based on MOD letter No. 1(2)/97/D(Pen-C) dt 31.1.2001 and 7.2.2001 and No.4684/DIR(PEN)/2001 dated 14.08.2001 and Corr dt 07.11.2001
IV	--	----
V	V	----
VI	II	----
VII	--	MOD No. 1(7)/89/D(Pen-C) dt. 24.01.05
VIII	V	New Appendix based on MOD No. 20(1)/98/D(Pay/Ser) dt. 22.9.98 as amended vide even No. dt. 12.4.99, No. 20(1) 98/D(Pay/Ser) dt. 3.8.99.
IX	--	AI 8/S/1970
X	--	New Appendix based on A1 85/71

Memo explanatory of the treatment accorded in the Pension Regulations for the Army, Part-I (2008) to each regulation number of Pension Regulations for the Army, Part-I (1961).

No. of Regulation in Pension Regulation for the Army Part I(1961).	No. of corresponding Pension Regulations for the Army, Part-I (2008)	Explanatory remarks
1	2	3
1	2	Revised and enlarged
2	3(a)	--
2-A	4	Revised and enlarged.
3	--	Obsolete.
3-A	--	Taken to Part-II.as Regulation 108
3-B	6	Clause (c) of Reg 3B omitted being obsolete.
4	8	Revised and enlarged.
5	9	Reconstructed.
6	10	Modified.
7	--	Omitted.
8	--	Taken to Part-II. as Regulation 84
9	18	Modified.
10 Blank	--	--
11	--	Omitted.
12 Blank	--	--
13 Blank	--	--
14	27	Modified.
15	Explanation below 34	--
16	28	--
17	29	Reconstructed.
18	30	--
19	31	--
20 Blank	--	--
21 Blank	--	--
22	33	.
23 Blank	--	--
24 Blank	--	--
25(a)	34	--
25(b)	39	--
26	19	Revised and enlarged.

27	20	--
28	--	Obsolete.
29	36	Modified.
30	--	Obsolete.
31	--	Obsolete.
32	40	--
33 Blank	--	--
34 Blank	--	--
35 Blank	--	--
36(a)	33	
36(b)	39	Redundant. See revised Regulation.36.
37	19	Revised Regulation.17.
38	20	--
39	--	Obsolete.
40	--	Obsolete.
41	--	Obsolete.
42	--	Obsolete.
43	40	.
44 Blank	--	--
45 Blank	--	--
46 Blank	--	--
47	--	Obsolete.
48	81	--
48-A	92	--
49	--	Redundant
50	83	--
51	84	--
52	85	--
53	37	Modified
54	86 & 142	--
55 Blank	--	--
56	88	--
57	87	Modified.
58(a)	--	Obsolete.
58(b)	24	--
59	--	Omitted.
60	94	--
60-A		Obsolete
60-B	--	Obsolete
61	--	Obsolete
62	--	Obsolete.
63	89	--
64	91	--
65 Blank	--	--
66 Blank	--	--

67 Blank	--	--
68 Blank	--	--
69 Blank	--	--
70	--	Obsolete.
71	58	--
72	59	--
73	--	Redundant. See Regulation. 34.
74	--	Obsolete.
75	60(a)	--
76	60(a)	--
77	60(b)	--
78 Blank	--	--
79 Blank	--	--
80 Blank	--	---
81	--	Obsolete.
82		Obsolete.
83	106	Modified.
84	24	--
85	105	Reconstructed.
86	--	Obsolete.
87	--	Redundant
88 Blank	--	--
89	--	Super fluous.
90	--	Super fluous.
91	--	Super fluous.
92	111	--
93	--	Obsolete.
94	--	Obsolete
95	113	--
96	--	Obsolete.
97	116	--
98	112	--
99	--	Obsolete
100	112	--
101	112	--
102	--	Obsolete.
103	--	Obsolete.
104	137,138 & 139	--
104-A	--	Obsolete.
105	--	Obsolete.
106	--	Super fluous.
107 Blank	--	--
108 Blank	--	--

109 Blank	--	--
110 Blank	--	--
111 Blank	--	--
112		Obsolete.
113	41	--
114	93	--
115	6	--
116	--	Obsolete.
117	--	Super fluous.
118	--	Super fluous.
119 Blank	--	--
120	42	--
121	--	Obsolete.
122	21	--
123	43	--
124	23	
125	49	Modified.
126	45	Reconstructed.
127	--	Super fluous.
128 Blank	--	--
129 Blank	--	--
130 Blank	--	--
131 Blank	--	--
132	47	--`
133	48	--
133-A	Note 2 below 48	Super fluous.
134	49	--
135	48(d)	
136	50	--
137	52	--
138	--	Super fluous.
139	54	--
140	55	--
141	--	Super fluous.
142		
143 Blank	--	--
144 Blank	--	--
145	--	Redundant.
146	--	Redundant.
147	--	Redundant
148	--	Redundant.
149	--	Redundant.
150 Blank	--	--
151 Blank	--	--
152 Blank	--	--

153	--	Redundant
154	--	Redundant
155	--	Redundant
156	--	Redundant.
157	--	Redundant.
158	--	Redundant
159 Blank	--	--
160 Blank	--	--
161 Blank	--	--
162 Blank	--	--
163 Blank	--	--
164	56	--
165	57	--
166		Obsolete
167	56	--
168	--	Obsolete
169 Blank	--	--
170 Blank	--	--
171 Blank	--	--
172	--	Obsolete.
173	81	--
173-A	95	--
173-B	--	Redundant.
174	24	--
175	84	--
176	--	Super fluous.
177	85	--
178	86	--
178-A	--	Super fluous.
179	53	--
180		Super fluous.
181	96	--
182	97	--
183	98	Modified vide MOD No. 1(2)/97/D(Pen/C) dt. 31.01.01
183-A	--	Redundant
184	--	Obsolete.
185	--	Redundant
185-A		Obsolete
186	--	Super fluous.
187	92	--
188	87	--
189	89	--
190	91	--
191 Blank	--	--

192 Blank	--	--
193 Blank	--	--
194 Blank	--	--
195 Blank	--	--
196	--	Super fluous.
197	58	--
198	59	
199	--	Super fluous.
200	60(a)	
201	60(b)	
202 Blank	--	--
203 Blank	--	--
204 Blank	--	--
205 Blank	--	--
206	--	Obsolete.
207	106	--
208 Blank	--	--
209 Blank	--	--
210 Blank	--	--
211 Blank	--	--
212	--	Redundant.
213	105	--
214	24	--
215	129	--
216	107	Reconstructed.
217	131	--
218	117	--
219	119	--
220	118	--.
221	122	--
222	--	Super fluous.
223	--	Obsolete.
224	124	--
225	125	--
226	--	Redundant.
227	120	--
228	130	--.
229	126	--.
230	127	--.
231	123	--
231-A	--	Super fluous.
232	137	--
233 Blank	--	
234 Blank	--	--
235 Blank	--	--

236	--	Obsolete.
237	--	Obsolete.
238	--	Obsolete.
239	--	Obsolete.
240	--	Obsolete.
241	--	Obsolete.
242	--	Obsolete.
243 Blank	--	--
244 Blank	--	--
245 Blank	--	--
246	--	Obsolete.
246-A	--	Obsolete.
247	--	Obsolete.
247-A	--	Obsolete.
248	--	Obsolete.
249	--	Obsolete.
250	--	Obsolete.
251 Blank	--	--
252 Blank	--	--
253	--	Obsolete.
254	--	Obsolete.
255	--	Obsolete.
256	--	Obsolete.
257	--	Obsolete.
258	--	Obsolete.
259	--	Obsolete.
260 Blank	--	--
261 Blank	--	--
262 Blank	--	--
263 Blank	--	--
264 Blank	--	--
265	--	Redundant.
266	173	--
267	174	Reconstructed.
268	--	Redundant.
269 Blank	--	--
270 Blank	--	--
271	175(a)	--
272	175(a)	--
273	--	--
274	--	Redundant.
275 Blank	--	--
276 Blank	--	--
277 Blank	--	--
278 Blank	--	--

279	--	--
280	179	--
281	179	--
282	181	--
282-A	181(b)	--
283	--	Obsolete.
284	180	
285	180	
286		
287		
288	179	
289		
290		
291 Blank	--	--
292	182	--
293	183	--
294 Blank	--	--
295	195, 196	
296	211	--
297	212	--
298 Blank	--	--
299 Blank	--	--
300 Blank	--	--
301 Blank	189	--
302	--	--
303		
304		
305		
306	193	
307		
308		
309		
310	194.	
311	--	
312	--	Obsolete.
313 Blank	--	--
314 Blank	--	--
315 Blank	--	--
316 Blank	--	--
317	--	Super fluous.
318	189	--
319	189(c)	--
320 Blank	--	--
321 Blank	--	--
322 Blank	--	--

323 Blank	--	--
324	196	--
325		--
326		--
327		--
328	193.	--
329		--
330		--
331		--
332		--
333	194	
334	--	Obsolete.
335 Blank	--	--
336 Blank	--	--
337 Blank	--	--
338 Blank	--	--
339 Blank	--	--
340Blank	--	--
341	--	Obsolete
342	153	--
343	152	--
344	158	--
345	157	--
346	160	--
347	161	--
348	--	Super fluous.
349	--	Super fluous.
350	153	--
351	151	--
352	152	--
353	158	--
354	157	--
355	160	--
356	161	--
357	--	Super fluous.
Appendix-I	--	Obsolete.
Appendix-II	IV	Revised
Appendix-III	VII	Revised
Appendix-IV	--	Super fluous.
Appendix-V	V	--

REGISTER OF CORRECTION

Number of correction slip	Regulation/ Regulations affected	Dated initial of person by whom pasted	Number of correction slip	Regulation/ Regulations affected	Dated initial of person by whom pasted

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