

F.No. 4(17)2015/D (Pen/Legal)
Government of India
Ministry of Defence
Department of Ex-Servicemen Welfare
D (Pension/Legal)

Sena Bhawan, New Delhi
Dated 29th June, 2017

To

The Chief of the Army Staff
The Chief of the Naval Staff
The Chief of the Air Staff

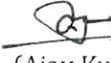
Subject: - Implementation of orders of Hon'ble Courts/AFTs in Neither Attributable to Nor Aggravated (NANA) by service cases

The Hon'ble Supreme Court in its order dated 02.07.2013 in Civil Appeal No. 4949/2013 filed by Dharamvir Singh Vs Union of India & Ors. held the following:-

- I. The question whether a disability is attributable or aggravated by military service is to be determined under "Entitlement Rules for Casualty Pensionary Awards, 1982".
 - II. A member is to be presumed in sound physical and mental condition upon entering service if there is no note or record at the time of entrance. In the event of his subsequently being discharged from service on medical grounds any deterioration in his health is to be presumed due to service.
 - III. If no note of any disability or disease was made at the time of individual's acceptance for military service, a disease which has laid to an individual's discharge or death will be deemed to have arisen in the service.
 - IV. If medical opinion holds that the disease could not have been detected on medical examination prior to the acceptance for service and that disease will not be deemed to have arisen during service, the medical board is required to state the reasons.
2. In view of the above judgment of Hon'ble Supreme Court, matter for implementation of orders of Hon'ble Courts/AFTs in respect of Armed Forces Personnel in NANA cases was taken up with Department of Expenditure, Ministry of Finance for consideration. Deptt. of Expenditure has agreed to implement those orders of Hon'ble Courts/AFTs where all legal remedies have been exhausted. In cases where appeals are pending or could be filed, the legal remedies may be exhausted and thereafter, if the appeals are dismissed, the Court/AFT orders may be implemented.
3. Accordingly, I am directed to convey the approval of Competent Authority in Ministry of Defence for implementation of orders of Hon'ble Courts/AFTs in Neither Attributable to Nor Aggravated (NANA) by service cases as under:-
- a. Service Hqrs. may await the orders of Hon'ble Apex Court in those NANA cases in which SLPs/Civil Appeals have already been filed. In case Civil Appeals are dismissed, Service Hqrs. may issue absolute sanction at their level with the approval of competent authority.
 - b. Service Hqrs. may implement the orders of Hon'ble Courts/AFTs in NANA cases by issuing absolute sanction keeping in view the order dated 02.07.2013 of Hon'ble Apex Court in Dharamvir Singh's case (Civil Appeal No. 4949/2013).

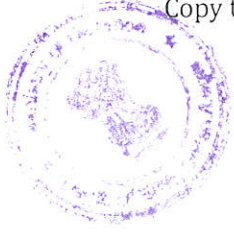


- c. In those NANA cases in which conditional sanction have been issued by the Service Hqrs. with the approval of competent authority in MoD, Service Hqrs. may convert conditional sanction into absolute sanction with the approval of competent authority.
4. This issues with concurrence of MoD (Fin/Pen) vide U.O. No. 1631/Fin/Pen dated 21.06.2017.


24.06.2017
(Ajay Kumar Agrawal)

Under Secretary to the Govt. of India
Tel:- 011-23015650

Copy to:-



1. FA (DS)
2. Deptt of Expenditure (EV) - w.r.t. their ID No. 1(11)/EV/2017 dated 24.05.2017
3. AFA (Pension), MoD (Fin/Pen)
4. CGDA, Ulan Batar Road, Delhi Cantt., New Delhi
5. PCDA (P), Draupadi Ghat, Allahabad
6. Director, AG/PS-4(L)
7. Director, DAV (Legal Cell)
8. Director, PDPA (Navy)
9. US (Pen/Policy), MoD, Sena Bhawan