

P R E F A C E

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 and the Territorial Army.

Part II—Containing regulations relating to delegation of powers and pension procedure affecting the personnel whose pensions are regulated by the regulations in Part I.

2. The regulations in this Part supersede the rules in Pension Regulations for the Army in India, Part II (1940 Edition) and have been issued under the authority of the Government of India.

3. Except as otherwise provided in these Regulations elsewhere, the regulations contained in this Part apply to personnel governed by the New Pension Code. Those who are so governed or for whom no provision is made in these Regulations will continue to be governed by the Pension Regulations for the Army in India, Part I & II (1940 Edition) and orders supplementary thereto.

4. No deviation from the regulations in this Part is permissible without the prior sanction of the Government.

5. Permanent orders of only general application incorporated in these Regulations. Sanctions having a transitory interest have, however, not been included. Such sanctions are at variance with these Regulations and should be viewed as operative for only so long as they remain in force.

6. The disposal of the rules in Pension Regulations for the Army in India, Part II—(1940 Edition) and any other regulations in these Regulations are shown in the Appendix at the end of this Part.

O. F.
Secretary

	REGU- LATION	PAGE
Conditions for the grant of the allowance	257	77
Conditions for the continuance of payment of the allowance	258	77
Grant of compassionate allowance in conjunction with a grant from other funds	259	77
 CHAPTER IV—DEFENCE SECURITY CORPS 		
<i>Section I—General</i>		
Extent of application	265	79
General provision	266	79
Counting of former service	267	79
 <i>Section II—Service Pension and Gratuity</i> 		
Rates of pension	271	80-82
Rate of service gratuity	272	82
Pay for assessment of service gratuity	273	82
 <i>Section III—Disability and Family Pensionary Awards</i> 		
Extent of application	279	83-84
Amount of disability pension	280	84
Constant attendance allowance	281	85
Rates of special family pension	282	85
Rates of children's allowance	283	85
 CHAPTER V—TERRITORIAL ARMY 		
<i>Section I—General</i>		
General provision	289	87
Definition of military service	290	87
 <i>Section II—Commissioned Officers</i> 		
<i>Sub-Section I—Terminal Gratuity</i>		
Extent of application	295	88
Conditions for the grant of terminal gratuity	296	88
Rate of terminal gratuity	297	88
 <i>Sub-Section II—Disability and Family Pensionary Awards</i> 		
Extent of application	302	89
Conditions governing the grant of disability and family pensionary awards	303	89
Special conditions for the grant of disability pension	304	89-90

	REGU- LATION
Rates of disability pension	305
Rank for assessment of disability pension	306
Pensionary awards when the accepted degree of disablement is re- assessed at less than 20 per cent	307
Cases where disability manifests itself after retirement	308
Constant attendance allowance	309
Special family pensionary awards—when admissible	310
Rates of special family pensionary awards	311
Rank for assessment of special family pensionary awards	312

*Section III—Junior Commissioned Officers, Other Ranks and Non-Combatant
(Enrolled)*

Sub-Section I—Terminal Gratuity

Extent of application	317
Conditions for the grant of terminal gratuity	318
Rate of terminal gratuity	319

Sub-Section II—Disability and Family Pensionary Awards

Extent of application	324
Conditions governing the grant of disability and family pensionary awards	325
Primary conditions for the grant of disability pension	326
Rates of disability pension	327
Rank for assessment of disability pension	328
Pensionary awards when the accepted degree of disablement is re- assessed at less than 20 per cent	329
Cases where disability manifests after retirement	330
Constant attendance allowance	331
Special family pensionary awards—when admissible	332
Rates of special family pensionary awards	333
Rank for assessment of family pensionary awards	334

CHAPTER VI—COMMISSIONED OFFICERS—COMMUTATION OF PENSION

Extent of application	341
Conditions and limits of commutation	342
When commutation of pension is permissible	343
Calculation of commuted value	344
When commutation becomes absolute	345
Withdrawal of application	346
Incidental expenses incurred	347
Commutation of anticipatory/provisional pension	348

APPENDICES

REGU-
LATION PA

PENDIX

305			
306	90	Reckoning of paid acting rank for purposes of retiring pension	1
307	91	Entitlement Rules	104-1
308	91	Regulations governing the payment of constant attendance allowance.	111-1
309	91	Conditions regarding the grant of awards of gratuity from the compassionate gratuity fund (Defence Services)	114-1
310	91		
311	91		
312	91	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
		<i>ombatants</i>	
		INDEX	121-1
		Memo. Explanatory of each Regulation in Part I of the Pension Regulations for the Army-(1961) Edition	129-1
317	93		
318	93-94		
319	94		

Chapter VII -

CS. No. 791

24	95
25	95
26	96
27	96
28	96
	97
	97
	97
	97
	98
	98

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CHAPTER I—GENERAL
Extent of application

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

Note.—These Regulations do not apply to the former KCIOs (including those of the IMS transferred to the AMC).

Interpretation of regulations

2. Any doubt or difference of opinion regarding interpretation of regulations or any particular regulation shall be referred to the Government whose decision thereon shall be final.

Definitions

Unless there be something repugnant in the subject of contents defined in this chapter are used in the regulations in this/are explained:—

Units Officer	Shall mean CDA (Pensions), CDA (ORs) or CDA (Officers), as the case may be.	84	85
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.	282	85
Officers on the active list	Shall mean officers of the Army whether on full pay or otherwise, before their retirement, and shall not include officers who have retired and are subsequently recalled to service or are re-employed.	283	85
Pension	Shall include gratuity except when it is used in contradistinction to term gratuity.	289	87
Public claim	Shall be held to mean any public debt or disallowance, including any overissue made through an error as to the facts; or a deficiency or irregular expenditure of public money or stores of which after due investigation, no explanation satisfactory to the President is given by the person who is responsible for the same.	290	87
Qualifying colour vice	Shall mean all service including any former service of a combatant or otherwise which qualifies for rate of a combatant.	295	88
Retired list	Shall mean period after an officer has rendered service and shall include recalled or re-employed service.	296	88
Rate of pension or gratuity not invariably	Shall mean period after an officer has rendered service and shall include recalled or re-employed service.	297	88
Full rate of pension or gratuity provided	Shall mean period after an officer has rendered service and shall include recalled or re-employed service.	302	89
All not be granted unless the service	Shall mean period after an officer has rendered service and shall include recalled or re-employed service.	303	89
If the service has not been satisfied	Shall mean period after an officer has rendered service and shall include recalled or re-employed service.	304	89-90
Why make such reduction in the	Shall mean period after an officer has rendered service and shall include recalled or re-employed service.		
Thinks proper.	Shall mean period after an officer has rendered service and shall include recalled or re-employed service.		
	40%		
	60%		
	80%		
	100%		

Grant of pension is subject to future good conduct.

4. Future good conduct shall be an implied condition of grant of a pension or allowance.

Pension may be withheld, suspended or discontinued or paid to other dependant

5. In special circumstances to be determined by the President as may be specified in these Regulations, the pension (service gratuity or family), children's allowance or gratuity to be granted or discontinued. In exceptional cases, payment of part or whole of the pension, allowance or gratuity withheld or suspended in order of the President, be made to the wife or other dependant of the pensioner.

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Personnel in civil Government employment

6. An individual in civil government employment shall be governed by the relevant civil extra-ordinary pension rules except where he/she is in receipt of military rates of pay, in which case he/she and her family shall continue to be governed by these Regulations.

Note.—This regulation does not preclude the grant to an individual of a service award for which he/she qualifies under these Regulations; or, in the event of an award not being admissible to his/her family under the civil extra-ordinary pension rules, the grant to his/her family of an award more than a special family pensionary award, admissible under these Regulations.

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

7. An individual in receipt of a pension under these Regulations in respect of his service in the Defence Services, who is re-employed in civil capacity under any Office/Department/Ministry of the Central Government, including the Ministry of Defence or under a State Government or Administration, or who is granted such pension under these Regulations while serving in such civil capacity shall, in respect of his pension under these Regulations, be subject to the provisions of Regulation 510-B or 526 of the Civil Service Regulations, or corresponding provisions of the State Governments/Administrations, as the case may be (Regulation 120).

10. (i) who retire under a retirement service pension rank of Lt Colonel or above, (ii) P... length of... other pay... date o... years or... years or... years or... years or...

Discontinuance of pension when nationality is changed

When a pensioner becomes a naturalised citizen of a foreign country, the Government may decide after consideration of the circumstances to discontinue the whole or part of the pension or allowance.

Based on Govt. of India, Ministry of Defence letter No. F. 6(13)54/D(Med) dated the 10th December 1956.

Based on paras 17, 18 & 21 of AI 2/S/53.

Modified in accordance with paras 22 & 23 of AI 2/S/53 & AI 140/57 and Ministry of Defence letter No. F.79(13)/57/4570/D (Pensions/Services) dated the 6th June 1959.

(i) Fresh regulation framed in accordance with the decision taken in the Govt. of India, Ministry of Defence file No. 147741/C-1.

(ii) Sub-para 2 based on the practice obtaining on the civil side vide Ministry of Finance (Defence) u.o. No. 3790-PB dated the 11th September 1957 in Ministry of Defence file No. F. 80(1)/55/D(Pensions/Services).

1(i)

Clause (i) modified. Remarriage of a male parent is not a bar to the continuance of dependants pension. See Govt. of India, Ministry of Defence Air HQrs. file No. 9102/359/PP&R-3.

93

Redrafted. No change in substance.

94

(i) Redrafted. No change in substance.

(ii) Second sub-para based on rule 102 Pension Regulations for the IN (1943).

95

(i) Redrafted. No change in substance.

91(ii)

(ii) The expression "that the child became afflicted during the officers lifetime" omitted being superfluous as in the case of initial grant the child must be afflicted before attaining the age of 18 years i.e. during lifetime of the officer.

97

Modified in accordance with para 20 of AI 2/S/53 and Govt. of India, Ministry of Defence letter No. 33172/MG/OS-10A/774/D(Disposal) dated the 4th March 1958 and No. PN/1069/9239/Pen-C dated the 24th November 1959.

96

Redrafted. No change in substance. The maximum rate of education allowance based on para 19 of AI 2/S/53 and Govt. of India, Ministry of Defence letter No. 179751/Pen-C dated the 21st August 1958.

Based on Govt. of India, Ministry of Defence letter No. 180572/Pen-C dated the 25th March 1958 and No. 180572/II/Pen-C dated the 7th January 1959.

Based on para 2 of AI 1/S/53. Amplified to clarify that the rules are applicable only to those on regular engagement.

1	2
113	195 & 196
114	(i) Amalgamated to ... as distinct from ... (ii) ... "sub ... Act ...
115	197
116	199
117	200
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120	203
121	204
122	211
123	212
124	218
125	217
126	213
132	..
133	193
134	194
135	..
136	..

Based on para 16 of AI /S
Ministry of Defence let
(Pensions/Services) dated

Redrafted. The rule has
cable to Non-Combatants

The provisions of invalidin
malingering omitted being
84 AFPRC Report.

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Clauses (a), (c), (d), (e) and (f)
Pt II (1940) omitted being i
references to other rules/regulu

Redrafted. No change in subst

Modified in accordance with
Ministry of Defence letter
PS4(a)/4247-D(Pens/Services) c
May 1960.

The term "Mustering out" pensic
been substituted by "Special
vide Govt. of India, Ministry
letter No. F/51/9/D(PP)/53 dated
1954.

Redrafted omitting portions which
redundant. Condition 3 modified i
with AI 16/60.

(i) Based on para 3 of AI 1/S/53.
(ii) The phrase "unless otherwise p
intended to indicate that serv
than with the colours which is
would also count.

Modified in accordanc with para 4 of AI

..
..

Based on para 4 of A I 1/S/53.
(i) Clause (a) based on Annexure I
1/S/53.
(ii) Clause (b) based on AI 4/S/54.

1	2	
		(iii) Clause (c) based on try of Defence lette. (Pensions/Services) 1956. = 58
		(iv) A positive provision ha indicate that pension discharge/retirement.
137	232(B)	Modified in accordance with pa 1/S/53.
138	..	Based on para 3 of AI 2/S/54.
139	..	(i) Based on para 6 of AI 1/S/53. (ii) The phrase "unless otherwise provi intended to indicate that service othe with the colours, which is qua would also count.
140	..	Based on para 8 of AI 1/S/53. Provisio garding reduction in gratuity is based c 5/S/56.
141	..	Based on para 7 of AI 1/S/53.
142	..	Based on para 8 of AI 1/S/53.
145	..	Based on para 3 of AI 1/S/53.
146	..	(i) Based on Annexure I to AI 1/S/53. (ii) A positive provision has been made to cate that pension is payable on disch
147	..	Based on para 6 of AI 1/S/53.
148	..	Based on para 8 of AI 1/S/53.
149	..	(i) Based on para 7 of AI 1/S/53. (ii) Reference to "substantive appoi omitted being inapplicable in th Non-Combatants (Enrolled).
153	..	Based on paras 2(b) & 3(c) of AI 2/S/5
154	297	(i) Modified to provide that period porary absence from India will b as qualifying. (ii) "Nepal" is treated as part of rule 7, Reserve Forces Rules, 19 (iii) The rule has been amplified to individuals whose permanent Sikkim or Bhutan.
155	300(c)	(i) Modified in accordance with p 2/S/54. (ii) Clause (c) based on NI 151/58.
156	..	Based on para 3 of AI 2/S/54.
157	298	..

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official or
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316	Modified in accordance with Govt. of India, Ministry of Defence letter No. F/51/9/D(PP)/53 dated the 21st June 1954.
317	Modified in accordance with Govt. of India, Ministry of Defence letter No. F/51/9/D(PP)/53 dated the 21st June 1954.
318	<p>Based on Govt. of India, Ministry of Defence letter No. F/51/9/D(PP)/53 dated the 21st June 1954.</p> <p>(i) Modified in accordance with Govt. of India, Ministry of Defence letter No. F/51/9/D(PP)/53 dated the 21st June 1954.</p> <p>(ii) Table II to rule 318 omitted as IMC is not in existence.</p> <p>(iii) Table III to rule 318 omitted as no special pension/gratuity has been laid down for reservists.</p>
321 & 344	<p>(i) Clause (b) based on Govt. of India, Ministry of Defence letter No. F. 284/PR/12814-B(PP) dated the 28th December 1954.</p> <p>(ii) Categories to which New Pension Code does not apply have been omitted.</p> <p>(iii) "Embodied" in clause (v) of rule 344 PRI Pt II (1940) has been substituted by "called up for service" being more appropriate.</p>
346(i)	Modified in accordance with Govt. of India, Ministry of Defence letter No. 138999/1/PC dated the 18th April 1950.
349	Redrafted in view of the current entitlement rules <i>vide</i> Govt. of India, Ministry of Defence letter No. 138999/1/PC dated the 18th April 1950.
350	Redrafted. No change in substance.
361	Based on current entitlement rules <i>vide</i> Govt. of India, Ministry of Defence letter No. 138999/1/PC dated the 18th April 1950.
367	Redrafted in accordance with the present entitlement rules <i>vide</i> Govt. of India, Ministry of Defence letter No. 138999/1/PC dated the 18th April 1950.
..	Based on para 10 of AI 1/S/53.

b) The re-employed/recalled service shall not earn either an increase in pension or any gratuity; nor shall it be counted towards service limits prescribed in regulation 86 for ordinary family

c) Disability element of pension, Constant Attendance Allowance & special family pensionary awards on account of disablement or death due to re-employed/recalled service will be at the same rates and subject to the same general conditions as are applicable to other officers on the active list.

Officers who accept employment under a Government outside India or commercial employment after retirement

18. (a) An officer who is granted any pension, gratuity or other benefit in respect of his/her army service or who is likely to receive any pension, gratuity or other benefit under these Regulations shall obtain the permission of the President before accepting an employment under a Government outside India at any time after his/her army service has ceased. An officer of the rank of Colonel or above, whether held in substantive capacity or otherwise, who is granted a pension, gratuity, or other benefit in respect of his/her army service or who is likely to receive any pension, gratuity or other benefit under these Regulations, shall also obtain such permission prior to acceptance of any commercial employment before the expiry of two years from the date his/her army service ceases.

(b) An officer permitted by the President, before his/her army service ceases to take up a particular employment under a Government outside India, or commercial employment, shall not, however, be required to obtain subsequent permission for his/her continuance of that employment.

(c) No service or disability pension or other recurring benefit shall be payable to an officer who accepts an employment in contravention of the provisions of this regulation, in respect of any part for which he/she is so employed or for such a longer period as the President may direct. Gratuity where due, but not already paid, shall also be liable to be forfeited in part or in full as the President, at his discretion, decide.

Note.—(1) The term "employment under a Government outside India" shall include employment under a local authority or corporation, institution or organisation which functions under the superintendence of a Government outside India.

Note.—(2) The term "commercial employment" shall include any capacity including that of an agent under a contract, or engaged in trading, in commercial, industrial, financial or other business, or as a directorship of such a company.

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SECTION II—RETIRING PENSION AND GRATUITY

Sub-Section I—General

Retiring pension and gratuity—when admissible

22. An officer permitted to retire from service may be granted a retiring pension or gratuity in accordance with the regulations in this class, provided that a retiring gratuity may be granted at the discretion of the President only in an exceptional case to an officer who is permitted to retire or whose services are otherwise terminated after completing the minimum qualifying service; see regulation 2 and 36.

23.

Minimum qualifying service

25. (a) The minimum period of qualifying service required for a retiring pension is 20 years (15 years in the case of a law entrant—see regulation 15). Only completed years of qualifying service count.

(b) The minimum period of qualifying service for a retiring gratuity shall be 10 years.

Qualifying service for pension

26. The following periods of service qualify for pension:—

(a) **Commissioned service.**—Service as a permanent regular commissioned officer if it is preceded without a break, service of the following category jointly or severally subject to the refund in the prescribed manner of Government of the gratuity, if any, other than war gratuity, received in respect of such service:—

- (i) Service as commissioned officer in the Army, Indian Navy and Air Force, irrespective of the type of commission;
- (ii) Embodied or called out commissioned service as an officer of the late Indian Territorial Force or the late Auxiliary Force (India) or of the Territorial Army;
- (iii) Called up service as an officer of the late AIRO or called up commissioned service in the IAFVR or mobilised commissioned service in the INR/INVR.

Provided that:—

- (1) any service which was forfeited by special orders, and
- (2) 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 for in clause (g).

(b) **Service as Branch List Officer of the Indian Navy and pre-commissioned service.**—(i) All qualifying service as:—

- (1) an officer of the Branch List of the Indian Navy in the regular cadre including such service as Warrant Officer or Commissioned Warrant Officer or mobilised service in the reserve (including service rendered on T-124 X agreement) or service as a short service commissioned officer in the Branch List, if followed by permanent regular commissioned service without a break.

12-2-64]

(2) JCO or Warrant Officer, Class I, of the Army or Warrant Officer or Master Warrant Officer of the Air Force (including service rendered during World War II and continuous thereafter) immediately followed by commissioned service (including service as a Branch List Officer of the Indian Navy).

CS No
51/VII/67

(ii) ~~One-half~~ ^{Two-thirds} of the qualifying service, including service rendered during World War II and continuously thereafter, in the ranks below that of:—

- (1) Branch List Officer of the Indian Navy;
- (2) JCO or WO Class I of the Army, or WO of the Air Force immediately followed by commissioned service direct or service as a JCO or Warrant Officer Class I of the Army or Branch List Officer of the Indian Navy or Warrant Officer of the Air Force which in turn is immediately followed by commissioned service.

Note.—The provisions of this clause are applicable subject to the gratuity, if any, other than war gratuity, received in respect of such service being refunded to the government in the prescribed manner.

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

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

(e) **Service on deputation under Civil Department or State Government or a Municipality or a Foreign Government.**—(i) Service under an Office/Department/Ministry of the Central Government or under a State Government;

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

Deleted
Previous pensionable civilian service.—Any period of pensionable civilian service/Non-Combatants (Enrolled) service to the extent it is permitted to qualify for pension as a commissioned officer under general or special orders. (CS No 20/IV/67)

120 Army Dental Corps.

CS. No. 11/11/67

any or Warrant Officer Class (including)

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

Ante-date of Commission	18 months
Secondment	12 "
When both ante-date and secondment have been granted	24 "

Note.—Any 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.

CS. 82/VIII/67

Qualifying service for gratuity

27. Subject to the following modifications all service which qualifies in full for retiring pension also qualifies for gratuity, and on the same conditions. Service below the rank of JCO/Warrant Officer Class and any other service which does not qualify in full for retiring pension, shall not qualify for gratuity:—

(a) period spent on study leave which qualifies in full for retiring pension also qualifies for gratuity, provided that service for at least a period of five years has been rendered from the date of return from study leave last availed of. This proviso may be relaxed in the case of an officer who is permitted to retire on account of ill-health within that period.

(b) the period of ante-date of commission and secondment allowed to qualify for pension in the case of AMC officers shall not qualify for gratuity.

Rank for assessment of retiring pension

AMENDMENT TO PENSION REGULATIONS FOR THE ARMY PART I

C. S. No. 12/IV/67

Regulation 28

Add the following as a Note at the end of Regulation 28 regarding rank for assessment of retiring pension:—

“NOTE—As regards officers who retire while holding paid acting rank, see Regulation 10.”

(This amendment has effect from 1st September 1962).

[Min. of Def. letter No. 1(10)/60/D (Pensions/Services) dt. 12-2-64].

[Ministry of Finance (Def.) u.o. No. 69-S/Pen-B of 1965].

stantive rank held

1 year

2 "

the order below

1969.

194(c)/142/D

1960 - Pens dated

Gov. Service Government or

body or an institution, pro-Government contribution to the latter.

of pension to the extent of commissioned

1967/68

Standard rates of retiring pension and standard service periods

29. If an officer's qualifying service is not less than the standard service period for his rank as indicated below, he may be granted a retiring pension at the standard rate for that rank, as follows:—

(a) *Officers other than those mentioned in clauses (b) and (c) below:*

Rank for retiring pension	Standard service period	Standard retiring pension
	Years	Rs. p.m.
2nd Lieutenant/Lieutenant	20	275
Captain	20	350
*Major	22	475
Lieutenant Colonel	24	625
Colonel	26	675
Brigadier	28	725
Major General	30	800
Lieutenant General	30	900
General	30	1000

*As regards Majors holding higher acting ranks see Appendix I.

NOTE: ~~XXXXXXXXXX~~

(b) *Officers of the Army Medical Corps (including ex-Indian Medical Service Officers) on the pre-1937 pay code or on the pay code applicable from the 1st April 1937 to pre-war regular Indian Medical Service Officers:*

Rank for retiring pension	Standard service period	Standard retiring pension
	Years	Rs. p.m.
Lieutenant Colonel (Admn)	26	850
General	30	950
Lieutenant General	30	1000

AMENDMENT TO PENSION REGULATIONS FOR THE ARMY
PART I

C. S. No. 13/IV/67

Regulation 29

(a) The last column of the table in clause (a) showing the standard retiring pension is *re-constructed* as follows—

STANDARD RETIRING PENSION		
Officers retired between 1-6-53 & 16-4-56	Officers retired between 17-4-56 & 30-9-61	Officers retired/ retiring on or after 1-10-61
275	275	300
350	350	425
475	475	550
625	625	675
675	675	750
725	800	825@
800	875	875
900	900	900
1000	1000	1000'

(b) Add the following as a Note below the table in clause (a)—

@NOTE—The retiring pension of an officer of the rank of a Major-General shall not be less than pension which would have been admissible to him as a Brigadier, had he not been promoted to the rank of Major-General."

[AI 208/61 and AI 16/S/63]

(c) Re-construct the last column of the table in clause (a) as follows—

STANDARD RETIRING PENSION	
Officers retired between 1st June 1953 and 30th Sept. 1961.	Officers retired/retiring on or after 1st October 1961.
Rs. p.m.	Rs. p.m.
250	275
325	400
450	525
575	625

[AI 1/S/6]

(d) In the footnote below clause (a) of Regulation 29 regard standard rates of retiring pension and standard service periods, after words "Appendix I", delete the full stop and add the following—

"read with Regulation 10(vi)".

(This amendment has effect from 1st September 1962).

[M. of D. letter No. 1(10)/60/D (Pensions/Services), dt. 12-2-

(c) Officers of the Special List (Quartermaster, Technical and Records)

Rank for retiring pension	Standard service period	Standard retiring pension
2nd Lieutenant/Lieutenant	20	250
Captain	20	325
Major	22	450
Lieutenant Colonel	24	575

Handwritten notes: 1/15/64, 05.102, 13/11/67

Rates of deduction from the standard rates of pension

30. Where an officer's qualifying service is less than the standard service period for his rank, the amount of retiring pension is the standard rate for that rank reduced by one deduction according to the table below for each year or part of year of the deficiency.

Retiring pension	Rate of deduction
Rs. p.m.	Rs. p.m.
1000 to 751	30
750 to 601	20
600 to 401	15
400 to 301	10
300 to 201	5
200 and below	2.50

Deductions shall be made successively until the number of deductions due to be made has been completed, and each deduction in turn shall be at the rate appropriate to the amount remaining after the preceding deduction.

Assessment of pension of "late entrants"

31. An officer who is a "late entrant" (see regulation 15) may be granted a proportionate pension assessed as under:—

$$\frac{\text{Number of years of qualifying service}}{\text{Standard service period for the rank qualifying for retiring pension.}} \times \text{Standard rate of retiring pension of rank qualifying for retiring pension.}$$

675
725
800
900
1000
13/11/67
Medical
code appli-
Medical
Standard
retiring
pension
RS. p.m.
30
30
100

Rate of retiring gratuity

32. The maximum amount of gratuity, that may be granted, is assessed as under:—

Completed years of qualifying service	Amount
Years	
10	Rs. 10,000
Each additional year	1,000

33.

34.

35.

Sub-Section III—Officers of the Military Nursing Service

Minimum qualifying service

36. (a) The minimum period of qualifying service required for a retiring pension is 20 years (15 years in the case of a late entrant—see regulation 15). Only completed years of qualifying service shall count.

(b) The minimum period of qualifying service for a retiring gratuity shall be 10 years.

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

Qualifying service for pension

be granted, is

Amount

Rs.

10,000

1,000

37. The following periods of service qualify for pension:—
 (a) **Commissioned service.**—Service from the date of permanent appointment to the Military Nursing Service and, if it is preceded without a break, continuous service as a temporary Nursing Officer subject to the refund to 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.

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

(c) **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 emerges from a summary trial or court martial with results favourable to her. In all other cases the period passed under suspension shall count for pension only under the orders of the President.

(d) **Service on deputation—under a Civil Department or a State Government or a Municipality or a Foreign Government.**—(i) Service under an Office/Department/Ministry of the Central Government, or under State Government,

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

(e) **Previous pensionable civilian service.**—Any period of pensionable civilian service to the extent to which it is permitted to qualify for pension as a commissioned officer under any general or special orders.

(f) **Periods of secondment.**—Not exceeding 12 months in the aggregate.

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

Qualifying service for gratuity

38. All service which qualifies in full for retiring pension also qualifies for gratuity and on the same conditions. Periods of secondment and any service which does not qualify in full for retiring pension shall however not qualify for gratuity.

1-19 D.M.R.F./ND/68.
Price: (Inland) Re. 0-10 (Foreign) 3d. or 4 Cents.

(M. of F. (D) n. o. No. 836-Pen of 1968.)
Letter No. 10(4)61/593-S/D (Pensions/Services), dated 30-8-66.
(M. of D. Letter No. 50(1)52/D (Pensions/Services), dated 25-3-57 and

referred to in Appendix VI.
Any period of civil service to the extent and under the conditions as detailed in any special orders or general orders

“(e) Previous civilian service

The existing para(e) should be deleted and the following could be substituted as para(e) : —

D. S. No. 91/IV/68

Annexure 37

gratuity, that
gratuity

Rank for assessment of retiring pension

39. (a) Retiring pension shall be assessed on the substantive rank held by an officer on her retirement provided it has been held on the active list for a minimum period of two years.

(b) If the substantive rank had been held for less than two years, retiring pension shall be assessed on the next lower substantive rank.

NOTE: CS. No 14/11/67
Standard rates of retiring pension and standard service periods

40. If an officer's qualifying service is not less than the standard service period for her rank as indicated below, she may be granted a retiring pension at the standard rate for that rank as follows:—

Rank for retiring pension	Standard service period	Standard retiring pension
Captain	20	150
Major	22	225
Lieutenant Colonel	24	300
Colonel	26	350

18/10/67
Rates of deduction from the standard rate of pension

41. The provisions of regulation 30 shall apply.

Assessment of pension of "late entrants"

42. The provisions of regulation 31 shall apply.

Retiring gratuity

43. The maximum amount of gratuity that may be granted is at the rate of one month's pay for each completed year of qualifying service.

NOTE: - The pay during the furlough period will be taken at what it would have been had the officer not been absent from duty.

- 45. Col (Command Principal) 26 450.
- Brig (Ration-in-chief) 28 575

A-2 21/5/55
 46. Revised rates effective from 1 Oct 61 except in the cases of Col (Command Principal Ration) and Brig (Ration-in-chief). In these cases the effective date is 1 Dec 64

FOR THE ARMY

SECTION III—DISABILITY PENSIONARY AWARDS

Extent of application

- 47. The regulations in this section shall apply to:—
 - (a) The officers referred to in regulation 14 and
 - (b) Officers holding permanent regular commission who became non-effective during the period from the 27th October, 1947 to the 31st May 1953 (both days inclusive).

Provided that an award in respect of an officer of the category mentioned in clause (b) shall be made from the 1st June 1953 or the date from which it is admissible, whichever is later, and only if the beneficiary was alive on the 28th December 1954.

Disability pension when admissible

- 48. (a) An officer who is retired from military service on account of a disability which is attributable to or aggravated by such service and is assessed at 20 per cent or over may, on retirement, be awarded a disability pension consisting of a service element and a disability element in accordance with the regulations in this section;
- (b) The question whether a disability is attributable to or aggravated by military service shall be determined under the rules in Appendix II.

Late entrants

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

Officers who retire voluntarily

50. An officer who retires voluntarily shall not be eligible for an award on account of any disability.

Serious negligence or misconduct

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

Unreasonable refusal to undergo medical treatment

52. (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 President, if an officer 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.

regarding rank for holding paid acting (1962). dt. 12th Feb. 1964]

Yrs.	pension Rs. p.m.
20	150
22	225
24	300

taken at what (ages) dt. 6th

450.

575

et al
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...
...

RS
16/10

(b) The refusal will 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.

8/20/1958
Officers compulsorily retired on account of age or on completion of tenure

53. An officer compulsorily retired on account of age or completion of tenure, if suffering on retirement from a disability attributable to or aggravated by military service and recorded by service medical authority, may, at the discretion of the President, be granted in addition to the retiring pension admissible, a disability element if he/she had been retired on account of the disability, according to the accepted degree of disablement at the time of retirement.

8/20/1958
Manifestation of a disability after retirement

54. An officer, who had retired (otherwise than at his own request or in any of the circumstances specified in regulation 16) on a retiring pension/gratuity, but who within a period of seven years from the date of retirement is found to be suffering from a disease which is accepted as attributable to his or her military service, may, at the discretion of the President, be granted in addition to his or her retiring pension/gratuity, a disability element at the appropriate rate with effect from such date, as the President may decide in the circumstances of the case.

55.

Re-adjustment of disability pension granted for life, when the disability is subsequently reduced or removed

7/12/1969
 56. (a) The award of disability pension granted for life to an officer may be modified by the President if, as a result of further medical examination for any purpose, it decides that the disability on the basis of which the life award was made, has disappeared, is reduced or has become capable of improvement.

(b) Where an award is modified under clause (a) on the basis of the findings of a medical board, the modified rate of pension shall have effect from the date of assembly of the board.

(c) In case a pensioner who has been asked to appear before a medical board in accordance with clause (a) refuses to do so, the disability element of pension shall be suspended from the date of such refusal. If, however, the pensioner has rendered less than five years qualifying service, the disability pension as a whole shall be suspended.

reasonable when, officers who have suffered from pulmonary tuberculosis but are retained in service

57. An Officer suffering from pulmonary tuberculosis 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 five years from the date of rejoining, shall be eligible for a disability element appropriate to the degree of disablement as accepted on the date he/she was found medically fit for retention in service, in addition to—

- on completion of age or disability attributable by service element, be granted according to element.
- (a) the service element of disability pension admissible if he/she had been invalidated on the date immediately prior to that of rejoining duty or, if more favourable,
 - (b) the service pension based on the total length of qualifying service rendered upto the date of retirement.

own request on a retiring officer from the date which is at the date of his/her retiring date with circumstances

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

Definition of service and qualifying service

58. (a) The qualifying service of an officer is assessed in accordance with regulation 26 (regulation 37 in the case of officers of the Military Nursing Service) for the purpose of service element of disability pension and in accordance with regulation 27 (regulation 38 in the case of officers of the Military Nursing Service) for the purpose of a final gratuity.

(b) Service rendered in aid of the civil power shall be treated as military service for the purpose of disability pension and final gratuity.

Rank for assessment of service element of disability pension

59. The service element of disability pension is assessed on the substantive rank held by an officer on the date of retirement from military service on account of a disability attributable to or aggravated by such service. In no case, however, shall the service element be assessed on a rank lower than that of a Captain.

Provided that the service element shall be assessed on the paid acting rank held by an officer on any one of the following dates, whichever is the most favourable—

- (a) the date of retirement from service ; or
- (b) the date on which he/she sustained the wound or injury or was first removed from duty on account of a disease causing his/her disablement ; or

*Substantive rank
18/11/61*

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

Note.—Paid acting rank shall not be taken into account for the assessment of service element of disability pension if the crucial date mentioned above falls after the 31st May 1963.

Amount of disability pension and period for which granted

60. (a) The service element of disability pension (see regulation 48) shall be assessed as under :—

(i) If the qualifying service is 20 years (15 years in the case of a late entrant) or more, the service element shall be equal to the retiring pension admissible (see regulation 59) ;

(ii) If the qualifying service is less than 20 years (15 years in the case of a late entrant), the service element shall be assessed making deductions from the retiring pension which would have been admissible on retirement in the appropriate rank (see regulation 59) with 20 years (15 years in the case of a late entrant) qualifying service at double the rates given in regulation 30 for each year or part of year by which the qualifying service falls short of 20 years (15 years in the case of a late entrant).

(b) The disability element of disability pension (see regulation 48) will be at the rate appropriate to the accepted degree of disablement in accordance with the table below, from the date from which it is admissible or from date of expiry of the previous award, as the case may be, for the duration of the disability at that degree, as advised by the medical board or the competent service medical authority :—

CS. No.
19/14/67

Percentage of disablement appropriately referable to service factors	Rate of disability element	
	Officers other than those of the MNS	Officers of the MNS
	Rs. p.m.	Rs. p.m.
100	170.50	125.00
90	135	112.50
80	120	100.00
70	105	87.50
60	90	75.00
50	75	62.50
40	60	50.00
30	45	37.50
20	30	25.00

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of such service,
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for the assessment

THE ARMY

Provided that :—

- (i) the period of an award calculated with reference to the date of the medical board, shall not exceed—
 - one year, when the disability is considered to be capable of improvement ;
 - two years, when the disability is considered to be incapable of improvement.
- (ii) When two successive medical boards assess the accepted degree of disablement at the same percentage and hold it to be incapable of improvement, and the findings of both the medical boards in this respect are accepted by the competent service medical authority, disability element at the appropriate rate may be granted for life from the date of expiry of the previous award (see also regulation 56).
- (iii) When the disability is accepted as aggravated by military service, the duration of the disability element shall be determined with due regard to the relevant provisions in Appendix II.

CS No 208 21/11/67

60-A
60-B

Duration of the service element of disability pension

- 61. (a) In the case of an officer who has completed five years qualifying service, the service element of disability pension shall be permanent.
- (b) In the case of an officer who has completed less than five years qualifying service, the service element of disability pension shall be payable only for so long as the accepted degree of disablement is at least 20 per cent.

Final Gratuity

62. In the case of an officer who has less than five years qualifying service, when the accepted degree of disablement is finally assessed at less than 20 per cent, a final gratuity shall be paid as under :—

- Officers other than those of the MNS at the rate of Rs. 1,000 for each completed year of qualifying service.
- Officers of the MNS at the rate of one month's pay for each completed year of qualifying service.

Constant attendance allowance

63. (a) A constant attendance allowance at the rates shown below may be granted to an officer who is awarded a disability pension for 100 per cent disablement, if in the opinion of the invaliding or a resurvey medical board, he needs the services of a constant attendant for at least a period of three months, and the necessity arises solely from the condition of the accepted disability or disabilities

- Officers other than those of the Military Nursing Service Rs. 30 p.m.
- Officers of the Military Nursing Service Rs. 25 p.m.

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22/11/67

(b) The allowance may also be granted if the accepted degree of disablement of an officer is assessed at 100 per cent, but a reduced

@ M of D letter n. 11978 29/67/Per. 2/11
dated 30 Oct 68 (See next page)
(CS 22/11/67)

award is made under regulation 51, provided the remaining conditions for the grant of the allowance are fulfilled.

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

(a) Regul

cg. no.
23/14/67

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(b) Regul

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SECTION IV—FAMILY PENSIONARY AWARDS

Extent of application

81. The regulations in this section shall apply to the families of:—

- (a) officers referred to in regulation 14 ; and
- (b) officers holding permanent regular commission who became non-effective on account of retirement/death during the period from the 27th October 1947 to the 31st May 1953 (both days inclusive).

Provided that an award in respect of officers mentioned in clause (b) shall be made only in cases where the cause of death is attributable to or aggravated by service ; and

Provided further that the award shall be granted from the 1st June 1953, or the date from which it is admissible, whichever is later, and only if the beneficiary was alive on the 28th December, 1954.

Pension cannot be claimed as a right

82. A pension to the widow or other relative of a deceased officer or an allowance to a child shall not be claimed as a right. It shall not be granted when the applicant is shown to be unworthy, nor shall it be granted unless the officer's service has been such as, in the opinion of the President, to justify the award.

Serious negligence or misconduct

83. If the death of an officer is wholly or partly due to his or serious negligence or misconduct, the special family pensionary awards, otherwise admissible may be reduced at the discretion of the competent authority.

No reduction in special family pension or children's allowance shall, however, be made where a family gratuity is not granted on grounds of serious negligence or misconduct (see regulation 104):

Service rendered in aid of the civil power

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

Special family pensionary awards—when admissible

85. A special family pension to the widow of an officer and special children's allowance to his legitimate children under 18 years of age, or dependants pension to his/her parents or brothers/sisters may be granted if his/her death was due to or hastened by either a wound, injury or disease which was attributable to military service or the aggravation by military service of a wound, injury or disease which existed before or arose during military service, provided that:—

(a) in the event of death after retirement, the officer did not retire voluntarily;

and provided further that—

(b) in the case of pension for a widow and allowance for a child—

(i) the officer married before joining the service or while on the active list and before he received the wound or injury or before he was removed from duty on account of the disease;

(ii) when death is due to disease, the officer survived his marriage by at least a year, unless it can be shown that he was manifestly in good health at the time of his marriage; and

(iii) subject to any exception which the President may approve in a particular case under regulation 90, the widow was not separated from her husband at the time of his death.

(c) in the case of a pension for parents—

(i) the officer left neither a widow, nor children eligible for pension or allowance; and

(ii) the parent/parents were largely dependent on the officer at the time of his/her death or the father is dead or, if living, is incapable of self-support through age or infirmity and the pecuniary and other circumstances of the parent/parents are such as, in the opinion of the President, to justify the grant.

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(d) in the case of Pension for brothers and sisters—

- (i) the officer did not leave a widow, child or parent eligible for pension or allowance;
- (ii) the brothers and sisters were largely dependent on the officer at the time of his/her death and their pecuniary and other circumstances are such as, in the opinion of the President, to justify the grant.

Ordinary family pension and children's allowance—when admissible

86. An ordinary family pension and/or children's allowance shall be granted to the widow, and legitimate children under 18 years of age, of an officer who dies whilst on the active list or on the retired list on account of causes neither attributable to nor aggravated by service, provided that:—

- (a) the pecuniary circumstances of the applicant are such as, in the opinion of the President, to justify the award;

Note.—This proviso will not apply to an initial award which will be in force for a period of five years. Thereafter it will be reviewed every five years and the award continued only if the pecuniary circumstances of the applicant are such as, in the opinion of the President, to justify the continuance.

- (a) (b) the officer married before joining the service or while on the active list and before retirement;

- (b) (c) the officer was not over 50 years of age at the time of his marriage;

- (c) (d) the officer was not more than 25 years older than his wife;

- (d) (e) the officer survived his marriage by at least one year, unless it can be shown that he was manifestly in good health at the time of his marriage and that his death was due to a disease or injury resulting from causes not within his control;

- (e) (f) the officer, being liable to service, had not been excused, at his request, from serving, after being officially warned that his widow would thereby forfeit all claim to pension;

- (f) (g) the officer did not retire with a gratuity;
- (g) (h) subject to the provisions of regulation 89, the officer had not completed less than the following periods of service qualifying for pension as a commissioned officer (in the case of a retired officer, prior to his retirement):—

- (i) If he died whilst on the active list or after compulsory retirement for age or non-employment, or if he retired on account of ill health rendering him permanently unfit for further service—10 years;

- (ii) If he died after having retired voluntarily, or for inefficiency or in disreputable circumstances—20 years; and

- (h) (i) subject to any exception which the President may approve in a particular case under regulation 90 the widow was not separated from her husband at the time of his death.

*Deleted
vide CS. No.
83/11/67*

*Enlistment vide
C.S. M. 24-1/11/67*

Grant of children's allowance and education allowance to validly adopted children

37. Children's allowance and education allowance admissible under the regulations in this section to legitimate children of officers only, in the absence of any actual and legitimate child in the family, (is granted to one validly adopted child.)

12 4/99/Penc 2 16.9.67

38.

Composition of the family of a deceased officer promoted from the ranks whose service is insufficient to qualify for the grant of an ordinary family pension or children's allowance

39. If the service of a deceased officer who was promoted from the ranks is insufficient to entitle his widow and children to a pension or children's allowance at the ordinary rate, the President will decide what pension and/or allowance shall be granted provided that the service rendered in all ranks amounts to 10 years or 20 years as may be required under regulation 86.

Exception in cases of separation of widow from her husband at the time of his death

90. (a) The President may at his discretion grant a pension and/or gratuity to a widow who is not eligible for it under regulations 85 (b) (iii) and 86 (a) because she was separated from her husband at the time of his death.

(b) Should discretion as in clause (a) above be exercised, the grant of a pension (ordinary or special as the case may be) and/or gratuity shall be at such rate within the scales laid down in these Regulations and subject to such conditions as the President may determine.

(c) When the widow is not granted a pension for the reason that she was separated from her husband at the time of his death, an allowance to the legitimate children under 18 years of age may be granted at such rate within the scales (including motherless rates) laid down in these Regulations as the President may determine.

Reduction of family pension and children's allowance in cases where another pension is granted

91. If an applicant is granted any other pension or allowance on account of the officer's services whether in the Army or in any other service capacity, the award admissible under these Regulations shall be reduced by the amount of such pension or allowance.

Pension of a widow who dies before establishing her claim

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

Working Principles No. 14 No. F. 29(14)/501/501/D (Personal) dated 18 July 67.

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*85019/36/Penc
CS-82/1/67
at page 24*

Rank on which pension is assessed

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pension
to be
assessed
on paid
acting rank if
held for 2 2/3
years under
rule 103/69
SRI/50/
D. K. S.
10/2/67*

93. (a) Except as provided in clause (b) below, ordinary special family pension and gratuity to a widow, dependants pension to parents and brothers/sisters shall be assessed on the substantive rank held by an officer on the date of his/her death if the officer whilst on the active list or on the date of retirement if death occurs after retirement; provided that,

- (i) Pension to the widow shall be assessed on the rank below that in which an officer retired, in cases where officer retired voluntarily or was compulsorily retired on account of misconduct or inefficiency, before completing one year's service in the rank in which he retired.
- (ii) The widow may be allowed a pension attaching to any rank which was posthumously conferred on her husband under the normal promotion rules. Any other case of posthumous conferment of higher rank will be submitted for the orders of the Government.
- (iii) Under no circumstances shall any higher rank attained by the retired officer by virtue of his re-employment be taken into account for ordinary family pension.

(b) Paid acting rank held by an officer on any of the following dates whichever is the most favourable shall be taken into account for the purpose of assessment of special family pension and gratuity to the widow and dependants pension to parents or brothers/sisters;

- (i) The date of death if death occurs in service, or the date of invaliding, if death takes place after invaliding; or
- (ii) The date on which the officer sustained wound or injury which was first removed from duty on account of a disease causing death; or
- (iii) If he/she rendered further service and suffered aggravation of the disability during and as a result of such service, the date of his/her later removal from duty on account of the disability.

*deletion vide
S. No.
25/11/67*

Note.—Paid acting rank shall not be taken into account if the crucial date mentioned above falls after the 31st May 1963.

Rank for purposes of special family pensionary awards in respect of an officer suffering from pulmonary tuberculosis but retained in service

94. (a) Except as provided in clauses (b) & (c) below, special family pensionary awards in respect of an officer suffering from pulmonary tuberculosis attributable to or aggravated by military service who had rejoined duty having been found fit for retention in service on completion of leave shall be assessed on the substantive rank held by him/her immediately prior to the date of rejoining duty if he/she died as a result of a relapse of the disability within five years from that date.

Paid acting rank held by such an officer on any of the following dates, whichever is the most favourable, will be taken into account for the purpose of assessment of special family pensionary awards:—

- (i) the date immediately preceding the date of resumption of duty; or
- (ii) the date on which the officer was first removed from duty on account of pulmonary tuberculosis; or
- (iii) if he/she rendered further service, and suffered aggravation of the disability during and as a result of such service, the date of his/her later removal from duty on account of the disability. For this purpose service rendered after the date mentioned in sub-clause (i) will not be taken into account.

Note.—Paid acting rank shall not be taken into account if the crucial date mentioned above falls after the 31st May 1963.

(c) If death occurs as a result of a relapse of the disability after a period of five years from the date of rejoining, the rank for assessment of special family pensionary awards will be determined in accordance with regulation 93.

Rates of special family pensionary awards

95. The rates of special family pensionary awards are as under:—

(a) Special family pension :

Rank of officer	Special family pension	Rs. p.m.
2nd Lieutenant/Lieutenant	150	150
Captain	160	170
Major	180	220
Lieutenant Colonel	220	270
Colonel	240	300
Brigadier	260	330
Major General	300	350
Lieutenant General	350	360
General	400	400

(b) Children's allowance (Special) :

- (i) If motherless @ Rs. 600 per annum per child.
- (ii) Otherwise Rs. 360 per annum per child.

Note.—Children's allowance at 'motherless' rate may also be granted in cases where the child is in the legal custody of a person other than its mother or step-mother, and is being maintained by such a person.

Handwritten notes:
 @ M of D 1978 29/68/114 dated 30 Oct 68
 & For a period of 7 years of S.P. J.P. would have been due for Subsequent the S.P. J.P. Pension matter
 be less than the S.P. J.P. Pension at enhanced rate.
 @ Motherless rate admissible when J.P. Pension is granted to S.P. J.P. Pension matter
 No. P(13) 15/11/68 dated 6/11/68

Decided vide O.S. No. 26/11/67

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(c) *Dependants pension*.—At the discretion of the President subject to such conditions as he may prescribe, the maximum shall be—

(i) *Parents* :

Rank of officer	Rate of pension (For two parents)		Rs. p.m.	Rs. p.m.
	Officers other than those of the MNS	Officers of the MNS		
2nd Lieutenant			112.50	..
Lieutenant			112.50	..
Captain			120.00	..
Major			135.00	10
Lieutenant Colonel			165.00	11
Colonel			180.00	12
Brigadier			195.00	..
Major General			225.00	..
Lieutenant General			262.50	..
General			300.00	..

W.e.f. 1-3-68 (20.00 p.m.)
our parent Two parents

(ii) *Brothers & Sisters*.—Rupees 30 p.m. for each subject to the following further maximum in cases where an award is made to more than one brother or sister.

Rank of officer	Maximum rate of pension		Rs. p.m.	Rs. p.m.
	Officer other than those of the MNS	Officers of the MNS		
2nd Lieutenant			75	..
Lieutenant			75	50
Captain			80	65
Major			90	80
Lieutenant Colonel			110	95
Colonel			120	110
Brigadier			130	..
Major General			150	..
Lieutenant General			175	..
General			200	..

W.e.f. 1-3-68

① M of D 1978 29/68/Penc/10 dated 30 Oct 68

② Revision of liability later taken up in File No

A/0923/100/150

the President
the maximum rate

Maximum Rates of ordinary family pension and children's allowance

96. (a) The maximum rates of ordinary family pension are as under:—

Rate of pension
(For two parents)

(i) Officers of the Special List (Quarter-Masters, Technical and Records):

Officers other than those of the MNS

Rank	Rates
2nd Lieutenant/Lieutenant	Rs. p.m. 78
Captain	100
Major	125
Lieutenant Colonel	140

cs. no. 82/100/67
at page 24

Rs. p.m. 12.50

(ii) Other Officers.—At a rate not exceeding half the rate of special family pension laid down for the appropriate rank in regulation 95.

Rs. p.m. 12.50

(b) The maximum rates of children's allowance (ordinary) are as under:—

Rs. p.m. 10.00

	Officers of the special list (Quarter-masters, Technical & Records)	Other Officers
If motherless	Rs. 360 per annum per child.	Rs. 400 per annum per child.
Otherwise	Rs. 216 per annum per child.	Rs. 240 per annum per child.

Rs. p.m. 10.00

Note.—Children's allowance at 'motherless' rate may also be granted in cases where the child is in the legal custody of a person other than its mother or step-mother, and is being maintained by such a person.

Rs. p.m. 10.00

* (c) If the deceased officer was placed on the retired list on account of inefficiency or in discreditable circumstances and was granted a reduced pension, the ordinary pension to the widow shall be reduced by half the percentage by which the officer's retiring pension was reduced.

Rs. p.m. 10.00

subject to the
made to more

Rate of pension

Officers

Division of family pensionary awards

97. If an officer leaves behind more than one widow who are eligible for a special family pension and/or gratuity or an ordinary family pension, as the case may be, such award may, by order of the President, be divided amongst them.

If in cases where a family pension has been so divided, one of the recipients dies or is disqualified, her share of the family pension may, at the discretion of the President, be paid to the other recipient or if there is more than one recipient, divided amongst them.

When payment of widow's pension ceases

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

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

@ Effective from 1 Mar 68
S/D (P/say) dated 30 Oct 68
K. D. (C)/60/1025/

*Deleted vide
CS. M. 83/VI/62
at page 4*

if her pecuniary circumstances become such as, in the opinion of the President, not to justify the issue of a pension condition is not applicable to special pensions, except in cases of restoration of special pensions on second widowhood, vide regulation 102.

Note.—Condition in clause (c) will not apply to an initial award which is made for a period of five years. Thereafter, it will apply at the time of the five-yearly review vide note below proviso (a) of regulation 86.

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

When payment of children's allowance ceases

99. The payment of ordinary or special children's allowance shall cease:—

- (a) when the child attains the age of 18 years; or
- (b) at the expiration of the year commencing with April in which the child is otherwise provided for, or, if a daughter, marriage, whichever is earlier.
- (c) in the case of a child granted the ordinary rate of allowance when the pecuniary circumstances of the child become such as in the opinion of the President not to justify the issue of an allowance whichever is the earliest.

*CS. M.
83/VI/67
(Deleted)*

Note.—Condition in clause (c) will not apply to an initial award which is made for a period of five years. Thereafter, it will apply at the time of the five-yearly review vide note below proviso (a) of regulation 86.)

When payment of parent's pension ceases

100. A special pension which may be granted to the parents of a deceased officer shall be discontinued—

- (a) in the case of a female parent who remarries, from the date of remarriage; or
- (b) if the pecuniary circumstances of the parent or parents become such as in the opinion of the President not to justify the payment of a pension.

When payment of brothers' and sisters' pension ceases

101. Payment of special pension granted to brothers and sisters of a deceased officer shall cease under the conditions laid down in regulation 99. It may be continued after the age of eighteen years under the same conditions as for children if they are incapable of self-support by reason of mental or physical infirmity.

Restoration of pension on second widowhood

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

For such marriage being annulled by divorce or dissolution by the relevant laws.

C. S. No. 92/IV/68

Regulation 104

- (a) In the subject heading for "Gratuity to the widow" read "Family Gratuity".
- (b) In line 3, for the words "a special family pension to the widow" read "special family pensionary awards to the widow/child(ren)/parent(s)".

- (c) In the proviso add the following at the end :—

"A gratuity to the child(ren) of an officer will be granted only if the officer does not leave a widow eligible for special family pension and the child(ren) is eligible for child(ren) allowance under Regulations 85, 87 & 103 of Pension Regulations Part I (1961). A gratuity to the parent(s) of an officer will be granted if the officer does not leave either a widow eligible for special family pension or a child eligible for child allowance, irrespective of the pecuniary circumstances of the parent(s) and whether he/she/they was/were dependant of the deceased officer.

- (d) Reconstruct the table under the Note as under :—

Rank of the officer	GRATUITY	
	Widow Rs.	Children/Parent(s) Rs.
2/Lt.	1,335	667.50
Lieutenant	2,000	1,000
Captain	2,670	1,335
Major	4,000	2,000
Lieutenant Colonel	6,000	3,000
Colonel	8,000	4,000
Brigadier	10,670	5,335
Major General	13,000	6,500
Lieutenant General	14,500	7,250
General	16,000	8,000

This amendment has effect from 25 Feb., 64 in respect of children and 5 Aug. 65 in respect of parents.

(Authority:—Ministry of Defence letters Nos. HQ/24226/125/PP&R/1295/Pen-C, dated 25 Feb., 64 and Air HQ/24226/125/PP&R/13215/Pen-C, dated 19/22 Oct., 65 as amended by Corrigendum No. Air HQ/24226/125/PP&R/4017/Pen-C, dated 16 Apr., 66.

(Min. of Fin. (Def.) u. o. No. 74/Pen of 1968.)

[AI 37/63].

104-A
 C.S. No. 29/IV/68
 @ M 90 297829/68 Pen-C/8.111 dated 30 Oct 68
 Reviewed later not applicable in view of Air accident
 as that grant is made. But will consider earlier letter

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

Continuance of allowance to children after the normal age limit

103. The children's allowance (ordinary or special) may be granted to a child over the age of 18 years or continued beyond that age in respect of a child who was already in receipt of it, at the discretion of the President, provided that—

- (a) the child is being educated at a Secondary school, or Technical school or University or is an apprentice receiving not more than a nominal wage; or
- (b) the child is incapable of self-support by reason of mental or physical infirmity which arose before it attained the age of 18 years and is in distressed circumstances.

Gratuity to the widow

104. Subject to the provisions of regulations 85(b)(iii) and 90, a gratuity in accordance with the table below, may be granted, in addition to a special family pension, to the widow of an officer who—

- (a) is killed in action, or dies of wounds sustained in action, within seven years of being wounded; or *CS NO 22/IV/67*
- (b) is killed while on flying duty or parachute jumping duties in a service aircraft or while being carried on duty in a service aircraft, under proper authority, or dies of injuries sustained in such circumstances within seven years of being injured; *CS. No. 28/IV/67*
- or *W of 30 Nov 61*
- (c) though not serving in a field area, dies of a cause attributable to circumstances which, in the opinion of the President, are similar to those encountered on field service or in operations; *61*
- or *Death in battle, recognition training also covered. 01/IV/67*
- (d) suffers a violent death while employed in aid of the civil power. *W of 30 Nov 61*

Provided that a gratuity will not be granted in cases under clauses (b) & (c) above, if the death of the officer is due to his own serious negligence or misconduct.

Note: An officer employed on the work of disposal by demolition, burning, burial, breakdown or dumping of unserviceable stocks of explosives will be deemed to be on field or operational service for the purpose of eligibility of the widow to death gratuity under clause (c). *28/IV/67 W of 30 Nov 61*

Rank of officer	Gratuity
2nd Lieutenant	Rs. 1,335
Lieutenant	2,000
Captain	2,670
Major	4,000
Lieutenant Colonel	6,000
Colonel	8,000
Brigadier	10,670
Major General	13,000
Lieutenant General	14,500
General	16,000

W.E.F. 1-3-68

104-A
C.N. 90 1978 29/68 / Para 104 (b) dated 30 Nov 68
Reserve Gratuity not applicable in cases of air accidents
ex. Bala's Grant is made. Same rule applies to earlier rules.

Re-considered
vide CS No 92/IV/68

Education allowance @

105. In cases of pecuniary need, an education allowance exceeding Rs. 480 per annum may be granted at the discretion of the President in respect of each legitimate child of an officer who is accepted as due to causes attributable to or aggravated by service and subject to the fulfilment of the conditions in clause (b)(i) and (b)(ii) of regulation 85. The allowance is payable when the child attains the age of five years, and will normally cease when it attains the age of 18 years.

The allowance may be granted to a child ^{or} over the age of 18 or continued beyond that age in respect of a child who was in receipt of it, if the education of the child in either case is continued at a secondary school, technical school or university.

Ex-gratia awards from the compassionate gratuity fund (Defence Services)

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

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

107.

108.

109.

@ Working Principles for Education Allowance
 R.O.D. Confd No. 1829 25 / 10m-c dated
 26 Sep 64.

110.

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111. <u>Course of Study</u>	<u>Age limit</u>
Intermediate	19 yrs
Degree course, Tech diploma	21 yrs
Tech/Professional degree course	23 yrs

The award is not admissible beyond the end of the term in which the child reaches the prescribed age limits or the date of termination of the course whichever is earlier.

Conditions for grants to over aged children
(both wpl & ordinary children allowance)

(a) The child is being educated at a secondary school or a Tech school or a university or is an apprentice receiving not more than a nominal wage.

(b) The child is incapable of self support by reason of mental or physical infirmity which arose before it attained the age of 18 yrs and is in distressed circumstances.

CHAPTER III—JUNIOR COMMISSIONED OFFICERS, OTHER RANKS AND NON-COMBATANTS (ENROLLED)

SECTION I—GENERAL

Extent of application

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

Provided that an individual who was in service on the 1st June 1953 and who opts for the old pension code, in the prescribed manner, shall draw, in lieu of the award admissible under these Regulations, the award as may be admissible under the orders in force as on the 1st May 1953 and any other subsequent order which specifically indicates that it governs an award in respect of such an individual. The order once exercised shall be final.

Individuals dismissed or discharged under the Army Act

113. (a) An individual who is dismissed under the provisions of the Army Act, is ineligible for pension or gratuity in respect of his previous service.

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

Officer cadets drawn from the ranks

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

Only one pension is admissible.

115. Except where otherwise specifically provided for, no individual may draw more than one pension under these Regulations and the lesser pension shall lapse.

Individuals invalidated on account of leprosy

116. An individual who is invalidated on account of leprosy is not entitled to a pension or gratuity under the regulations made under these Regulations, but may be granted such gratuity as the competent authority may decide, provided that the general spirit of the regulations is observed.

Individuals invalidated on account of indulgence in drugs or drink

117. An individual invalidated in consequence of any disorder (including insanity) resulting from indulgence in drugs or drink, will not be eligible for pension or gratuity under these Regulations.

*CB. No.
30/11/67
In QuABVX
5/10/68
gratuity
ca gratia
pension
File 95031/PS4
also see
MOJ D No 1/3/65/9423/2 (pension)
dated 11 Jan 67.*

*Maximum
gratuity
one not pay
CGDA No
6482/ATD
dt 6.10.65*

No pensionary terms for officer cadets other than those drawn from the ranks have been laid down. Payment of disability dependants pension is made ca gratia or on compassionate basis on an ad-hoc basis on the merits of each case. AHA letter No 7193 G/AS/62 dt 7 Jan 54.

was within his control, shall be ineligible for pension irrespective of length of service, but may be given a gratuity as under:—

- (a) If he has rendered sufficient qualifying service to earn a service pension, he may at the discretion of the competent authority be granted the whole or part of the maximum gratuity admissible under regulation 140 or 148, as the case may be.
- (b) If he has rendered sufficient qualifying service to earn a service gratuity only, he may at the discretion of the competent authority be granted the whole or part of the gratuity normally admissible according to the length of qualifying service under regulation 140 or 148, as the case may be.

Individuals who aggravate, or retard the cure of a disability.

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

Pensioners convicted of serious crime or guilty of grave misconduct.

119. (a) The pension (service, disability and family pensions and children's allowance) of a pensioner, who is convicted of a serious crime by a court of law or is guilty of grave misconduct, which is not of a political nature, shall be liable to be withheld in whole or in part (see also regulation 4).

(b) The pension (service and disability pensions, family pension drawn by adult males only, and children's allowance) of a pensioner, who is convicted by a court of law of a crime of a political nature or is guilty of misconduct of a political nature shall be liable to be withheld in whole or in part.

(c) A pension withheld in whole or in part in the circumstances stated in the preceding clauses may be restored in full or in part.

(d) In applying the provisions of this regulation the procedure laid down in regulations 74 to 76 of Part II of these Regulations shall be followed.

Pensioners re-employed in the Defence Services in an emergency.

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

(b) The same treatment may, at the discretion of the President, be accorded to pensioners who are re-employed in a military or civil capacity in the Defence Services, in other emergencies in which the

Invalid Pension
Gratuity Admissible
12/68/4291
(P.S. 303)
dt 22 May 68
(A02528)
(68)

OTHER

NOTE

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re-employment of a large number of pensioners is necessary. employed service shall not count for enhancement of pension gratuity.

Note.—The provisions of clauses (a) and (b) of this regulation shall apply in respect of Naval and Air Force pensioners.

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

121. (a) If re-enrolled or if re-employed in an appointment incumbent of which is normally required to be enrolled under the Act, pension shall be held in abeyance. Re-employed service shall count for enhanced pension, if any, under the applicable regulations. On release from re-employment either the pension which was in abeyance or any higher pension earned by virtue of further service shall be paid.

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

Note.—The provisions of clauses (a) and (b) of this regulation shall apply in respect of Naval and Air Force pensioners.

Note (2)

Service qualifying for pension and gratuity.

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

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

(ii) Any period of service rendered before reaching the age of 17 years (16 in the case of those enrolled prior to the 1st September 1945).

(iii) Any period of service rendered after the date on which proceedings of the medical board which found the individual unfit for military service were countersigned by the A.D.M.

(iv) Any period of unauthorised absence unless pay and allowances are admitted for the period of absence; unauthorised absence which took place prior to the 2nd June 1931 shall not be reckoned as service for pension, or gratuity even though pay and allowances have been admitted for the period after that date.

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

ES. No. 30/14/67

ES. No. 31/14/67

* Counts for Pension/Gratuity vide M.O. 2222 H/06 393/PSC(C) 103/2 (para-302) all 6 Nov 67.

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

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

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

Forfeiture of service for certain offences and its restoration

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

(i) desertion, *vide* Section 38 of the Army Act,

(ii) fraudulent enrolment, *vide* Section 43(a) of the Army Act, shall forfeit the whole of his prior service towards pension or gratuity upon being convicted by court martial of the offence.

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

Condonation of an interruption of service

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

- (a) when proposed pension exceeds Rs. 25 p.m.—interruptions not exceeding a period of 12 months in all.
- (b) when proposed pension is Rs. 25 p.m. or less—all interruptions whatever their duration.

Condonation of deficiency in service for eligibility to service/reservist

Rank in case of—

- (a) an individual who is discharged at his own request,
- (b) an individual who is eligible for special pension or gratuity under regulation 164,
- or
- (c) an individual who is invalided with less than 15 years service, deficiency in service for eligibility to service pension or reservist pension or gratuity in lieu may be condoned by a competent authority up to six months in each case.

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Counting of former service for pension and gratui

126. (a) Combatants and enrolled non-combatants former service to their credit may be allowed by a compe rity to reckon their former service towards pension and the extent specified in the table below, subject to the fu the conditions stated in column 5 thereof and provided that not dismissed from their former service.

(b) The conditions 1, 2 and 3 referred to in column 5 c are as follows :—

Condition 1—At the time of re-employment/re-enr individual shall have declared his former service of discharge therefrom and elected to count t towards pension or gratuity. The election once be final.

Condition 2—After re-employment/re-enrolment the shall have completed any consecutive period of service without two red ink entries or a court mar tion.

*CS. M.
30/11/67*

In the case of combatants re-enrolled as such and tra the reserve before completing three years' col since re-enrolment, the period of three years for t of this condition may be either wholly or part reserve.

Condition 3—The individual shall have refunded a other than war gratuity, received in respect of service within a period of three years from the re-employment/re-enrolment in not more than instalments from his pay. The first instalment sl able within three months from the date of re- re-enrolment.

(c) In individual cases, a competent authority may rela ction conditions 2 and 3.

127.

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*CS. M.
31/11*

Table referred to in regulation 126

Sl. No.	Category of military personnel	Description of service	former	Extent to which former service specified in column 3 qualifies for pension or gratuity in the present engagement, subject to the conditions in column 5	Conditions to be fulfilled before former service is allowed to reckon for pension or gratuity	Remarks
1	2	3	4	5	6	
1	Combatants of the Army.	(i) Service as combatants in the Army.	former	Former pension/gratuity qualifying service in full.	(a) If discharged from former service on other than public grounds; Conditions 1, 2 & 3. (b) If discharged from former service on public grounds such as re-organisation or reduction in establishment; Conditions 1 and 3.	
		(ii) Service as enrolled non-combatants.	Former	pension/gratuity qualifying service in half.	Conditions 1 & 3 provided they have completed 3 years service as a combatant.	
2	Combatants of Army Education Corps.	Continuous former service as civilian school master of Army Units.	Former	Former service qualifying for pension under C. S. Rs. in full.		
3	Non-Combatants (Former)	Service as combatants or non-combatants in the Army.	Former	Former qualifying service in full.	Condition-3 such Conditions 1, 2 & 3. Condition 4 would	

Non-Combatants (Enrolled). Service as combatants or enrolled non-combatants. Former qualifying service in full. Condition 3.

4 Combatants / Non-Combatants (Enrolled). Service in the Navy/AF. To the extent that such service qualifies for the grant of pension or gratuity under the Pension Regulations for the Navy and Air Force as the case may be. Conditions 1, 2 & 3. Condition 2 will not apply if it would not have applied had the individual been re-enrolled in the Navy/Air Force.

Ps. no. 32/11/67

X

X

X

X

X

5. Reservists (other than pensioner reservists) recalled to colours and discharged therefrom.

6. Previous colour and reserve service.

(a) For colour pension/gratuity
Qualifying service with the colours in full and qualifying service in the reserve to the extent authorised under specific Govt. orders.

(b) For reservist pension
All qualifying service with the colours/reserve in full.

Note.—Individuals who are in service on the date of publication of these regulations, will continue to be entitled to the benefit of counting of former service subject to the fulfilment of the conditions attached thereto, under the rules and orders applicable prior to the above date.

SECTION II—SERVICE PENSION AND GRATUITY

Sub-Section I—Junior Commissioned Officers and Other Ranks

Minimum qualifying service for pension

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

Rank and group for assessment of service pension

paid during rank benefits No 130/64 133. Except as otherwise provided for, service pension is assessed on the lowest substantive rank held by an individual and the lowest group for which he is paid, during the last two years of his service qualifying for pension.

CS. No. 33/14/67

NOTE: Condonation of deficiency of service in a particular rank

1 Service deficiency Reg 125 134. A competent authority may condone a deficiency of service in a particular rank not exceeding three months, except on voluntary retirement.

Individuals remustered from a higher to a lower group

2 For gratuity see Reg 142 135. An individual who was remustered from a higher to a lower group on being declared surplus after rendering 15 years or more of qualifying service, may be granted, if more favourable than the pension otherwise admissible, the service pension that would have been admissible had he been discharged on the date he was declared surplus.

Rates of service pension

136. (a) The rates of service pension of Junior Commissioned Officers granted honorary commissions as commissioned officers while on the effective list, who are discharged with 25 years' qualifying service or more (including service as honorary commissioned officer), are indicated below. The provisions of regulation 133 will apply to the Junior Commissioned Officer rank and not to the rank of honorary commission except where specifically stated otherwise.

(Additional benefits at half a year's pension or gratuity Reg 9)

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Revised
9/5/64
21 2/5/64

Rates of pension
Honorary captain
Lieutenant

Completed
years of
qualifying
service

Cause of discharge

Rank

Rs. n.P. (p.m.)	Rs. n.P. (p.m.)
204	216
220	238
192	201
196	206
200	211
204	216
208	221
212	226
216	232
220	238
156	167
159.50	171
163	175
166.50	179

Rs. n.P. (p.m.)	Rs. n.P. (p.m.)
21-24	245
25-28	267
29 and over	281
25	227
26	233
27	239
28	245
29	251
30	257
31	263
32	269
41	281
22	202
23	214
24	220
25	226
26	232
27	238
28	244
29	250
30	256
31	262
32	268

Risaldar Major/Subedar (a) On completion of tenure of appointment

(b) Any cause beyond an individual's control other than (a) above.

(c) Any cause other than (a) and (b) above, provided that at least two years qualifying service in the honorary rank is rendered on the active list.

i.e. at his own request

Risaldars/Subedars

(a) Any cause beyond an individual's control

(b) Any cause other than (a) above provided that at least two years qualifying service in the honorary rank is rendered on the active list.

Note.—Cases of individuals who are discharged for any of the causes mentioned above with less than 25 years' qualifying service as well as cases of Risaldars/Subedars holding honorary commission who have less than two years' service in the substantive rank of Risaldar/Subedar will be submitted for Government orders.

non-affected

Applics to Personnel who become non-affected on or after 1 Apr 61

on discharge from extended service after 26 Oct 62 (Dy 02081/PSA Co)

183 208
187 212
191 216

29
30

12362 (0 (Reg) (S)) dt- 24 Dec 65

10/19/66

(b) The rates of service pension of Junior Commissioned Officers (other than those referred in clause (a)) and Other Ranks are :—

Rank	Completed years of qualifying service	Rate of service pension							
		Group 'A'	Group 'B'	Group 'C'	Group 'D'	Group 'E'	Group 'F, G & H'		
	2	3	4	5	6	7	8		
	Years	Rs.nP. (p.m.)	Rs.nP. (p.m.)	Rs.nP. (p.m.)	Rs.nP. (p.m.)	Rs.nP. (p.m.)	Rs.nP. (p.m.)	Rs.nP. (p.m.)	Rs.nP. (p.m.)
Sowar/Sepoy and equivalent rank	15	27	22	20	17	16	15		
	16	28	23	21	18	17	16		
	17	29	24	22	19	18	17		
	18	30	25	23	20	19	18		
	19	31	26	24	21	20	19		
	20	32	27	25	22	21	20		
L/Dafadar/Naik and equivalent rank	15	29	24	22	21	20	17		
	16	31	26	24	23	22	19		
	17	33	28	26	25	24	21		
	18	35	30	28	27	26	23		
	19	37	32	30	29	28	25		
	20	39	34	32	31	30	27		
Dafadar/Havildar and equivalent rank	15	33	28	27	25	24	23		
	16	35.50	30.50	29.50	27.50	26.50	25.50		
	17	38	33	32	30	29	28		
	18	40.50	35.50	34.50	32.50	31.50	30.50		
	19	43	38	37	35	34	33		
	20	45.50	40.50	39.50	37.50	36.50	35.50		
	21	48	43	42	40	39	38		

Per Sec.
E.S. No. 4
34/11/67
for call
list 1 Apr 61

(d) The rates of service pension of a young soldier with a qualifying service of 15 years or over is Rs. 14 p.m.

Addition to service pension of individuals granted the honorary rank of Jemadar on retirement

137. An Other Rank who is granted under the Regulations for the Army, the honorary rank of Jemadar on retirement, shall be granted an additional sum of Rs. 12.00 p. m. over the service pension admissible to him for his rank, group and length of service. *Amendment in division is voided after completion of service limits is also voided in the case of group (Hon. Mr. R/S) TRL 01C*

138. An individual transferred to the reserve after earning a service pension shall be granted such pension from the date of his transfer. *Reg 153 re Retiring pay and P&A* *File NOA/2043/1966*

Minimum qualifying service for gratuity

139. Unless otherwise provided the minimum qualifying colour service for earning a service gratuity is five years. *(For Note: Reg 147)*

Scale of service-gratuity

140. (a) Service gratuity at the scale of two-thirds of a month's pay for each completed year of qualifying service may be granted to an individual with less than 15 years qualifying service, who is discharged for the following causes:— *Acting Rank benefit vide A-1 6/5/67*

- (i) compulsory discharge with gratuity;
- (ii) services no longer required;
- (iii) otherwise than at his own request having reached the stage at which discharge may be enforced.

The competent authority may, however, reduce the gratuity by an amount not exceeding one fourth of the admissible gratuity.

(b) Except as provided for in clause (c) below, no gratuity shall be admissible to an individual who is discharged at his own request.

(c) Personnel of the Border Scouts and Gorkha Other Ranks with no reserve liability who are discharged with the prescribed minimum qualifying service on fulfilling the conditions of enrolment shall be granted the gratuity admissible.

Pay for assessment of service gratuity

141. Pay for assessment of service gratuity shall consist of:—

(a) In the case of Junior Commissioned Officers *Acting rank benefit vide A-1 6/5/67*
Basic pay (including annual increments) of the substantive rank last held;

- i) Parachute pay, if any;
- ii) Dearness pay, where applicable, appropriate to the emoluments of the substantive rank last held;

Home saving allowance vide A-1 155/66.

(b) In the case of Other Ranks

- i) Basic pay (including deferred pay, where applicable) of the permanent class last held;
- ii) Rank/Appointment pay of the substantive rank/appointment last held;

Service gratuity admissible at additional scale when discharged at own request as due to personal reasons - Reg 140 No 11(6)/67 D (Am 1/67) dt 11-8-67.

- (iii) Increments of pay;
- (iv) Good service pay;
- (v) Parachute pay, if any;
- (vi) Dearness pay, where applicable appropriate to the emoluments of the substantive rank last held.

(vii) *Home saving element - vide A2 155/66.*
Individuals remustered from a higher to a lower group

*For
Parson
see
Reg 135*

142. An individual 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.

143.

*@ @ Service prior to 1 Apr 22 was not
 Pension owing vide A2 287/22,
 A2 133/35 re grant of Pension to NESCE
 who have non-pensionable service*

144.

Sub-Section II—Non-Combatants (Enrolled)

Minimum qualifying service for pension @ @

145. The minimum qualifying service for earning a service pension is 20 years.

Rates of service pension

146. The following are the rates of service pension:—

Completed years of Qualifying service	Rates of service pension Rs. (p.m.)
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30 and above	25

*35 No
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Minimum qualifying service for gratuity.

147. The minimum qualifying service for service gratuity is five years. *(F&C combatause Reg 139)*

Scale of service gratuity.

148. Service gratuity may be granted as under:—

a) On being discharged on completion of the conditions of engagement with less than 20 years qualifying service. *two-thirds of a month's pay for each completed year of qualifying service.*

b) On being discharged on account of inefficiency or misconduct with less than 20 years qualifying service. *Nil*

on being discharged at own request *Reg D No 1*
on personal reasons *D(P-S) dt-1*
competent authority may, however, reduce the gratuity by an amount not exceeding one-fourth of the admissible gratuity.

Pay for assessment of service gratuity.

149. Pay for assessment of service gratuity consists of:—

- (a) basic pay (including deferred pay, where applicable);
- (b) increments of pay, and
- (c) dearness pay, where applicable, appropriate to the emoluments last drawn.

Home Savin' element A 2 155/66

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*Sub-Section III—Reservists***Reservists in receipt of service pension.**

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

- (a) the retaining fee admissible whilst in the reserve, or
- (b) the normal pay and allowances admissible for the duration of periodical training as the case may be.

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

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

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

Reservist pension.

155. (a) A reservist who is not in receipt of a service pension may be granted, on completion of the prescribed combined colour and reserve qualifying service, a reservist pension or gratuity in lieu at the appropriate rate indicated in regulation 156.

(b) A reservist who is not in receipt of service pension and whose period of engagement was more than 15 years but whose qualifying service is less than the period of engagement but not less than 15 years may, on completion of the period of engagement or on earlier discharge for any cause other than at his own request be granted a reservist pension at Rs. 10 p. m. or a gratuity of Rs. 750 in lieu.

(c) Where a reservist elects to receive a gratuity in lieu of pension under the above clauses, its amount shall, in no case, be less than the service gratuity that would have accrued him under regulation 140 based on the qualifying colour service, had he been discharged from the colours.

Note.—The option to draw a gratuity in lieu of pension shall be exercised on discharge from the reserve and once exercised shall be final. No pension/gratuity shall be paid until the option has been exercised.

Rates of pension.

156. The rates of pension (or gratuity in lieu) are :—

Terms of engagement	Rate of pension	Gratuity in lieu
	Rs. nP. P. M.	Rs.
(i) 7 years colour and 8 years reserve	} 10.00	750
(ii) 6 years colour and 9 years reserve.		
(iii) 5 years colour and 10 years reserve		

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Terms of engagement	Rate of pension	Gratuity in lieu
	Rs. nP. P. M.	Rs.
(iv) 12 years colour and 4 years reserve	10.50	800
(v) 12 years colour and 3 years reserve		
(vi) 10 years colour and 5 years reserve		
(vii) 9 years colour and 6 years reserve		
(viii) 8 years colour and 10 years reserve		
(ix) 6 years colour and 12 years reserve		
(x) 5 years colour and 15 years reserve		
(xi) 10 years colour and 10 years reserve	11.00	900
(xii) 12 years colour and 8 years reserve	12.00	1,000

Individuals prematurely transferred to the reserve.

157. An individual who is prematurely transferred to the reserve under the regulation may be granted the reservist pension at the appropriate rate, irrespective of the period of colour service rendered, provided he has completed, on discharge, the period of combined colour and reserve service according to the terms of his engagement and the entire service is qualifying.

158.

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159.

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161.

Gratuity
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163.

SECTION III—SPECIAL PENSION AND GRATUITY

Special pensions and gratuities to Junior Commissioned Officers, Other Ranks and Non-Combatants (Enrolled)—when admissible.

164. Special pension or gratuity may be granted, at the discretion of the President, to individuals who are not transferred to the reserve and are discharged in large numbers in pursuance of Government's policy—

- (i) of reducing the strength of establishment of the Army; or
- (ii) of re-organisation, which results in disbandment of any units/ formations.

Rank for assessment of special pension.

*paid acting rank
 benefits
 Ao 130/64.*

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

Pay for assessment of special gratuity.

166. Pay for assessment of special gratuity will be as indicated in regulation 141 or 149, as the case may be.

Scale of special pensions and gratuity.

167. The scale of special pension or gratuity is :—

Qualifying service	Scale of special pension/gratuity
1	2
Combatants	
15 years or more	Pension at the rates specified in regulation 136.
10 years or more but less than 15 years	Pension proportionate to the minimum service pension, under regulation 136 appropriate to the rank and group in the ratio that the completed years of qualifying service rendered bears to 15.
5 years or more but less than 10 years	Gratuity at the scale of 1 1/3 months' pay for each completed years of qualifying service.
Less than 5 years	Gratuity equal to 3 months' pay.

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Non-Combatants
(Enrolled)

1	2
20 years or more	Pension at the rates specified in regulation 146.
15 years or more but less than 20 years	Pension proportionate to the minimum service pension under regulation 146 in the ratio that the completed years of qualifying service rendered bears to 20.
5 years or more but less than 15 years	Gratuity at the scale of 1 1/3 months' pay for each completed year of qualifying service.
Less than 5 years	Gratuity equal to 3 months' pay.

Individuals invalided out of service on account of a disability attributable to field service and assessed at less than 20 per cent.

168. An individual who is invalided out of the service on account of a disability attributable to field service but whose disability is assessed at less than 20 per cent shall be granted gratuity equal to two months' pay provided that:—

- (a) no pension or gratuity is admissible under any other regulation, or
- (b) the gratuity admissible under any other regulation is less than this gratuity, in which case the former shall not be drawn.

Pay for assessment of gratuity under this regulation shall be as indicated in regulation 141 or 149 as the case may be.

The provisions of regulations 175 and 177 shall apply *mutatis mutandis* to the grant of gratuity under this regulation.

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Officers, Other
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SECTION IV—DISABILITY PENSIONARY AWARDS

Extent of application.

172. (a) The regulations in this section shall apply to:—

- (i) the individuals referred to in regulation 112;
- (ii) reservists when called up for service or for training.

(b) They shall also apply to personnel of the above categories who became non-effective during the period from the 27th October 1947 to the 31st May 1953 (both days inclusive).

Provided that an award in respect of individuals of the categories mentioned in clause (b) shall be made from the 1st June 1953, or the date from which an award is admissible, whichever is later, and only if the beneficiary was alive on the 28th December 1954.

Primary conditions for the grant of disability pension.

*Invalided Pension under
A2 12/5/64 with the
a disability when
is attributable to
military service.*

77702/PC III
12/5/64

173. Unless otherwise specifically provided, a disability pension may be granted to an individual who is invalided from service on account of a disability which is attributable to or aggravated by military service and is assessed at 20 per cent or over.

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

173-A
173-B

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Service rendered in aid of the civil power.

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

Serious negligence or misconduct.

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

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

176. If any compensation is paid from public revenues for a disability incurred in circumstances in which a disability pension is admissible under these Regulations, the President may, at his discretion, reduce the amount of pension.

Refusal to undergo medical treatment.

177. Cases where an individual suffering from a disability accepted as attributable to or aggravated by military service refuses to undergo an operation, or other medical treatment, which, in the opinion of the service medical authority, would cure the disability or reduce the degree

loss of eligibility for invalid pension/gradability

12/5/64 for disability pension after medical treatment

77702/PC III/12640 dt 31.5.66

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of disablement, shall not be treated as those of "aggravation" or "retardation of cure" under regulation 118, but shall be dealt with as follows:—

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

If the medical board certifies that an operation or medical treatment will cure the disability.
If the person sanctioning authority in consultation with MA (P) where necessary, decides.

Disability pension will be withheld but the normal service pension or gratuity, if any, admissible under the regulations or the pension or gratuity admissible under regulation 186, where applicable may be granted.

If the medical board certifies that an operation or medical treatment will reduce the disability to a lower percentage.

Disability element of pension will be restricted to that appropriate to the lower percentage of disablement. If that lower percentage is less than 20 per cent, the normal service pension or gratuity, if any, admissible under the regulations or the pension or gratuity admissible under regulation 186, where applicable, may be granted.

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

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

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

178-A
~~Junior Commissioned Officers retired on completion of tenure or of service limits.~~
DISABILITY AT THE TIME OF RETIREMENT/DISCHARGE FOR

179. A Junior Commissioned Officer retired on completion of tenure or of service limits, if suffering on retirement from a disability attributable to or aggravated by military service and recorded by Service Medical Authority, may, at the discretion of the President, be granted in addition to the service pension admissible a disability element as if he had been retired on account of the disability.

Power delegated to CDD (P) under the MA (P) 1939/40/11
Para 13.7.65
Disability element sanctioned when the individual was in the less medical category. COMB 10. No 62/11/2142 all 17.6.72

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The disability element shall be a
disablement at the time of retiremer
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of a disease, on the date of first removal from duty on account
that disease.

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uty on account

Rank for assessment of disability pension.

180. The rank for the purpose of assessment of the service :
disability elements of disability pension shall be the substantive ra
held by an individual on the date of invaliding from service.

For so long as promotions are made on paid acting basis, t
service and disability elements shall be reckoned on the paid acti
rank held by the individual on any of the following dates, whichev
is the most favourable:—

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

Note 1.—In the case of an individual who on account of misconduct or
inefficiency, is reverted to a lower rank subsequent to the date on which the
wound or injury was sustained, or disability contracted, the rank for assessment
of service and disability elements of disability pension shall be the paid acting
rank held on the date of invaliding from service.

Note 2.—Paid acting rank will not be taken into account for assessment
of disability pension if the crucial date mentioned above falls after the 31st
may 1963.

Acting rank use left
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Recruits and young soldiers.

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

Individuals remustered from a higher to a lower group.

182. 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 of qualifying
service may be assessed, where more favourable than the service
element of disability pension otherwise admissible, on the rank and
group held on the date he was declared surplus and the qualifying
service rendered upto that date.

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Amount of disability pension.

183. In cases where the accepted degree of disablement is 20 per cent or over, the monthly rates of disability pension consisting of service and disability elements, will be as follows:—

Service element

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

(i) JCOs granted honorary commissions as commissioned officers while on the effective list.

Service pension admissible under regulation 136 according to his rank and length of service in cases of discharge for any cause beyond an individual's control.

(ii) Junior Commissioned Officers & Other Ranks.

Service pension admissible in accordance with his rank (see regulation 180), group last held and length of service.

(iii) Non-Combatants (Enrolled).

The service pension admissible.

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

(i) If the disability was sustained while on flying or parachute jumping duty in a service aircraft or while being carried on duty in a service aircraft under proper authority.

The minimum service pension (appropriate to his rank (see regulation 180) and group in the case of a JCO/OR).

NOTE:
(ii) In all other cases.

That proportion of the minimum service pension (appropriate to the individual's rank (see regulation 180) and group in the case of a JCO/OR) which the number of his completed years of qualifying service bears to 15 (20 in the case of NCs(E)) but in no case less than two-thirds of the minimum service pension.

CS.M.42/14/67

(2) Disability element

At the rate appropriate to the rank and the accepted degree of disablement under the table below:—

[S/53].

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Handwritten notes: *Rs. nP. p.m. 20% 30% 40% 50% 60% 70% 80% 90% 100%*

(i) Junior Commissioned Officers/ Other Ranks

	Disability element as for									
	20%	30%	40%	50%	60%	70%	80%	90%	100%	
	Rs. nP. p.m.	Rs. nP. p.m.	Rs. nP. p.m.	Rs. nP. p.m.	Rs. nP. p.m.	Rs. nP. p.m.	Rs. nP. p.m.	Rs. nP. p.m.	Rs. nP. p.m.	Rs. nP. p.m.
Junior Commissioned Officers granted honorary commissions as commissioned officers while on effective list	25	37.50	50	62.50	75	87.50	100	112.50	125	137.50
Risaldar Major/Subedar Major	18	27	35	45	54	63	72	81	90	105
Risaldar/Subedar	15	22.50	30	37.50	45	52.50	60	67.50	75	90
Jemadar	10	15	20	25	30	35	40	45	50	65
Dafadar/Havildar & equivalent rank	7	10.50	14	17.50	21	24.50	28	31.50	35	45
L/Dafadar/Naik & equivalent rank	6	9	12	15	18	21	24	27	30	40
Sowar/Sepoy & equivalent rank	5	7.50	10	12.50	15	17.50	20	22.50	25	35
(E) NCs(E)	4	6	8	10	12	14	16	18	20	30

Handwritten notes on the right side of the table:

- Rs. nP. p.m. Enhanced p.m. rates admissible to persons having income exceeding Rs. 1000/- after 1-1-54*
- Rs. nP. p.m. 125 137.50 150 162.50 175 187.50 200 212.50 225 237.50 250 262.50*
- Rs. nP. p.m. 90 105 120 135 150 165 180 195 210 225 240 255 270 285 300 315 330 345 360 375 390 405 420 435 450 465 480 495 510 525 540 555 570 585 600 615 630 645 660 675 690 705 720 735 750 765 780 795 810 825 840 855 870 885 900 915 930 945 960 975 990 1005 1020 1035 1050 1065 1080 1095 1110 1125 1140 1155 1170 1185 1200 1215 1230 1245 1260 1275 1290 1305 1320 1335 1350 1365 1380 1395 1410 1425 1440 1455 1470 1485 1500 1515 1530 1545 1560 1575 1590 1605 1620 1635 1650 1665 1680 1695 1710 1725 1740 1755 1770 1785 1800 1815 1830 1845 1860 1875 1890 1905 1920 1935 1950 1965 1980 1995 2010 2025 2040 2055 2070 2085 2100 2115 2130 2145 2160 2175 2190 2205 2220 2235 2250 2265 2280 2295 2310 2325 2340 2355 2370 2385 2400 2415 2430 2445 2460 2475 2490 2505 2520 2535 2550 2565 2580 2595 2610 2625 2640 2655 2670 2685 2700 2715 2730 2745 2760 2775 2790 2805 2820 2835 2850 2865 2880 2895 2910 2925 2940 2955 2970 2985 3000 3015 3030 3045 3060 3075 3090 3105 3120 3135 3150 3165 3180 3195 3210 3225 3240 3255 3270 3285 3300 3315 3330 3345 3360 3375 3390 3405 3420 3435 3450 3465 3480 3495 3510 3525 3540 3555 3570 3585 3600 3615 3630 3645 3660 3675 3690 3705 3720 3735 3750 3765 3780 3795 3810 3825 3840 3855 3870 3885 3900 3915 3930 3945 3960 3975 3990 4005 4020 4035 4050 4065 4080 4095 4110 4125 4140 4155 4170 4185 4200 4215 4230 4245 4260 4275 4290 4305 4320 4335 4350 4365 4380 4395 4410 4425 4440 4455 4470 4485 4500 4515 4530 4545 4560 4575 4590 4605 4620 4635 4650 4665 4680 4695 4710 4725 4740 4755 4770 4785 4800 4815 4830 4845 4860 4875 4890 4905 4920 4935 4950 4965 4980 4995 5010 5025 5040 5055 5070 5085 5100 5115 5130 5145 5160 5175 5190 5205 5220 5235 5250 5265 5280 5295 5310 5325 5340 5355 5370 5385 5400 5415 5430 5445 5460 5475 5490 5505 5520 5535 5550 5565 5580 5595 5610 5625 5640 5655 5670 5685 5700 5715 5730 5745 5760 5775 5790 5805 5820 5835 5850 5865 5880 5895 5910 5925 5940 5955 5970 5985 6000 6015 6030 6045 6060 6075 6090 6105 6120 6135 6150 6165 6180 6195 6210 6225 6240 6255 6270 6285 6300 6315 6330 6345 6360 6375 6390 6405 6420 6435 6450 6465 6480 6495 6510 6525 6540 6555 6570 6585 6600 6615 6630 6645 6660 6675 6690 6705 6720 6735 6750 6765 6780 6795 6810 6825 6840 6855 6870 6885 6900 6915 6930 6945 6960 6975 6990 7005 7020 7035 7050 7065 7080 7095 7110 7125 7140 7155 7170 7185 7200 7215 7230 7245 7260 7275 7290 7305 7320 7335 7350 7365 7380 7395 7410 7425 7440 7455 7470 7485 7500 7515 7530 7545 7560 7575 7590 7605 7620 7635 7650 7665 7680 7695 7710 7725 7740 7755 7770 7785 7800 7815 7830 7845 7860 7875 7890 7905 7920 7935 7950 7965 7980 7995 8010 8025 8040 8055 8070 8085 8100 8115 8130 8145 8160 8175 8190 8205 8220 8235 8250 8265 8280 8295 8310 8325 8340 8355 8370 8385 8400 8415 8430 8445 8460 8475 8490 8505 8520 8535 8550 8565 8580 8595 8610 8625 8640 8655 8670 8685 8700 8715 8730 8745 8760 8775 8790 8805 8820 8835 8850 8865 8880 8895 8910 8925 8940 8955 8970 8985 9000 9015 9030 9045 9060 9075 9090 9105 9120 9135 9150 9165 9180 9195 9210 9225 9240 9255 9270 9285 9300 9315 9330 9345 9360 9375 9390 9405 9420 9435 9450 9465 9480 9495 9510 9525 9540 9555 9570 9585 9600 9615 9630 9645 9660 9675 9690 9705 9720 9735 9750 9765 9780 9795 9810 9825 9840 9855 9870 9885 9900 9915 9930 9945 9960 9975 9990 10005*

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

183-A—The rate of Disability pension for Boys appropriate to the accepted degree of disablement shall be as follows:—

	20%	30%	40%	50%	60%	70%	80%	90%	100%
	15	17.50	20	22.50	25	27.50	30	33	35

Handwritten notes at the bottom right: *132/68*

100% 150 years rule 1961 for life thereafter if the disability is permanent and certified by the medical board for life in the 59 first instance.

Junior Commissioned Officers holding honorary commissions as commissioned officers while on the effective list invalidated with less than 25 years' qualifying service.

184. Cases of Risaldar Majors/Subedar Majors and Risaldars/Subedars holding honorary commissions as commissioned officers while on the effective list, invalidated from service with less than 25 years' qualifying service, shall be submitted for Government orders.

Period for which disability pension is granted.

185. (a) If the disability is accepted as attributable to military service and is regarded as incapable of improvement, disability pension may be granted for life (but see regulation 188).

Otherwise, an award will normally be made for a period of three years from the date from which a disability pension is admissible or, in cases where a disability pension was in issue for a specified period, from the date of expiry of the previous awards.

Provided that, in cases where the duration of the disability at the accepted degree of disablement is considered to be less than three years, the period of an award, calculated with reference to the date of the last medical board, shall not exceed the period of duration of the disability at that degree.

(b) An award may, however, be made in any individual case for such longer or shorter period as may be prescribed by the President either generally or in respect of any particular disability.

(c) If the disability is accepted as aggravated by military service, the duration of an award shall be determined with due regard to the relevant provisions in the entitlement rules, *vide* Appendix II.

Pensionary awards when the accepted degree of disablement is re-assessed at less than 20 per cent.

186. An individual who was in receipt of a disability pension may be granted pension or gratuity as under, when the accepted degree of his disablement is re-assessed at less than 20 per cent.

(a) If his qualifying service on the date of discharge/retirement was 10 years (15 years in the case of Non-Combatants (Enrolled)) or over, he may, with effect from the date following that of termination of disability pension, and for so long as the accepted degree of disablement remains less than 20 per cent, be granted special pension in accordance with regulation 167 read with regulation 165.

(b) If he had not completed 10 years (15 years in the case of a Non-Combatant (Enrolled)) of qualifying service on discharge/retirement, he may be granted the appropriate amount of special gratuity under regulation 167 read with regulation 165.

Half the amount of the gratuity shall, however, be payable when the accepted degree of disablement is re-assessed temporarily below 20 per cent; the other half shall be paid only when the assessment of less than 20 per cent is regarded as permanent.

If the qualifying service was 5 yrs & a month service was element will be made permanent. No widows benefits introduced out of service on 1st after 1968. 10/08/68 / 1025 A / DCP/RSW/11

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Recent vide es. m 4/11/68

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@@@ below 20% and when it is subsequently increased below 20%.

Grant or re-assessment of disability pension when the degree of disablement increases.

✓
Within 7 years vide A2 78/61 but CDA's interpretation is that A2 78/61 catered for cases in which disability was initially

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

Re-assessment of a permanent disability pension when disability subsequently reduced or removed.

Request vide CS. No. 45/14/67

188. (a) Should a competent authority decide as a result of further medical examination of the individual for any purpose by a properly constituted medical board that the disability has disappeared, is reduced, or has become capable of improvement, the original life pension may be modified accordingly with effect from the date of assessment of the medical board.

(b) In case a pensioner who has been asked to appear before a medical board in accordance with clause (a) above refuses to do so, the disability pension shall be suspended from the date of such refusal. If, however, he had rendered 10 years (15 years in the case of a Non-Combatant (Enrolled)) or more of qualifying service, the special pension admissible, under regulation 167 read with regulation 11 shall be granted from that date.

Constant attendance allowance.

189. A constant attendance allowance may be granted to an individual who is admitted to a disability pension as for 100 per cent disablement, if in the opinion of the invaliding or a resurvey medical board he needs the services of a constant attendant for at least a period of three months, and the need arises solely from the condition of the accepted disability or disabilities.

The rates of constant attendance allowance will be as follows:—

(a) Junior Commissioned Officers granted honorary commissions as commissioned officers while on the effective list — Rs. 20 p. m. *Revised rate Rs 20/-*

(b) Junior Commissioned Officers, Other Ranks and Non-Combatants (Enrolled) — Rs. 15 p.m. *Revised rate Rs 15/-*

CS. No. 46/14/67

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

82758/1349/6523/Pen dt 27-9-68
20 MG D No 195829/68/Pen dt 30-10-68

Order from Pension on
number AI 2/5/64

is not affected No AI 06724/
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Reduction in pension in cases where compensation for death is paid from public revenues.
208. If any compensation is paid from public revenues for death in circumstances in which a special family pension is admissible under these Regulations, the President may, at his discretion, reduce the amount of pension.

209.

210.

211.

Sub-Section II—Family Pension and Gratuity

Ordinary family pension.

212. An ordinary family pension may be granted to the family of a Junior Commissioned Officer granted honorary commission as a commissioned officer while on the effective list, who dies during service or after retirement for causes neither attributable to nor aggravated by military service.

Special family pension.

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

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

Service rendered in aid of the civil power.

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

Pension intended for the whole family.

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

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Eligible members of the family.

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

- (a) Widow lawfully married.
- (b) Father, *above 50 yrs.*
- (c) Mother.
- (d) Son, actual and legitimate. *(including validly adopted)*
- (e) Daughter, actual and legitimate. *(including validly adopted)*

CS No. 48/11
and before 1st Nov 1951
and unmarried
 Note: The term "father" and "mother" (or "parents") used in the above or any other rule in this sub-section shall also be deemed to include such putative parents (or surviving parent as the case may be) as had not contracted a lawful marriage, but were living as husband and wife at the time of, or got lawfully married subsequent to, the conception of the deceased member of the forces.

Ex-gratia awards to other relatives

217. An ex-gratia award, at the discretion of the President, may be made subject to the conditions mentioned below, to a foster parent, or an adopted/step child or a minor brother/sister of an individual whose death takes place in the circumstances mentioned in regulation 213:—

- (a) the claimant was left destitute; and *Procedure for investigation claims No. 0 N. 8760.*
- (b) was dependent on the deceased. *As a 19466/Pen-2 11.12.67*

An award under this regulation shall not, however, be made if a family pension is admitted to a member of the family specified in regulation 216.

Nomination of an heir to family pension.

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

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

Conditions of eligibility for a family pension.

219. A relative specified in regulation 216 shall be eligible for the grant of family pension, provided:— *Jan has not that adopted in*

- (i) he or she is not in receipt of another pension from Government. *Created as legal member of Jan ARVMA/AM (File 200231/70/Pen-2*
- (ii) he or she is not employed under Government (but see regulation 222).

6-114 Army/61
All cases where child to his adoptive or deceased soldier had either been officially separated from his parents or was given away in adoption should be referred to the Main file of Jan No 177771/ST/Pen-2 dt 10.1.52
to RAN 30.6.52 dt 19.6.52

First provided in the Rules
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Widow

(iii) a widow has not remarried

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

If the widow's marriage is annulled by divorce, dissolution or Father's death, she will not be eligible for pension under the provisions provided she was not in receipt of pension at the time of her husband's death. (but see Regs 229(a)(iv) & 2-31)

(iv) a father is above 50 years of age

If he is below that age, he shall be eligible for a family pension, only if he is incapable of self-support by reason of a physical or a mental infirmity.

Mother

(v) a mother, who is a widow at the time of her son's death or who becomes a widow thereafter, has not remarried.

If she had remarried before her son's death, she shall remain eligible for a family pension, unless and until she again becomes a widow and remarries.

Son

(vi) a son is below the age of 18 years. A son above that age shall be eligible for pension only if he is incapable of self-support by reason of a physical or a mental infirmity, which arose before he attained the age of 18 years. Similar provision for civilian aces.

Daughter

(vii) a daughter has not married. (Children also admissible to a mother's daughter below 16 yrs)

To whom the original grant of family pension is made

220. (a) Where there is a nomination—

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

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

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

(iv) If a father nominated for a family pension cannot draw it solely on account of being under 50 years of age, the pension shall be granted to the heir who stands highest in the list of living and eligible heirs (or the alternative nominated heir, if eligible, in the case of Gorkhas) on the date referred to at sub-clause (i) above, until the father attains the age of 50 when it shall be transferred to him

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(v) If an heir, who is nominated for a family pension is employed under Government and is thereby disqualified for the grant of a family pension in whole or in part *vide* regulation 222(a), and if there are other eligible heirs living, the pension or the part thereof, which is held in abeyance for the duration of his/her employment, shall be granted as in sub-clause (ii) above; if there are no such heirs, the pension or the part thereof, which is held in abeyance for the duration of the nominated heirs employment shall be granted to him/her on the termination of such employment.

^{Note} (b) Where there is no nomination— CS 1
52/

The pension shall be granted to the living heir who stands highest in the list in regulation 216 and who is eligible under regulation 219, on the date on which the pension sanctioning authority decides that the claim to pension is admissible. CS. No

^{(b)(ii)} Date from which a grant of family pension takes effect.

221. (a) Subject to the regulation in Part II of these Regulations governing the payment of belated claims, a family pension may be granted as soon as the admissibility of the claim can be verified and with effect from the date following that of the casualty which created the claim.

(b) If however a claimant was eligible for a family pension on the date following that of the casualty but dies or becomes disqualified before the date on which the pension sanctioning authority decides that the claim is admissible, and the grant is made to another eligible heir in consequence, the grant shall take effect from the date following that of the death or from the date of disqualification of the immediately prior eligible claimant. The arrears prior to this date shall, in the event of the claim being established and subject to the regulations in Part II of these Regulations governing the payment of belated claims, be granted to the prior eligible claimant or claimants or to their estates up to the date preceding that of their disqualification, or up to the date of death, as the case may be. CS
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Illustration :—

A soldier died on	31-12-53
He left a widow, father and mother all of whom were eligible for family pension on	1-1-54
The widow re-married and was disqualified on	1-6-54
The pension sanctioning authority admitted the claim for pension on	1-7-54
The grant of pension to the father (if eligible) will take effect from	1-6-54

The arrears for the period 1st January 1954 to the 31st May 1954, will be paid to the widow subject to the usual conditions regarding payment of arrears.

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

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

Grant of family pension to an individual in receipt of another pension from Govt. or in Govt. employment @ @

222. (a) A family pension will not normally be granted if an individual is in Government employment or is in receipt of another pension from Government. If, however, the pay of the appointment or the pension is less favourable than the family pension admissible under these regulations, the following provisions shall apply :-

- (i) Where the individual is in Govt. employment.—Half the family pension normally admissible shall be paid. Full family pension shall be payable on termination of appointment subject to clause (c).
- (ii) Where the individual is in receipt of a pension under the Armed Forces regulations.—It shall be held in abeyance for as long as family pension is payable. The amount, if any, paid on account of the lesser pension, from the date from which the grant of family pension takes effect shall be adjusted accordingly.
- (iii) Where the individual is in receipt of a pension under the civil rules.—The amount of family pension admissible under these Regulations shall be abated by the amount of such pension.

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

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

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

223. Except in the case of Junior Commissioned Officers granted honorary commissions while on the effective list, special family pension and gratuity shall be assessed on the substantive rank and the group held by an individual on the date of his death if death occurs in service, or on the date of discharge/retirement if death takes place after discharge/retirement.

Provided that the paid acting rank held by an individual on any of the following dates, whichever is the most favourable, will be taken into account for the purpose of assessment of special family pension and gratuity :-

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

in a rule case (a) is not mandatory as it is subject to the discretion of the authority. In the case of an individual employed under the Govt. or in receipt of another pension from Govt. or in Govt. employment, the family pension shall be assessed on the rank and group held by the individual on the date of his death if death occurs in service, or on the date of discharge/retirement if death takes place after discharge/retirement.

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

Note 1.—In the case of an individual who, on account of misconduct or inefficiency, is reverted to a lower rank subsequent to the date on which the cause of death originated, the rank for assessment of special family pension and gratuity shall be the paid acting rank held on the date mentioned in clause (a) above.

Note 2.—The paid acting rank shall not, however, be taken into account for assessment of special family pensionary awards if the crucial date mentioned above falls after the 31st May 1963.

Recruits and young soldiers.

224. Special family pensionary awards will be admissible in respect of recruits and young soldiers at the rates and under the conditions applicable to sepoys of the F, G and H groups.

Individuals remustered from a higher to a lower group.

225. The 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 of qualifying service, may be assessed, where more favourable than the awards otherwise admissible, on the rank and group held on the date he was declared surplus.

Rates of ordinary family pension.

226. The rates of ordinary family pension in respect of Junior Commissioned Officers granted honorary commission are:—

Honorary rank	Rate
	Rs. (p.m.)
Captain	38
Lieutenant	37

Rates of special family pension

227. The rates of special family pension are:—

Honorary rank	Rate
	Rs. (p.m.)
<i>Junior Commissioned Officers granted honorary commission :</i>	
Captain	115
Lieutenant	112

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	Rs. (p.m.)	Rs. (p.m.)	Rs. (p.m.)	Rs. (p.m.)	Rs. (p.m.)	Rs. (p.m.)
<i>Junior Commissioned Officers and Other Ranks :</i>						
Risaldar Major/Subedar Major	7578	7578	7578	7578	7072 1/2	7072
Risaldar/Subedar	6568	6164	5922	5760	5558	5558
Jemadar	5053	4649	4447	4245	4043	4043
Dafadar/Havildar & equivalent rank	4042	3638	3436	3234	3132	2930
L/Dafadar/Naik & equivalent rank	3537	3133	2931	2729	2627	2425
Sowar/Sepoy & equivalent rank	3134	2729	2527	2326	2224	2023
(c) Boys	20	Specimen Marauder's (Moss) Wives Wailers		20		
(d) Non-Combatants (Enrolled)	17	Corps (Moss) Wailers		22		
		Corps (Moss) - 25				

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(d) Division of family pension between eligible heirs

228. (a) If the recipient of a family pension refuses to contribute proportionately towards the support of other eligible heirs (see clause (c) below) in the family who were dependent upon the deceased soldier or non-combatant, or if the pension is in the name of a child but is not devoted to the interest of the family generally, a competent authority may, on the advice and recommendations of a deputy commissioner or collector of the district, divide, at his discretion, the family pension among the eligible heirs of the deceased soldier or non-combatant.

NOTE:
(b) This division shall hold good only for the period during which the pension is payable to the original recipient under the regulations governing its grant.

If during this period one of the parties to the division (other than the original recipient) is disqualified or dies, his or her share shall be restored to the original recipient if he or she is the only one living or shall be divided among the remaining recipients, if there are more than one.

(c) Children's allowance is intended for the maintenance of children and the fact that an adult recipient of a special family pension refuses to contribute towards the children's support shall not ordinarily justify the pension being divided. Special cases of hardship will be submitted for the orders of the competent authority.

Transfer of family pension

29. When for any cause a family pension ceases to be payable to any person other than the widow, it shall be transferred to the widow if she is not disqualified under rule 19.

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Except as provided for in this regulation and regulation 220(a), a family pension cannot be transferred and shall cease altogether on the death or disqualification of the original recipient.

Continuance of special family pension

230. (a) The whole or a portion of special family pension which is continued to the father or the mother if he or she or both are deceased and are eligible provided that—
- the pension to be continued, plus
- (i) the average monthly income of the father or mother or both from permanent sources, and
 - (ii) the average monthly contribution which the living son(s), whether willing or unwilling to support, is (are) in a position to make towards his and/or her support, does not exceed the full family pension admissible.
- (b) The maximum amount of pension which can be continued in the case of a JCO will be Rs. 50 p.m. and in respect of Other Ranks Non-Combatant (Enrolled) Rs. 35 p.m.
- (c) A child in receipt of a children's allowance shall not be eligible for the continuance of a special family pension. When the pension, or a portion thereof, is continued to any relative, the children's allowance shall be payable at the ordinary rate without the 50 per cent increase referred to in regulation 239 with effect from the date of such continuance.
- (d) Continuance of a special family pension beyond the second life shall not be permissible. The grant of a special family pension to the eligible heir under regulation 221(b) shall be treated as the grant of second life pension.
- (e) The continuance of family pension (or the rectification of the pension where the continuance of such pension has already been sanctioned at a lower rate through error of facts) shall be sanctioned from the date of application, subject to the grant of a maximum of five months' arrears preceding the date of the pension payment order notified on the award or increase. In a case, however, where no action has been taken on a previous application, or it has been turned down in error, the applicant has not re-submitted the claim for more than a year onwards, arrears will be allowed, subject to the above maximum, from the date of the application which is pursued to a finality and to the award or increase of pension.

When payment of family pension ceases

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

Family gratuity

232. (a) A gratuity at the rates laid down in clause (c) below may be granted in addition to special family pension to the family of an

① Can be transferred to father or mother
vide NO 4/2/62 under Govt. claim.

CS. M.
58/11/67

individual who—

- (i) is killed in action or dies from wounds sustained in action; or *Scope explained in GMB No. B/64253/Asn/16/67 dt 6.7.42.*
- (ii) is killed, otherwise than through his own serious negligence or misconduct, while on flying duty or parachute jumping duties in a service aircraft or while being carried on duty in a service aircraft under proper authority, or dies of injuries sustained in such circumstances; or
- (iii) dies, otherwise than through his own serious negligence or misconduct, of a cause attributable to circumstances which, ^{in the opinion of the local administrative authorities, are similar to those encountered on field service or in operation;} or *Scope discussed in File 92691/PS 400 really cases involving exceptional kind of life is covered.*
- (iv) suffers a violent death while employed in aid of civil power.

Provided that in cases under clause (iii) above, the circumstances of death are accepted by the President as similar to those encountered on field service or in operations.

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

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

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

(c) The rates of family gratuity are:—

	Rs.
Risaldar/Subedar, Risaldar Major/Subedar Major (including those granted honorary commissions as Indian Commissioned Officers while on the effective list).	1,200
Jemadar <i>Wt: Sub</i>	600
Dafadar/Havildar and equivalent rank	400
L/Dafadar/Naik and equivalent rank	300
Sowar/Sepoy and equivalent rank	250
Boys	250
Non-Combatants (Enrolled)	200

233.

R.O.D 197 229/66/Pan.c/III dt 30 Oct-66. Revised rates not admissible in cases of air accidents for which ex-gratia payment admissible but death gratuity at old rates admissible.

*Sectr 1300
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Honry Capt 1600*

Deaths in battle in operations Training also covered. Reg No. 94846/PS(8)/55/Sec 1/Nov-2 dt 14.3.66.

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Sub-Section III—Children's Allowance
Conditions for grant of children's allowance

236. (a) Children's allowance may be granted to each actual and legitimate child of an individual if his death was due to, or hastened by, either a wound, injury or disease which was attributable to military service or the aggravation by military service of a wound, injury or disease which existed before or arose during military service provided that:—

- (i) he or she is not in receipt of special family pension (for exception see regulation 242);
- (ii) in the case of a son, he was below the age of 18 on the date following that of casualty which created the claim;
- (iii) in the case of a daughter, she is unmarried, or if married, below the age of 16 on the date following that of the casualty which created the claim.

(b) Subject to the fulfilment of the conditions in clause (a) children's allowance may also be granted to one validly adopted child of the deceased in the absence of any actual and legitimate child.

Payment of children's allowance to a child in Government employment.

237. Children's allowance shall not normally be granted to a child who is in government employment. If, however, the children's allowance exceeds the pay of appointment, half the children's allowance shall be paid in addition to pay. Full children's allowance shall be payable on termination of employment under the Government.

Rates of children's allowance

238. The rates of children's allowance for each eligible child are:—

	Rs. p.m.
Junior Commissioned Officer granted honorary commission as an Indian Commissioned Officer while on the effective list	10
Junior Commissioned Officer	7
Other Rank	5
NC(E)	3

Revised for personnel in service in accordance with the provisions of the Act, 1967. See also G.O. No. 196093 dated 14.6.67. See also 327/67 also.

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Increased rates of children's allowance when family pension ceases

239. When for any cause the family pension ceases to be payable to any eligible heir, the children's allowance shall be increased by 50 per cent (but see regulation 230(c)).

When the payment of children's allowance ceases

240. The payment of children's allowance shall cease—

- (a) In the case of a son, on attaining the age of 18 years (but see regulation 241).
- (b) In the case of a daughter, on attaining the age of 16 years or on marriage, whichever is later.

A married daughter in receipt of children's allowance shall surrender such allowance if she becomes eligible for a family pension under these Regulations in respect of the death of her husband.

Grant or continuance of children's allowance to a son after the normal age limit

241. The children's allowance may be granted to a son over the age of 18 years or continued beyond that age in respect of a son who was already in receipt of it, as a special case, if he is incapable of self support by reason of a physical or mental infirmity which arose before he attained the age of 18 years. *Similar Allowance for family pension*

When children's allowance is admissible in conjunction with special family pension

242. In cases where a child is the nominated heir and has been granted a special family pension, the children's allowance may be granted to him or her in addition if and for so long as either of the parents of the deceased or the widow is alive and is otherwise eligible for special family pension.

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Sub-Section IV—Awards in respect of deaths not due to service (AI 288/61)

Part A: Family Pension and Gratuity—JCOs/OR/NCs, M

Extent of application ^{AI 17/5/57} Amended by AI 20/5/62 ^{62/11/67}

246. The pensionary benefits in part A of this sub-section will be admissible to the widows of Junior Commissioned Officers/Other Ranks who die of causes neither attributable to nor aggravated by military service.

Note.—The benefits will be admissible in respect of personnel who become non-effective on or after the 1st October, 1957.

Pension/gratuity in cases of death in service

247. The widow of a Junior Commissioned Officer/Other Rank who dies in service may be granted the following pensionary benefits:—

- a) If the deceased had died in the year of his service. A gratuity equal to two months' pay.
- b) If the deceased had rendered one year or over but less than five years of qualifying service for pension. A gratuity equal to six months' pay.
- c) If the deceased had rendered five years or over but less than 15 years of qualifying service for pension. A gratuity equal to 12 months' pay.
- d) If the deceased had rendered 15 years or over of qualifying service for pension. A pension at half the rate of the service pension for which the deceased qualified on the date of his death, for a period of five years from the date following that of death.

Pay for the purpose of assessment of gratuity will be calculated accordance with regulation 141.

Pension in cases of death after discharge

248. The widow of a Junior Commissioned Officer/Other Rank who had rendered 15 years or over of qualifying service for pension, and who dies within five years of retirement/discharge/invaliding, may be granted a pension at half the rate of the service pension which was granted to the deceased or to which he was entitled, as the case may be. The pension will be payable from the date following that of the death of the deceased till the expiry of a period of five years from the date of his retirement/discharge/invaliding.

When payment of pension ceases

249. The payment of pension shall cease on remarriage of the widow to a person other than the brother of the deceased Junior Commissioned Officer/Other Rank, or on her death, before the expiry of the period indicated in regulations 247 and 248.

Wife to be admissible for life vide the M.G.D. ^{CS.M.} ^{67/11/6}
AI 09/29/PSA (S) / 4777/10 (Pun/Ser) dt 1.5.65
AI 09/29/PSA (S) / 11999/10 (Pun/Ser) dt 25.11.65
Applies since from Nov 1957 started under Sd/Gen/Secy

Part B: Gratuity in Respect of Reservists

Gratuity to the widow of a reservist who dies due to non-attributable causes before completion of his combined colour and reserve service

250. (a) The widow of a reservist who dies while in the reserve due to causes neither attributable to nor aggravated by service in the Armed Forces before completion of his combined colour and reserve service will be granted a gratuity that would have been paid had the individual been discharged at the end of his colour service. The pay for this purpose shall be as defined in these Regulations for assessment of service gratuity.

(b) The grant of the above gratuity will in addition to the conditions prescribed in Regulations 4, 5 and 119 be subject to the following conditions:—

- Gratuity payable to personnel who became non-effective on or after 1.1.54 vide Regd No. 83/63/PS40/599-S/31 P/S*
- (i) The widow has not remarried (this condition does not apply to a widow who has remarried/remarries her deceased husband's brother).
- (ii) The reservist in respect of whom the gratuity is claimed had not elected to be governed by the Old Pension Code.
- (iii) The widow is not in receipt of any pension/gratuity from the Central or a State Government or from Central or State Government undertaking of which the reservist was an employee at the time of his death.

dt 16.10.67 251.

252.

Part C: Compassionate Allowance

Extent of application

253. A compassionate allowance may be granted by the competent authority to the widow and children of a Junior Commissioned Officer whose death whilst serving or after retirement was not attributable to or aggravated by military service.

Compassionate allowance cannot be claimed as a right.

254. An allowance under regulation 253 cannot be claimed as a right.

Rates

255. The following are the maximum monthly rates of compassionate allowance that may be granted for the ranks shown:—

	Rs.	x	%
Widow of Risaldar-Major, Subedar-Major, Risaldar or Subedar	20	25	
Widow of a Jemadar	15	20	
For each child dependent on the widow			2

Rank for purposes of allowance. *1.1.64 being granted vide No 113/38*

256. The highest substantive rank held while on the active list shall be taken into account for the purpose of the preceding rule.

Conditions for the grant of the allowance

257. An allowance shall not be granted unless:—

- (a) the applicant is deserving;
- (b) the services of the deceased Junior Commissioned Officer were such as to justify the award;
- (c) the pecuniary circumstances of the applicant justify an award. (The object aimed at is to raise the monthly income from all sources of the widow and children approximately to the rates shown in regulation 255, and the receipt of a permanent income of equal or higher value shall ordinarily render the widow and children ineligible for assistance. For this purpose, income shall include everything in cash or the value of anything in kind received by the widow from all sources).
- (d) the widow was legally married to the deceased whilst he was on the active list, and the husband survived his marriage by at least one year.

Conditions for the continuance of payment of the allowance

258. Allowance to widows and children shall be subject, as regards duration and cessation, to the regulations in these Regulations relating to family pensions and children's allowances, respectively, granted in cases where death is treated as attributable to or aggravated by military service.

Grant of compassionate allowance in conjunction with a grant from other funds

259. An applicant who has received a grant from other funds shall not, on that account, be ineligible for consideration for the grant of a compassionate allowance under the regulations in this sub-section.

Admission wef 1.1.64 vide 86272/PS/2001/421/S/DC/PS/2001
1.1.64

CHAPTER IV—DEFENCE SECURITY CORPS

SECTION I—GENERAL

Extent of application.

265. Unless otherwise provided, the regulations in this chapter shall apply to personnel of the Defence Security Corps who were in service on the 1st June 1953 and who joined or join service on or after that date.

Provided that an individual who was in service in the Corps on the 1st June 1953, may opt, in the prescribed manner, for the previous pensionary rules. Such an individual shall draw in lieu of awards admissible under these Regulations such awards as may be admissible under the previous pensionary rules or any other orders governing the award under those rules in respect of such an individual. The option will be unconditional and once exercised shall be final.

General provision

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

Counting of former service

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

(b) An individual absorbed in the Defence Security Corps from Watch and Ward shall count for pension/gratuity, his previous service in the Watch & Ward Wing, as well as prior regular Army service without a break, during the World War II and thereafter, as if it has been rendered in the Defence Security Corps.

(c) An individual who had been transferred to the Watch and Ward Wing from the Army will, in addition, count for pension/gratuity his previous service, if any, in the Army not covered by (b) above, provided this concession was admissible to and availed of by him in accordance with the relevant rules/regulations when he was enrolled in the Army.

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

*Called out & ITF 79 embodied service for which
a service gratuity was paid. Separately will also
count. A-3 159/67.*

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Case No. A/130

SECTION II—SERVICE PENSION AND GRATUITY

Rates of pension

271. The rates of service pension are:—

Rank	Completed years of qualifying service	Rates	
		For those employed on clerical duties	For others
1	2	3	4
		Rs. nP. (p.m.)	Rs. nP. (p.m.)
Sepoy	15	16-18 22	12-50-12-50
	16	17-19 23	13-50 14-50
	17	18-20 24	14-50 15-50
	18	19-21 25	15-50 16-50
	19	20-22 26	16-50 17-50
	20	21-23 27	17-50 18-50

Revised Rates on clerical duties effective from 1st April 61. A.I. 7/5/65

27 18/68 wof 1.6.65

1	2	3	4
		Rs. nP. (p.m.)	Rs. nP. (p.m.)
15	25	17.50 20	13.50 15
16	26.5	19 21.50	15 16.50
17	28	21.50 23	16.50 18
18	28.5	23 24.50	18 19.50
19	31	24.50 26	19.50 21
20	32.5	26 27.50	21 22.50
dar	15	30 23 25	16 18
	16	32 25 27	18 20
	17	34 27 30	20 22
	18	36 29 32	22 24
	19	38 31 34	24 26
	20	40 33 36	26 28
	21	42 35 38	28 30
dar	15	42 38 40	30.50 33.50
	16	44.5 40.50 42.50	33 36
	17	47 43 45	35.50 38.50
	18	49.5 45.50 47.50	38 41
	19	52 48 50	40.50 43.50
	20	54.5 50.50 52.50	43 46
	21	57 53 55	45.50 48.50
	22	59.5 55.50 57.50	48 51
	23	62 58 60	50.50 53.50
	24	64.5 60.50 62.50	53 56
dar	15	55 52 53	50 50
	16	58.5 55 56.50	50 51
	17	62 58 60	51.50 54.50
	18	64.5 61 62.50	54.50 58
	19	69 64 67	57.50 61.50
	20	72.5 67 70.50	60.50 65
	21	76 70 74	63.50 68.50
	22	79.5 73 77.50	66.50 72
	23	83 76 81	69.50 75.50
	24	86.5 79 84.50	72.50 79
	25	90 82 88	75.50 82.50
	26	93.5 85 91.50	78.50 86
	27	97 88 95	81.50 89.50
	28	100.5 91 98.50	84.50 93

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1	2	3	4
Subedar Major		Rs nP. (p.m.)	Rs. nP. (p.m.)
	15	..91	67
	16	..91	67
	17	..91	67
	18	..95	70.50
	19	..95	70.50
	20	..95	70.50
	21	..99	74 74
	22	..100	77.507
	23	..100	81 81
	24	..100	84.50 8
	25	..115	88 90
	26	..119	91.50 91
	27	..120	95 98.5
	28	..120	98.50/02
	29	..120	102 106
	30	..125	105.50 110
	31	..125	109 114.5
	32	..125	112.50 111

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Rate of service gratuity

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Benefit
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272. (a) An individual who is discharged with less than 15 years qualifying service, will be eligible for a service gratuity at the rate of two-thirds of a month's pay for each completed year of qualifying service.
- (b) The competent authority may reduce the gratuity by an amount not exceeding one fourth of the admissible gratuity.
- (c) An individual who is discharged at his own request before the completion of his term of engagement shall not be eligible for a service gratuity.

Pay for assessment of service gratuity

273. Pay for purposes of assessment of service gratuity shall consist of :-
- (a) Basic pay (including deferred pay, where applicable), of the substantive rank last held.
 - (b) Increments of pay.
 - (c) Dearness pay, where applicable, appropriate to the emoluments of the substantive rank last held.

C.S. No.
68/IV/67

SECTION III—DISABILITY AND FAMILY PENSIONARY AWARDS

Extent of application

19. (a) The regulation in this section shall apply to the individuals mentioned in regulation 265.

However, individuals who were enrolled in the Corps on or after 1st June 1953, but became non-effective prior to the 13th December 1953, will also be eligible for the option contained in the proviso to that regulation.

(b) They shall also apply to those personnel of the Defence Security Corps, who became non-effective during the period from the 26th May 1950 to the 31st May 1953 (both days inclusive), where the option under these Regulations is more favourable than that under the Regulations previously applicable.

Provided that an award in respect of an individual mentioned in clause (b) shall be made from the 1st June 1953, or the date from which it is admissible, whichever is later, and only if the beneficiary was on the 13th December 1958.

Amount of disability pension

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

(1) Service element

- (a) Where the individual has rendered sufficient service to earn a service pension. Service pension admissible under regulation 271 according to his rank and length of service.
- (b) Where the individual has not rendered sufficient service to qualify for a service pension.
- (i) If the disability was sustained while on flying duty in a service aircraft while being carried on duty in a service aircraft under proper authority.

The minimum service pension appropriate to his rank under regulation 271.

(ii) In all other cases

That proportion of the minimum service pension appropriate to the individual's rank which the number of his complete years of qualifying service bears to 1, but in no case less than two-thirds of the minimum service pension.

(2) Disability element

At the rate appropriate to the rank and the accepted degree of disablement under the table below:—

	Disability element as for									
	20%	30%	40%	50%	60%	70%	80%	90%	100%	
	Rs.nP.	Rs.nP.	Rs.nP.	Rs.nP.	Rs.nP.	Rs.nP.	Rs.nP.	Rs.nP.	Rs.nP.	Rs.nP.
	p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	p.m.
Subedar Major .	15.00	22.50	30.00	37.50	45.00	52.50	60.00	67.50	75.00	
Subedar . . .	14.00	21.00	28.00	35.00	42.00	49.00	56.00	63.00	70.00	
Jemadar . . .	9.50	14.25	19.00	23.75	28.50	33.25	38.00	42.75	47.50	
Havildar . . .	6.00	9.00	12.00	15.00	18.00	21.00	24.00	27.00	30.00	
Naik	5.50	8.25	11.00	13.75	16.50	19.25	22.00	24.75	27.50	
Sepoy	4.80	7.20	9.60	12.00	14.40	16.80	19.20	21.60	24.00	

@ Revised Rates A2 132/68

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Effective from 7-4-65 in the case of
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Constant attendance allowance

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

Rates of special family pension

282. Subject to the same conditions as are applicable to combatants of the Army the rates of special pension are:—

Rank	Clerical personnel	Others	
		1-4-61	1-4-61
	Rs. p.m.	Rs. p.m.	Rs. p.m.
Subedar Major	..	55	58
Subedar	57	50	52
Jemadar	42	35	37
Havildar	31	24	26
Nalk	26	20	22
Sepoy	22	18	20

Revised w/ 1-4-61
AD 262/66

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Rates of children's allowance

283. Subject to same conditions as are applicable to combatants of the Army, the rates of children's allowance for each eligible child

(Same as regular Army personnel)

Rank	Rate
	Rs. p.m.
Junior Commissioned Officer	7
Other Rank	5

Note.—The allowance shall be admissible to one validly adopted child of deceased in the absence of any actual and legitimate child.

CHAPTER V—TERRITORIAL ARMY

SECTION I—GENERAL

General provision

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

Definition of military service

90. Military service, for purposes of this chapter shall mean as defined in section 7(3) of the Territorial Army Act, 1948 and as defined in rule 18 of the Territorial Army Rules, 1948.

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SECTION II—COMMISSIONED OFFICERS

Sub-Section I—Terminal Gratuity

Extent of application

295. The regulations in this sub-section shall apply to all commissioned officers of the Territorial Army, who were in the Territorial Army on the 30th March, 1955 or who join it thereafter, excepting those who are—

- (a) civil Government servants holding permanent appointments, and
- (b) retired commissioned officers or retired civil gazetted officers.

Conditions for the grant of terminal gratuity

296. (a) Subject to the service rendered being certified by the competent authority to have been satisfactory, a terminal gratuity may be granted to an officer who has completed a minimum of ⁴/_{years} of aggregate commissioned "military service" and who retires in the following circumstances:—

- (i) on disbandment/reorganisation/interzonal transfer of units provided there is no other unit to which the officer can be transferred, or his consent to a transfer is necessary under the rules and he refuses to consent thereto;
- (ii) on reaching the prescribed retiring age;
- (iii) on being declared medically unfit for further service, subject to the provisions of clause (b);
- (iv) on completion of tenure of appointment.

(b) In cases of termination of service on account of medical unfitness, the terminal gratuity is payable only if the officer is not entitled to a disability pension.

Rate of terminal gratuity

297. Terminal gratuity will be at the rate of ^{one}/~~half~~ a month's pay for each aggregate year of commissioned "military service", excluding the period during which a civil or military pension continues to be drawn. A civil pensioner whose pay is fixed after deducting the amount of pension including the commuted portion, if any, under the relevant regulations shall, however, be eligible to count such period. The maximum gratuity shall not exceed nine months' pay.

Pay for this purpose shall be the basic pay of the substantive rank last held.

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Sub-Section II—Disability and Family Pensionary Awards

Extent of application

102. The regulations in this sub-section shall apply to all commissioned officers who were in the Territorial Army on the 30th March 1947 or who join it thereafter.

Officers who are civil Government servants, and who while holding their civil posts are subject to the rules in Chapter XXXVIII of the S. R. or the C. C. S. (E. P.) Rules or the analogous rules framed by the State Governments, will, however, be eligible to elect to be governed by the provisions of these Regulations or by the civil extra-military pension rules applicable to them. The election may be made by an officer at any time during his service in the Territorial Army, before or after it, and once made shall be final. In case such an officer dies while serving in the Territorial Army without making an election, his estate will be eligible to receive awards under these regulations or the applicable civil rules, whichever are more favourable.

Conditions governing the grant of disability and family pensionary awards

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

Primary conditions for grant of disability pension

104. A disability pension may be granted to an officer if he is discharged from the Territorial Army on account of a disability attributed to, or aggravated by, military service as a commissioned officer.

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

Rates of disability pension

305. The rates of disability pension are:—

(a) **Officers other than civil Government servants holding lien on civil appointments and military pensioners :**

Percentage of disablement	Lieutenant Colonel	Major	Captain or Subaltern
	Rs.	Rs.	Rs.
100	4,035	3,365	2,700
90	3,630	3,030	2,430
80	3,225	2,695	2,160
70	2,825	2,355	1,890
60	2,420	2,020	1,620
50	2,015	1,685	1,350
40	1,615	1,345	1,080
30	1,210	1,010	810
20	805	675	540

(b) **Civil Government servants holding lien on civil appointments :**

On reversion to the civil appointment on which he holds a lien, a disability element of pension at Rs. 150 p. m. for 100 per cent disablement and proportionately less for lesser degrees of disablement down to 20 per cent, in addition to civil pay and allowances, will be admissible.

In case such an officer becomes eligible for a pension under the relevant civil rules, the disability element as calculated above shall remain admissible.

(c) **Military pensioners.**—A consolidated disability pension at the rate in clause (a) above, or for any period during which it is more favourable, a service element equal to his military pension plus a disability element as in clause (b).

Rank for assessment of disability pension

306. Disability pension shall be assessed on the substantive rank held by an officer on the date of his invaliding from service.

Provided that the disability pension shall be reckoned on the paid acting rank held by an officer on any one of the following dates which is the most favourable:—

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

Note.—Paid acting rank will not be taken into account for assessment of disability pension, if the crucial date mentioned above falls after the 31st May

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Provisionary awards when the accepted degree of disablement is reassessed at less than 20 per cent

307. (a) Except as provided in clause (b), an officer who is granted disability pension under clause (a) of regulation 305, but whose accepted degree of disablement is finally assessed at less than 20 per cent may be admitted the terminal gratuity which would have been payable to him under regulation 297, reduced by the actual amount of disability pension paid to him excluding the disability element contained therein calculated at the rate of Rs. 150 p. m. for 100 per cent disablement and proportionately less for lesser degree of disablement.

(b) An officer of the category mentioned in clause (c) of regulation 305 will, however, be paid his military pension during any period for which the accepted degree of disablement falls below 20 per cent.

Cases where disability manifests itself after retirement

308. An officer who has not been invalided out but has relinquished his commission in the Territorial Army otherwise than at his own request or on disciplinary grounds, and who is found within seven years of retirement to be suffering from a disability which is accepted as *attributable* to his military service while holding his commission in the Territorial Army as defined in Section 5 of the Territorial Army Act, may be granted, at the discretion of the President, a disability element at the rate of Rs. 150 p.m. for 100 per cent disablement down to 20 per cent in addition to terminal gratuity, to be admitted to him, and from such date as the President may determine in the circumstances of the case.

Constant attendance allowance

309. A constant attendance allowance may be granted at the same rate and subject to the same general conditions as are laid down in regulation 63 for officers of the Army.

Special family pensionary awards—when admissible

310. (a) A special family pension to the widow of an officer and special children's allowance and education allowance to children, or dependants pension to his parents or brothers and sisters, may be granted if the death of the officer was due to or hastened by

- (i) a wound, injury or disease which was attributable to his military service as a commissioned officer, or
- (ii) the aggravation by his military service as a commissioned officer of a wound, injury or disease which existed before or arose during military service,

Provided that no award shall be admissible if the death was due to or hastened by any minor physical defect which was noticed at the time of joining the Territorial Army but was condoned under the relevant rules. This proviso shall not, however, apply in respect of death by accident while an officer is on duty.

(b) A gratuity may, in addition to special family pension, be granted to the widow of an officer if the death of the officer occurs in circumstances mentioned in regulation 104.

Rates of special family pensionary awards

311. Special family pension and gratuity to the widow, children allowance and education allowance to the children, pension to parents, brothers and sisters of an officer shall be at the rates laid down as for officers of the Army in Section V of Chapter II of these Regulations.

Rank for assessment of special family pensionary awards

312. Rank for assessment of special family pensionary awards will be determined in accordance with Section V of Chapter II of these Regulations.

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III—JUNIOR COMMISSIONED OFFICERS, OTHER RANKS AND
NON-COMBATANTS (ENROLLED)

Sub-Section I—Terminal Gratuity

Extent of application

17. The regulations in this sub-section shall apply to Junior Commissioned Officers, Other Ranks and Non-Combatants (Enrolled) who were in the Territorial Army on the 30th March 1955, or join it thereafter, excepting those who are—

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

Conditions for the grant of terminal gratuity

18. (a) Subject to the service rendered being certified by the competent authority to have been satisfactory, a terminal gratuity shall be granted to a Junior Commissioned Officer, Other Rank or Non-Combatant (Enrolled) who has completed a minimum of ~~5~~ years of "military service" and who is discharged in the following circumstances :—

in the case of Junior Commissioned Officers :

- (i) on disbandment or 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 ;
- (ii) on reaching the prescribed retiring age ;
- (iii) on being declared medically unfit for further service, subject to the provision of clause (b) ;
- (iv) on completion of tenure of appointment or service limits ; or
- (v) when services are no longer required otherwise than on disciplinary grounds.

(2) In the case of Other Ranks and Non-Combatants (Enrolled) :

- (i) on becoming entitled to receive his discharge under the Territorial Army Act Rules ;
- (ii) on being declared medically unfit for further service, subject to the provision of clause (b) ; or
- (iii) when services are no longer required otherwise than on disciplinary grounds.

(b) In cases of termination of service on account of medical unfitness, the terminal gratuity is payable only if the individual is not entitled to a disability pension.

Rate of terminal gratuity

319. Terminal gratuity shall be at the rate of half a month's pay for each aggregate year of "military service", excluding any period during which civil or military pension continues to be drawn. A civil pensioner whose pay is fixed after deducting the amount of pension including the commuted portion, if any, under the relevant regulations shall, however, be eligible to count such period. The maximum gratuity shall not exceed nine months' pay.

Pay for this purpose shall consist of :—

1) In the case of Junior Commissioned Officers :

- (i) Basic pay including annual increments of the substantive rank last held ; and
- (ii) Dearness pay, where applicable, appropriate to the emoluments of the substantive rank last held.

2) In the case of Other Ranks and Non-Combatants (Enrolled) :

- (i) Basic pay (including deferred pay where applicable) of the substantive rank last held ;
- (ii) Rank/appointment pay of the substantive rank last held ;
- (iii) Increments of pay ;
- (iv) Good Service pay; and
- (v) Dearness pay, where applicable, appropriate to the emoluments of the substantive rank last held.

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Sub-Section II—Disability and Family Pensionary Awards

Extent of application

324. The regulations in this sub-section shall apply to all Junior Commissioned Officers, Other Ranks and Non-Combatants (Enrolled) who were in the Territorial Army on the 30th March 1955 or who were in it thereafter.

Individuals who are civil Government servants, and who while holding their civil posts are subject to the rules in Chapter XXXVIII of the Civil Service Regulations, or the Central Civil Services (Extraordinary Pension) Rules or analogous rules framed by the State Governments, will, however, be eligible to elect to be governed by the provisions of these regulations or by the civil extra-ordinary pensionary rules applicable to them. The election may be made by the individual at any time during his service in the Territorial Army, or after it and once made shall be final. In case such an individual dies while serving in the Territorial Army without making an election, his family will be eligible to receive awards under these regulations or the appropriate rules, whichever are more favourable.

Conditions governing the grant of disability and family pensionary awards

325. The grant of disability and family pensionary awards will be subject to the conditions governing the grant of these awards to personnel of the corresponding ranks of the Army except where they are inconsistent with the provisions of the regulations in this sub-section.

Primary conditions for the grant of disability pension

326. A disability pension may be granted to an individual, if he is invalided out of the Territorial Army on account of a disability attributable to, or aggravated by military service.

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

Rates of disability pension

327. The rates of disability pension are :—

(a) **Individuals other than civil Government servants holding lien on civil appointments and military pensioners**

The minimum rate, irrespective of the length of military service, admissible under regulation 183 to personnel of corresponding rank and group of the Army and having the same degree of disablement; provided that the amount of disability pension shall not exceed one-twelfth of the annual rate laid down for a Captain/Subaltern of the Territorial Army for the same degree of disablement under regulation 305.

(b) **Civil Government servants holding lien on civil appointments**

On reversion to the civil appointment on which he holds a lien, a disability element of pension calculated at the rate laid down in regulation 183, for personnel of corresponding rank of the Army in addition to his civil pay and allowances will be admissible.

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

(c) **Military pensioners**

A disability pension at the rate in clause (a), or for any period during which it is more favourable, a service element equal to his military pension plus a disability element as in clause (b).

Rank for assessment of disability pension

328. Disability pension shall be assessed on the higher of the substantive ranks held by an individual on the following dates :—

(a) the date of invaliding from Territorial Army;

or

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

Provided that the rank held on the date at (b) shall not be taken into account where an individual was reverted to a lower rank after that date on account of misconduct or inefficiency.

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pensionary awards when the accepted degree of disablement is reassessed at less than 20 per cent

329. (a) Except as provided in clause (b), an individual who is granted a disability pension under clause (a) of regulation 327 but whose accepted degree of disablement is finally assessed at less than 20 per cent may be admitted the terminal gratuity which would have been admissible to him under regulation 319, reduced by the actual amount of disability pension paid to him excluding the disability element contained therein, calculated at the rate laid down in regulation 319.

(b) An individual of the category mentioned in clause (c) of regulation 327 will, however, be paid his military pension during any period for which the accepted degree of disablement falls below 20 per cent.

Cases where disability manifests itself after retirement

330. An individual who is not invalidated out but discharged from the Territorial Army otherwise than (a) at his own request or (b) on disciplinary grounds, and who is found, within a period of seven years of such discharge, to be suffering from a disability which is accepted as *attributable* to his military service, may be granted, at the discretion of the President, a disability element as in regulation 327(b) in addition to the terminal gratuity, if any admitted to him, and from such date as the competent authority may decide in the circumstances of the case.

Constant attendance allowance

331. A constant attendance allowance may be granted at the same rate and subject to the same general conditions as are applicable to personnel of the army under regulation 189.

Special family pensionary awards—when admissible

332. (a) A special family pension and children's allowance may be granted if the death of the individual was due to or hastened by—

- (i) a wound, injury or disease which was attributable to military service;
- or
- (ii) the aggravation by military service of a wound, injury or disease which existed before or arose during his military service;

Provided that no award shall be admissible if the death was due to or hastened by any minor physical defect which was noticed at the time of joining the Territorial Army but was condoned under the relevant rules. The proviso shall not, however, apply in respect of death by accident while an individual is on duty.

(b) A family gratuity may, in addition to special family pension be granted if the death of the individual occurs in circumstances mentioned in regulation 232.

Rates of special family pensionary awards

333. Special family pension, children's allowance and family gratuity shall be at the rates laid down in Section VI of Chapter III for personnel of corresponding ranks of the Army.

Rank for assessment of special family pensionary awards

334. Rank for assessment of special family pensionary awards shall be the higher of the substantive ranks held by an individual on the following dates:—

- (a) the date of death if death occurs in service, or the date of invaliding if death takes place after invaliding ;
or
- (b) the date on which he sustained the wound or injury or was first removed from duty on account of the disease causing his death.

Provided that the rank held on the date at (b) shall not be taken into account where an individual was reverted to a lower rank after that date on account of misconduct or inefficiency.

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338.

CHAPTER VI—COMMISSIONED OFFICERS—COMMUTATION OF PENSION

Extent of application

341. The regulations in this chapter shall apply to permanent regular commissioned officers (including permanent officers of the Military Nursing Service), who are in receipt of service pension or permanent disability pensions.

Conditions and limits of commutation

342. (a) An officer who had attained the age of 40 years or who has been certified as permanently incapable, through disability, of further military service, may be permitted, subject to the report of a medical board as to his/her physical fitness and to any decision taken in the exercise of the discretion provided in regulation 5 of these Regulations, to commute a portion not exceeding one half of his or her pension or pensions (less any amount previously commuted), provided that the amount left uncommuted is not less than Rs. 2,000 a year (Rs. 1200 in the case of officers of the Military Nursing Service).

(b) An exception to the limit of Rs. 2,000 may be made in cases where the total amount of pension or pensions of an officer (other than an officer of the Military Nursing Service) is less than Rs. 2,400 a year; in such cases, pension not exceeding Rs. 400 may be commuted provided that not less than Rs. 1,600 a year remains uncommuted.

(c) In calculating the amount of pension for the purposes of this regulation, there may be added to it the uncommuted portion of any other permanent pension or pensions payable to the applicant from Indian or other Government revenues.

When commutation of pension is permissible

343. Commutation may take place on retirement, or at any time subsequent thereto; but when an officer is re-employed in an emergency and his/her pension is held in abeyance under regulation 17, he/she shall not be permitted to commute any portion of his/her pension during such re-employment.

Calculation of commuted value

344. (a) The basis of commutation shall be the table prescribed by the President from time to time under the Civil Pension (Commutation) Rules.

(b) The age of the officer shall be taken as being the age he will attain on the next birthday following the date on which the commutation shall become absolute, subject to such addition of years of age in the case of impaired life, as may be recommended by the medical board.

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CS. M. 72/IV/67
NOTES (1) and (2)

(c) In the event of the table of values applicable to an officer being modified between the date of administrative sanction to commutation and the date on which commutation is due to become absolute, the commuted value shall be calculated in accordance with the modified table (but see regulation 346).

When commutation becomes absolute

345. Unless the application for commutation is withdrawn under regulation 346, commutation shall become absolute, i.e. the title to receive the commuted portion of the pension shall cease and the title to receive the commuted value shall accrue on the date on which the medical board signs the medical certificate. Whatever the date of actual payment, the amount paid and the effect upon the pensions shall be the same as if the commuted value were paid on the date on which the commutation became absolute.

Withdrawal of application

346. (a) An officer may withdraw his/her application for commutation:—

(i) when the table of values applicable to him/her is modified between the date of administrative sanction to the commutation and the date on which the commutation becomes absolute, and the modified table is less favourable to him/her than that previously in force; or

(ii) when, in the case of impaired lives, the medical board recommends an addition of years of age to his/her actual age.

(b) Withdrawal of application must be made by written notice, despatched within 14 days of the date on which the officer receives notification of the modified table or of the recommendation of the medical board and of the capital sum payable in view thereof, as the case may be.

Incidental expenses incurred

347. No reimbursement of any travelling or other expenses incurred by an officer in connection with commutation of his/her pension shall be admissible.

Commutation of anticipatory/provisional pension

348. If some delay is likely to arise in the finalisation of retiring pension of an officer (including an officer of the Military Nursing Service) commutation may be allowed on the anticipatory or provisional pension, if any, in issue subject to necessary adjustments when the final pension is sanctioned. The anticipatory/provisional pension will be commuted under the same general conditions as apply to commutation of final retiring pension. To ensure re-payment of the commuted value of the portion of an anticipatory/provisional pension paid in

excess, the Controller, ^{of} Defence Accounts (Pensions), Allahabad, obtain from the pensioner a declaration in the following form along with his application for commutation :—

Form of declaration

“Whereas the (here state the designation of the officer sanctioning the commutation), has consented, provisionally, to advance to me the sum of Rs. _____ being the commuted value of a part of the anticipatory pension in anticipation of the completion of the enquiries necessary to enable the Government to fix the amount of my pension and consequently the part of pension that may be commuted, I hereby acknowledge that in accepting the advance, I fully understand that the commuted value now paid to me is subject to revision on the completion of the necessary formal enquiries and I promise to have no objection to such revision on the ground that the provisional amount now to be paid to me as the commuted value of the part of anticipatory pension exceeds the amount to which I may be eventually found entitled. I further promise to re-pay either in cash or by deduction from subsequent payments of pension any amount advanced to me in excess of the amount to which I may be eventually found entitled.”

Chapter VII

349

DL. No. 73/IV/67

APPENDIX I

(Referred to in regulation 29)

Government of India, Ministry of Defence letter No. 79(8)/58/I/387-S/D (Services) dated the 21st August 1958.

Reckoning of paid acting rank for purposes of retiring pension

An officer holding permanent commission who retires from service on or after the 29th July, 1958, and becomes eligible for a pension, shall have his pension assessed with reference to a standard rate of retiring pension of Rs. 620 pensem for a standard period of qualifying service of 24 years, provided—

- (a) he has held the substantive rank of Major for at least two years more than the minimum period of service required to be served in that substantive rank in order to be eligible for promotion to the substantive rank of Lieutenant Colonel under the promotion rules in force at the time of his retirement;
- (b) he has been found fit in all respects for promotion to the substantive rank of Lt. Colonel; and
- (c) he retires with the paid acting rank of Lt. Colonel after holding that rank for an aggregate period of not less than four years, of which not less than three years shall be continuous.

Note 1.—For purposes of clause (a) the required period of service in the substantive rank of Major will commence from the effective date from which substantive promotion to such rank has been notified in the gazette. In the case of a Major, the "minimum period of service" shall be the period, if any, from the date mentioned above to the date on which he completed the minimum period of reckonable commissioned service required to become eligible for promotion to the substantive rank of Lieutenant Colonel.

Note 2.—For purposes of clause (c)—

- (i) an officer will be deemed to have retired with the paid acting rank of Lieutenant Colonel if his reversion to substantive rank immediately prior to retirement is solely on account of the commencement of the furlough portion of his leave pending retirement or his invalidation out of service. The period subsequent to reversion to substantive rank will not, however, be taken into account in reckoning the necessary service limits.
- (ii) Any paid acting rank held by the officer higher than that of Lt. Colonel will be equated to that paid acting rank.
- (iii) An officer will be deemed to have held paid acting rank **continuously** in cases where an interruption of continuity is afterwards cancelled by retrospective restoration of the paid acting rank by competent authority in accordance with the rules regulating retention of such rank.
- (iv) An officer who retires in the substantive rank of Lt. Colonel but has held that rank substantively for less than two years will also be eligible for pensionary benefit mentioned above subject to the fulfilment of conditions (a) and (c) above. For the purpose of calculating the necessary service-limits under clause (c) of para 1 above, the period during which the officer held the rank of Lieutenant Colonel in a substantive capacity will also be taken into account.

3. In all other respects, the pensionary entitlement of an officer to whom this Appendix applies, will be regulated by these Regulations.

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APPENDIX II

(Referred to in regulations 48, 173 and 185)

Government of India, Ministry of Defence (Pension Branch) letter No. 138999/1/Pen-C dated the 18th April 1950 as amended by letter No. 138999/1/Pen-O dated the 1st October 1951 and corrigenda No. 138999/1/Pen-O (Part III) dated the 4th October 1954 and No. 179411/II/Pen-C dated the 16th October 1957 and Govt. of India, Ministry of Defence letters No. 57/D(AG)/52 I/Pen-O dated the 18th March 1954 and No. 180570/1/Pen-C dated the 21 March 1957.

Entitlement Rules

The entitlement rules set out below apply in cases where the disablement or death, on which the claim to casualty pensionary award is based, takes place on or after the 1st April 1948. These rules apply to all personnel who are governed by military pension rules, including King's Commissioned Indian Officers, who were such till the 26th January 1950 and who, having relinquished their commissions in His Majesty's Land Forces as from that date, i.e. 26th January 1950, have been granted commissions in the Regular Army from that date and other who were formerly governed by the U.K. Royal Warrants for casualty pensions as made applicable in India from time to time; but they do not apply to civilians paid from the Defence Services Estimates referred to in rule 344 (vii), Pensions Regulations, for the Army in India, Part II (1940) personnel mentioned in rule 345 *ibid*, and any other category of Army personnel who are governed by special Government orders for purposes of entitlement to casualty pensionary awards.

These rules do not apply to an individual whose continuous service commenced from a date prior to the 1st April 1948, in so far as his disablement or the cause of his death as the case may be, can be regarded as attributable to/aggravated by his service during the period 3rd September 1939 to the 31st March 1948 in accordance with the entitlement criteria published in Army Instructions (India) Nos. 43 of 1944 and 137 of 1948.

1. With effect from 1st April 1948, in supersession of all previous orders on the subject, the entitlement to disability and family pension, children's allowances and death gratuities will be governed by the following rules. Invalidating from service is a necessary condition for the grant of a disability pension. An individual who at the time of his release under the Release Regulations is in a lower medical category than that in which he was recruited will be treated as invalided from service. JCOs/ORs/NCs (E) who are placed permanently in a medical category other than 'A' and are discharged because no alternative employment suitable to their low medical category can be provided as well as those who having been retained in alternative employment but are discharged before the completion of their engagement will be deemed to have invalided out of service.

2. Disablement or death shall be accepted as due to military service provided it is certified that:—

- (a) the disablement is due to a wound, injury or disease which—
 - (i) is attributable to military service; or
 - (ii) existed before or arose during military service and has been and remains aggravated thereby;
- (b) the death was due to or hastened by—
 - (i) a wound, injury or disease which was attributable to military service; or

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

or death - ca 75/11

There must be a causal connection between disablement/and military for attributability or aggravation to be conceded.

In deciding on the issue of entitlement all the evidence, both direct and substantial, will be taken into account and the benefit of reasonable doubt be given to the claimant. This benefit will be given more liberally to the claimant in field service cases.

5. Post-discharge claims.—Cases in which a disease did not actually lead to member's discharge from service but arose within 7 years thereafter, may be recognised as attributable to service if it can be established medically that the disability is a delayed manifestation of a pathological process set in motion during service conditions obtaining prior to discharge and that if the disability had been manifest at the time of discharge the individual would have been invalided out of service on this account. In cases where an individual in receipt of a disability pension dies at home and it cannot, from a strictly medical point of view, be definitely established that the death was solely due to the disability, the benefit of doubt in determining attributability should go to the family of the deceased, if death occurs within 7 years from the date of his invalidment from service unless there are other factors adversely affecting the claim; and

(b) if death takes place more than 7 years after the date of man's invalidment from service, the benefit of doubt will go to the State.

In cases where an individual outlives a normal span of life, i.e., where death takes place at the age of 60 or above, the death should be held to be due to normal causes and not to military service.

6. In respect of accidents the following rules will be observed:—

(a) Injuries sustained when the man is on duty will be deemed to have been incurred or resulted from Army/Naval/Air Force Service unless they were self-inflicted or due to serious negligence or misconduct in which case the question of withholding the pension in full or in part will be considered.

(b) A person subject to the Disciplinary Code of the Armed Forces is deemed to be 'on duty' during the period of time when he is in the course of performance of an official task or a task the failure to do which would constitute an offence under the Disciplinary Code applicable to him. The course of performance of a task includes the journey or transport by a reasonable route from one's quarters to and back from the appointed place of duty under organised arrangements. *(Grand - transport provided under proper arrangements)*

(c) A person is also deemed to be 'on duty' during the period of participation in recreation, organised or permitted by Service Authorities and of being in a body or singly under organised arrangements. A person is also deemed to be 'on duty' when proceeding to his leave station or returning to it from his leave station at public expense. *(Rly, with out)*

An accident which occurs when a man is not strictly 'on duty' as defined above may also be attributable to Service, provided that it is not an accident which can be attributed to risk common to human existence in modern conditions in India, unless such risk is definitely enhanced in kind or degree by the conditions, obligations or incidents of the person's service. Thus, for example, where a person is killed or injured by another party by reason of negligence on the part of the latter, where a person is killed or injured by another party by reason of negligence on the part of the latter, where a person is killed or injured by another party by reason of negligence on the part of the latter, he shall be deemed 'on duty' at the relevant time.

The benefit will be given more liberally to the claimant in cases occurring in field service as defined in the Army/Air Force Act. *1956 Court Judgment in the case of a person who was on duty even when a fall occurred.*

Dr. S. Singh

Note 1.—(a) Personnel of the Armed Forces participating in—

- (i) local/national/international sports tournaments as members of Sports teams, or
- (ii) mountaineering expeditions/gliding organised by the Service authorities, with the approval of Government.

will be deemed to be "on duty" for purposes of the post-March 1948 entitlement rules for disability and family pensions;

(b) personnel of the Armed Forces participating in the above-mentioned sports tournaments or in privately organised mountaineering expeditions or indulging in gliding as a hobby, in their individual capacity, will not be deemed to be "on duty" for purposes of those rules, even though prior permission from the competent Service authorities may have been obtained by them;

(c) injuries sustained by personnel of the Armed Forces in impromptu games and sports outside parade hours, which are organised by, or with the approval of, the local Service authority, and deaths arising from such injuries will continue to be regarded as having occurred while "on duty" for purposes of these entitlement rules.

Note 2.—The personnel of the Armed Forces deputed for training courses conducted by the Himalayan Mountaineering Institute, Darjeeling, shall be treated on par with personnel attending other authorised professional courses or exercises for the Defence Services for the purpose of the grant of disability and family pensions on account of disability/death sustained during the courses.

7. In respect of diseases, the following rules will be observed:

(a) Cases, in which it is established that conditions of military service do not determine or contribute to the onset of the disease but influenced the subsequent course of the disease, will fall for acceptance on the basis of aggravation.

(b) A disease which has led to an individual's discharge or death will normally be deemed to have arisen in service if no note of it was made at the time of the individual's acceptance for military service. However, if medical opinion holds, for reasons to be stated, that the disease could not have been detected on medical examination prior to acceptance for service the disease will not be deemed to have arisen during service.

(c) If a disease is accepted as having arisen in service, it is established that the conditions of military service determined or influenced the onset of the disease and that the conditions were due to the nature of duty in military service.

(d) In considering whether a particular disease is due to military service it is necessary to relate the established facts, in the aetiology and of its normal development, to the effect that conditions of exposure, stress, climate, etc., may have had on its manifestation, and also to the time factor. (Also see Annexure).

(i) Common diseases known to be affected by exposure to climatic conditions such as Bronchitis, Rheumatism and Nephritis—Diseases of the respiratory system, joints and kidneys—climatic conditions. The period and the conditions of exposure to a particular place should be taken into account in determining the connection with service.

(ii) Common diseases known to be affected by stress—Diseases should be decided with due reference to the nature of the work which the individual has had to perform in military service. In some cases the individual had been engaged on such work when they will normally not qualify.

(iii) Diseases endemic to certain areas—Diseases such as Filariasis, Dysentery, Cholera, etc., are endemic to certain areas. Diseases may be introduced by movement from one area to another.

This is an active disease. It is not a common disease. It is a disease which belongs to the time.

In determining causal connection with service it will have to be established that the conditions of military service exposed the individual to the infection as a result of which he contracted the disease. Where there is medical evidence of the contraction of the disease either prior to entry into service, or while off duty or on leave or desertion or unauthorised absence, etc., attributability should not be accepted unless the disease occurs within the incubation period.

Diseases due to infections in service—Entitlement to pension will be admitted if the exposure to infection arose from the circumstances of the member's service.

Diseases known to be affected by dietary compulsions—The compulsions of service would also cover such cases as gastric disorders, e.g. gastritis, gastric and duodenal ulcers, where it is established that the member was unable to follow a dietary regime required for his condition. The effect of service in such cases will be limited essentially to the question of aggravation of a pre-existing constitutional condition. This will not normally apply to individuals in sedentary occupation.

Diseases which run their course independently of external circumstances—There are certain diseases which would have run the same course whether the individual had been in the Forces or not, e.g. Leukaemia, Hodgkin's disease, etc. (see Annexure sub-para (E)). Such cases will not be accepted as aggravated by service unless it is clear that owing to exigencies of service the man did not receive treatment of a satisfactory character and standard or such treatment was so delayed as to be less effective than it should have been.

Veneral Diseases

Veneral disease will normally be rejected but a sequela of the disease may sometimes be accepted as aggravated by service. In the case of such disease contracted during service, grounds for acceptance will rarely be found unless the member after treatment had returned to full duty and had been subjected to such strain as would produce one of the after effects of the disease sooner than would have normally been the case. The strain must have been of an exceptional nature.

In the case of disease contracted before service if the member had reached an age when such a manifestation could be accepted, entitlement will not be conceded. On the other hand, if the later manifestation had been produced or hastened by the strain of service in which case there should be evidence that the strain was of an exceptional nature, entitlement may be considered on the basis of aggravation.

In the case of disease due to heredity, entitlement must be determined as in para (2) above.

The above refers only to late manifestations or sequela of venereal disease as Neuro-Syphilis or Cardio-vascular Syphilis.

Invalidation on account of indulgence in drugs or drinks—Entitlement will not be conceded if the disability or death on which the claim is based, resulted from indulgence in drugs or drinks which was within the member's own control.

Unforeseen effects of service medical treatment—

Where unforeseen complications arise as a result of treatment (invasive treatment) given for the purpose of rendering a member fit for service, any disablement resulting will normally be accepted as attributable to service.

Where the treatment is given for other reasons, the position regarding unforeseen complications differs according as the condition which necessitated treatment was or was not, either attributable to or aggravated by service.

If it was so attributable or aggravated, any disablement resulting from treatment will normally be accepted as attributable to service. If it was no responsibility will be accepted for the additional disablement unless in delay, faulty technique or lack of reasonable skill can be held responsible for the untoward outcome, or the exigencies of service before, during or after treatment can be held to have caused or aggravated the condition.

(c) The above considerations apply whether the treatment is given in a service hospital or under service arrangements in any other hospital but will not apply if the treatment is undertaken under private arrangement by an individual.

9. Assessment—

(a) The assessment of a disability is the estimate of the degree of disablement it causes, which can properly be ascribed to service as defined below.

(b) The disablement properly referable to service will be assessed as follows:—

(i) At the time of discharge from the forces*.—

Normally the whole of the disablement then caused by the disability will be accepted as attributable to service. This rule will apply irrespective of whether the disability is accepted as attributable to service, or is merely aggravated thereby. In the event, part of the disablement on discharge may have been present before service and/or may have been brought about by the progress of the disability during service. But as it is impossible to apportion quantitatively the effects of service and non-service factors, the disablement at the time of discharge will be taken into account as follows:—

- (1) Where a person who had a partially disabled hand sustains an injury to the same hand which renders it less useful than before, and a person with an impaired foot injures the other as a result of service, thus increasing his defect in locomotion; or
- (2) Where a person gives history of cough and cold prior to enlistment and is invalided out of service for Chronic Bronchitis held to be aggravated by service, a disability pension will be admissible for the total disablement.

(ii) On resurvey of disability after discharge from the service:—
The whole of the disablement then caused by the disability, less the part due to non-service factors, is as follows:—

- (1) The part due to non-service factors, such as individual habits, occupation in civil life, accident after discharge, climatic environment after discharge;
- (2) Any worsening due to the natural progress of the disability after discharge apart from the effects of service.

Deduction (1) will be made in all cases: while deduction (2) above will apply only in cases where the disability is accepted as aggravated by service but not attributable to service.

(c) In cases accepted as aggravated by service, although a percentage of disablement, equal to more than 20 per cent, may be assessed on medical resurvey, after discharge from service, in accordance with para b(ii) (2) a disability pension will cease to be payable as soon as the effects of the aggravation by service have passed away, e.g., where a person with disease such as Fibrositis, Bronchitis, Eczema, etc., held to be aggravated by service, is invalided out of service.

*Special consideration should be given to cases in which the disability has been or may have been worsened by the improper or excessive use of alcohol, tobacco or drugs or by venereal disease. In such cases, the effects of such will be excluded in assessing disablement ascribable to service.

not, out and on resurvey was found by the Medical Board to have been restored (a) to his pre-service condition or (b) the condition in which he may have been normally at that time even if he had not joined the forces, aggravation by the service will be deemed to have passed away.

(d) Paired organs: as eyes, ears, will be considered together. Where disablement due to service occurs in one or a pair of organs, assessment on discharge will be made with reference to the diminution of the functional capacity of the organs working together. Therefore, the assessment will include for pension purposes any non-service disablement present in either organ on the view that service disablement has aggravated the pre-existing functional defect of the pair of organs.

(e) Composite assessments—Where there are two or more disabilities due to service; compensation will be based on the composite assessment of the degree of disablement. Generally speaking, when separate disabilities have entirely different functional effects, the composite assessment will be the arithmetical sum of their separate assessments. But where the functional effects of the disabilities overlap, the composite assessment will be reduced in proportion to the degree of overlapping.

(f) Nil disablement—Where, although a definite disability is or has been in evidence, the Medical Board consider that any disablement resulting therefrom has ceased or has become so small as not to admit of assessable compensation, the assessment will be expressed as "nil disablement".

(g) Where the disability due to service has no connection with the pre-existing disability, as for example, a person who had lost a finger prior to enlistment, loses a great toe by service, compensation will be restricted to the loss of the great toe only.

ANNEXURE

Classification of Diseases

Diseases affected by climatic conditions.

Pulmonary Tuberculosis.

Pulmonary Tuberculosis with pleural effusion.

Tuberculosis—Non-pulmonary.

Bronchitis.

Pleurisy, empyema, lung abscess, and Bronchiectasis.

Lobar pneumonia.

Nephritis (acute and chronic).

Otitis Media.

Rheumatism—acute.

Rheumatism—chronic.

Arthritis.

Myalgia.

Lumbago.

*Substituted
Pl sec 13.
No. 75/14/67
at page 105*

- B. Diseases affected by stress and strain.
 Psychosis and Psychoneurosis.
 Hyperpiesia.
 Pulmonary Tuberculosis.
 Pulmonary Tuberculosis with pleural effusion.
 Tuberculosis—Non-pulmonary.
 Mitral Stenosis.
 Pericarditis and adherent pericardium.
 Endo-carditis.
 Sub-acute bacterial endo-carditis, including infective endo-carditis.
 Myocarditis—acute or chronic.
 Valvular disease.
- C. Diseases affected by dietary compulsions.
 Diseases of stomach and deodenum.
 Gastritis.
 Gastric ulcer.
 Duodenal ulcer.
 Nutritional Disorders.
- D. Diseases affected by training, marching, etc.
 Varicose veins.
 Hernia.
 Internal derangement of knee joint.
 Deformities of feet.
- E. Diseases not normally affected by service.
 Malignant diseases ; Cancer and Carcinoma.
 Sarcoma (except in cases of sarcoma of bone with a history of injury, due to service, on the site of development of the growth).
 Epithelioma.
 Rodent ulcer.
 Lymphosarcoma.
 Lymphadenoma (Hodgkin's disease).
 Leukaemia.
 Pernicious anaemia (Addison's anaemia).
 Osteitis deformans (Paget's disease).
 Gout.
 Acromegaly.
 Corrhosis of the liver—if alcoholic.

EYES

- Errors of refraction.
 Hypermetropia.
 Myopia.
 Astigmatism.
 Presbyopia Glaucoma—acute or chronic, unless there is a history of injury due to service or of disease of the eye due to service.

@ Deleted copy 1-5-68
Mica M. O. D. No.
of 20651 / 8540 / 3584
Pensioner dt. 1-5-68

APPENDIX III

(Referred to in regulation 63 and 189)

Rules governing the payment of Constant Attendance Allowance

(Applicable to cases where the disability for which Constant Attendance Allowance is payable is attributable to or aggravated by service rendered from 1st April 1946 onwards except service rendered :—

- (i) in connection with Hyderabad Police Action; and
- (ii) in Jammu and Kashmir operations where the initial award of Constant Attendance Allowance was payable before the 30th October, 1954.)

1. The grant of Constant Attendance Allowance is subject to the conditions ~~the pensioner has no relative to look after him properly and that he normally employs an attendant to look after him.~~ *and he is not employed.*

NOTE
2. Constant Attendance Allowance will not be payable for any period during which the pensioner is an inmate or an inpatient of a Government institution or hospital.

3. Payment of Constant Attendance Allowance will be made in arrears along with disability pension proper. Payment will be made on the basis of—

- (a) a certificate as in Annexure I in the case of JCO, OR and NCs(E); and
- (b) a declaration by the pensioner as in Annexure II in other cases,

which will be submitted to the pension disbursing officer each time the allowance is drawn.

4. No pensionary award in respect of death of an individual in receipt of Constant Attendance Allowance will normally be admitted except in cases where it is definitely proved to the satisfaction of the pension sanctioning authority that although the disabled soldier had relatives, they were unable to look after him properly. Cases in which the pension sanctioning authority is not so satisfied will be considered by the Government of India on merits.

ANNEXURE I

Certificate for purposes of drawing constant attendance allowance.

(NOT TO BE TREATED AS LIFE CERTIFICATE)

Name of Pensioner

Address— Village.....
 Tehsil

District etc.

Regimental No.

Rank

Regiment, Corps or Service

Pension Circular/Pension Payment Order No. Serial No.

Rate of Constant Attendance Allowance

Particulars of any period spent as an in-mate or an in-patient of Government hospital or institution, since the allowance was last drawn—

(a) Date of admission to hospital or institution

(b) Date of discharge from hospital or institution

(c) Address of hospital or institution

CERTIFICATE

Certified from my personal knowledge of the pensioner described above that the particulars given on this form are correct, and that during the period viz. _____ for which Constant Attendance Allowance is now claimed

- (a) the pensioner was not an in-mate or in-patient of a Government hospital or institution;
- (b) he had no relatives to look after him properly; and
- (c) he actually employed Shri _____ on of Shri _____ as constant and paid attendant to look after him, such attendance having been necessitated by the disability/disabilities for which he is drawing the disability pension. To the best of my knowledge and belief Shri _____ is not related to the pensioner.

Signature

Designation

Full Address

Date

Note.—1. This certificate should be submitted to the pension disbursing office each time the allowance is drawn.

2. The certificate will be signed by a responsible Government officer by some other well-known and trustworthy person, e.g. a JCO, a Sub-Inspector of Police, a Sub-Postmaster drawing not less than Rs. 50 a month, a tehsildar, a village headman, a patti patwari (in the case of Garhwali pensioners residing in Kumaon), or the head of the village panchayat, who is personally acquainted with the pensioner.

CS. no.
 77/12/67

ANNEXURE II

Declaration for purposes of drawing constant attendance allowance

N. B.—Any person wilfully making a false declaration is liable to prosecution.

Name of Pensioner

Address

Personal Number

Rank

Regiment, Corps or Service

Pension Circular/Pension Payment Order No. Serial No.

Disability/disabilities for which pension is in issue

Rate of Constant Attendance Allowance

Particulars of any period spent as an in-mate or an in-patient of a Government hospital or institution since the allowance was last drawn—

(a) Date of admission in hospital or institution

(b) Date of discharge from hospital or institution

(c) Address of hospital or institution

DECLARATION

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. _____ for which I now claim Constant Attendance Allowance—

- (a) I was not an in-mate or an in-patient of a Government hospital or institution ;
- (b) I had no relatives to look after me properly ; and
- (c) 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.

Shri _____ is not related to me in any way.

I further declare that I understand that I am not entitled to receive Constant Attendance Allowance for any period during which the foregoing conditions are not fulfilled.

Pensioner's Signature

Date

Note.—This form should be forwarded to the pension disbursing officer when the allowance is drawn.

Army/61

APPENDIX IV

(Referred to in regulation 106)

Government of India, Ministry of Defence letter No. 180572/Pen-C, dated the 25th March 1958, as amended *vide* Corrigendum of even No., dated the 3rd July 1958.

Subject.—Creation of a Compassionate Gratuity Fund (Defence Services) for the grant of *ex-gratia* awards to dependants of deceased commissioned officers (including officers of the Branch List, Indian Navy) whose deaths are not due to (or hastened by) wound, injury or disease which is attributable to, or aggravated by, service.

I am directed to convey the sanction of the President to the creation of a Compassionate Gratuity Fund (Defence Services) for the grant of *ex-gratia* awards to dependants of deceased commissioned officers of the three services, including officers of the Branch List, Indian Navy, who die while in service, but whose deaths are not due to (or hastened by) wound, injury or disease which is attributable to, or aggravated by, service. The Fund will be operated in accordance with the rules contained in the attached Annexure. Awards from this Fund will be payable to dependants of officers, who died on or after the 1st June 1953, or who die hereafter.

2. The total amount to be paid to dependants of officers, who died on or after the 1st June 1953, but before the 1st April 1958, will not exceed Rs. 4 lakhs.

3. The total amount to be paid in respect of deaths on or after the 1st April 1958 will not exceed Rs. 1 lakh in any one financial year.

4. (i) The unexpended balance of the initial grant of Rs. 4 lakhs. *vide* paragraph 2 above, will lapse to the State after the 31st March 1959. The unexpended amount out of the provision of Rs. 1 lakh made each year, *vide* paragraph 3 above will be carried forward to the next year, subject to the stipulation that in no case will the budget provision for any one financial year exceed Rs. 2 lakhs.

(ii) For this purpose a proforma account of the Fund will be opened to watch the progress of the expenditure against the ceiling limit fixed for each financial year. This account will be available for inspection by audit.

5. For the purpose of these orders the term "dependants" will mean widows and children of deceased officers. *Also parents, brothers/sisters will be 7.1.58 reference below.*

Government of India, Ministry of Defence letter No. 180572/II/PEN-C, dated the 7th January, 1959.

Subject.—Creation of a Compassionate Gratuity Fund (Defence Services) for the grant of *ex-gratia* awards to dependants of deceased commissioned officers (including officers of the Branch List, Indian Navy) whose deaths are not due to (or hastened by) wound, injury or disease which is attributable to, or aggravated by, service.

In partial modification of this Ministry's letter No. 180572/Pen-C, dated the 25th March 1958 (as amended), I am directed to say that the President has decided that *ex-gratia* awards from the Compassionate Gratuity Fund (Defence Services) may also be made to the parents, brothers/sisters of deceased commissioned officers of the 3 Services (including officers of the Branch List Indian Navy), who die while in service but whose deaths are not due to (or hastened by) wound, injury or disease which is attributable to or aggravated by service. The awards to dependants other than widows and children will be regulated by the conditions contained in the attached Annexure.

Annexure to Ministry of Defence letter No. 180572/Pen-C, dated the 25th March 1958.

Rules regulating awards of gratuity from the Compassionate Gratuity Fund (Defence Services)

1. The Compassionate Gratuity Fund (Defence Services) is intended for the relief of the dependants of the deceased Commissioned Officers, irrespective of the type of commission and length of service, of the Army, the Navy and the Air Force (including officers of the Branch List, Indian Navy) who die in service, but whose deaths are *not* due to (or hastened by) wound, injury or disease which is attributable to, or aggravated by, service.

2. All awards shall be made by a Board consisting of the Secretary, Ministry of Defence, the Financial Adviser, Ministry of Finance (Defence), and the Chairman of the Chiefs of Staff Committee. The Board shall *co-opt* as additional member any other Chief of Staff when a particular case concerning his Service comes up for consideration. He would however not have the right to vote. An officer of the Ministry of Defence nominated by the Secretary, Ministry of Defence, shall be *ex-officio* Secretary to the Board.

3. The decision of the majority shall be deemed to be the decision of the Board. All awards shall be recommended by the Board to the Defence Minister for his approval.

4. The total amount paid on account of awards in any one financial year shall not exceed Rs. 1,00,000/- in all.

5. An award shall *not exceed* 1½ months' pay last drawn for each completed year of commissioned service of the officer or Rs. 10,000/- whichever is less, provided that the minimum amount in each case shall be Rs. 3,000/-.

Note.—For the purpose of this rule the term "pay" shall include—

- Qualification pay ;
- Specialist pay ;
- Personal pay (in respect of pre '36 Naval Officers) ;
- Parachute pay ;
- Flying bounty ;
- Air Observation Post pay ;

but shall not include dearness and other allowances.

6. Normally, preference shall be given to dependants who are not entitled to any pension or gratuity ; and to dependants of officers who were on comparatively lower rates of pay.

7. No award shall be made when the total average monthly income of the applicant inclusive *inter alia*, of either such ordinary pension or the actuarial value of such gratuity, as may be admissible, exceeds the special family pension plus special children's allowance that would have been admissible had the death of the officer been attributable to service (a child's allowance shall also be included as the income of the mother for this purpose).

Note.—For purposes of this rule 'income' shall be the net total assessable income for Income Tax purposes.

8. The applications shall be made in the prescribed form (*vide* Annexure) within one year of the date of death of the officer and the Board shall, before deciding each case, make such enquiries as they deem fit and shall be entitled to call for and inspect all relevant documents and files in connection with the death of the officer concerned and interrogate such persons as they consider may have evidence to prefer on the subject matter of their enquiry.

9. The Board shall meet as often as necessary to consider the applications received for this purpose. Each application shall first be scrutinised by the Service Headquarters concerned for verifying the correctness of the facts mentioned therein, and thereafter it shall be sent with all the documents and their comments to the Secretary, Compassionate Gratuity Fund (Defence Services) Board, Ministry of Defence. The Secretary of the Board shall obtain the views of the Ministry of Finance (Defence) also before submitting the case to the Board.

ANNEXURE

Place

Date

To,

The Secretary,
Compassionate Gratuity Fund (Defence Services) Board,
Ministry of Defence, Government of India,
New Delhi.

*Through

Army Headquarters (AG's Branch-PS4)
Naval Headquarters (PP&A)
Air Headquarters (PP&R)
New Delhi

Sir,

I** _____ of _____ who last served with
(rank and name)

_____ and who died on _____ at
(unit or formation)

_____ from _____
(Place) (disease/accident)

hereby apply for an award from the Compassionate Gratuity Fund (Defence Services).

2. The necessary particulars including a complete statement of my properties and other assets are given in the attached form.

3. I am prepared to produce all the necessary documents in respect of the properties and income mentioned in the attached form before the Board or its nominee on being required to do so and answer any questions the Board or its nominee may put to me.

Yours faithfully,

(Signature)

Full address
(in block letters)

*The application should be forwarded through the Headquarters of the service to which the deceased officer belonged.

**Here insert name and relationship with the deceased officer.

particulars of applicant for grant from the Compassionate Gratuity Fund
(Defence Services)

- (1) Name of the applicant _____
- (2) Names and ages of the *children/
†brothers/†sisters _____

- (3) Present residential address _____
- (4) Schools and classes in which the
*children/†brothers/†sisters are
studying. _____

- (5) Rate of monthly pension or salary
(including allowances) _____
- (6) Children's allowance _____
- (7) Amount received from or the
balance on date in Defence Ser-
vices Officers Provident Fund _____

- (8) Amount received from or amount
of Life Insurance Policies _____
- (9) Bank balance on date _____
- (10) Assets in the shape of National
Savings Certificates and other
bonds or investments _____

- (11) Extent of landed property _____
- (12) Particulars of house property _____
- (13) Yearly income from (11) and (12) _____
- (14) Whether property is divided or
undivided, if undivided, the
share of the applicant _____

- (15) Amount due from Loans _____
- (16) Amount of debts _____
- (17) Full particulars of other sources
of income such as employment
or lump sum payable from
Benevolent or other Funds _____

- (18) Special representation, if any _____

CERTIFICATE

Certified that the information given above is complete and correct to the
best of my knowledge.

Signature of applicant.

Date:

Place:

*This applies when the applicant is the widow of the deceased officer.
†This applies when the applicant is a child of the deceased officer.

Annexure to Ministry of Defence letter No. 180572/II/Pen-C, dated the 7th January 1959.

Conditions regarding the grant of Awards of Gratuity from the Compassionate Gratuity Fund (Defence Services) to dependants other than widows and children

1. A grant to the parents will be made provided the officer does not leave behind a widow and/or children eligible for an award from the Fund. In the absence of a widow, child or parents, a grant may be made to the brothers and sisters of the deceased officer.

2. An award from the Fund will be made to a dependant only if he/she would have qualified for pension/allowance under the rules had the officer's death been due to service.

3. An award to parents and brothers/sisters will not exceed one month's pay last drawn for each completed year of commissioned service of the officer and will be subject to the maximum and minimum indicated below:—

- (i) **Father and mother jointly.**—The maximum award will be Rs. 7500 and the minimum Rs. 2500.
- (ii) **Father or mother singly.**—The maximum award will be Rs. 5625 and the minimum Rs. 1875.
- (iii) **Minor brothers and sisters collectively.**—The maximum and minimum awards will be Rs. 5000 and 2000 respectively.

The *ex-gratia* award will not, however, in any case, exceed the sum total of the amounts which would be payable if each beneficiary is granted child's allowance of Rs. 30 per month till he/she attains 18 years of age.

- (iv) **Single dependant, minor brother/sister.**—The *ex-gratia* award will not exceed the amount which would be payable, if the beneficiary is granted child's allowance of Rs. 30 per month till he/she attains 18 years of age.

APPENDIX V

(Referred to in regulation 177)

Criteria for deciding whether an individual's refusal to undergo medical treatment or an operation for his disability attributable to or aggravated by military service, is or is not reasonable.

1. Refusal to undergo medical treatment or an operation may be held to be reasonable :—

- (a) when, in the opinion of the medical authorities, it is improbable that such treatment or operation would cure the disability or reduce its percentage or where such treatment or operation may be severe and dangerous to life ; or,
- (b) when, 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 *bona fide* outcome of such prejudices.

2. Refusal to undergo medical treatment or an operation will be treated as reasonable :—

- (a) when, in the opinion of the medical authorities, it is due to malingering ; or,
- (b) when, in the opinion of the Officer Commanding, it is due to a desire to avoid further service or to obtain or retain a pension or to receive an enhanced pension.

3. If in the opinion of the Officer Commanding unit, the individual has grounds not covered by the above paragraphs for refusing medical or operative treatment, the case will be referred to the area/independent sub-area commander for a decision as to whether the objection is reasonable or not and his decision will be final.

INDEX

A

REGULATION

in respect of deaths not due to service—	
Cessation of	249
Grant of—	
Cases where death occurs after discharge	248
Cases where death occurs while in service	247
Gratuity to the widow of a reservist who dies before completion of his combined colour and reserve service	250

C

Cessation of	99
Continuance after normal age limit	103
Rates—Ordinary	96
Rates—Special	95
Reduction in the event of grant of another pension	91
Validly adopted children	87
When admissible at ordinary rates	86
When admissible at special rates	85
COs/OR/NCs(E)—	
Cessation of	240
Conditions for grant	236
Grant after the normal age limit	241
Payment to children in Govt. employment	237
Rates	238 & 239
When admissible in conjunction with special family pension	242
Termination of pension—	
COs—	
Anticipatory/provisional pension	348
Calculation of commuted value	344
Conditions and limits of	342
Expenses incurred in connection with	347
Withdrawal of application for	346
When becomes absolute	345
When permissible	343
Orphan allowance—families of JCOs—	
Cannot be claimed as a right	254
Conditions for the continuance	258
Conditions for the grant	257
Grant in conjunction with grants from other funds	259
Rank for assessment	256
Orphan gratuity fund—	
When <i>ex-gratia</i> awards made	106 & Appendix IV

Constant attendance allowance—	63
ICOs	189
JCOs/OR/NCs(E)	
D	
Defence Security Corps personnel—	267
Former service—counting of	
Rates—	283
Children's allowance	281
Constant attendance allowance	280
Disability pension	282
Family pension—special	272
Service gratuity	271
Service pension	
Dependants pension—officers	85
When admissible	101
When brothers and sisters pension ceases	100
When parents' pension ceases	
Disability Pension	
ICOs (including those of the MNS)—	53
Compulsory retirement on account of age	49
Late entrants	54
Manifestation of disability after retirement	51
Negligence or misconduct	60
Period for which granted	59
Rank for assessment of service element	60
Rate	56
Reduction or removal of disability	52
Refusal to undergo treatment	58
Service qualifying for pension	50
Voluntary retirement	48
When admissible	
JCOs/OR/NCs(E)	186
Cessation of	173
Conditions for the grant of	
Honorary commissioned officers invalided with less than 25 years service	184
Manifestation of disability after discharge from service	178
Period of grant	185
Rank for assessment of	180 & 182
Rates	183
Reassessment of	187 & 188
Reduction of—in cases of negligence and misconduct	175
Reduction of—When compensation is paid from public revenues	176
Recruits and Young Soldiers	181

Dismissal from service—effect on pension—	
JCOs/OR/NCs(E)	113
Officers	16
E	
Education allowance— children of officers	
Grant of	105
When admissible	87
Ex-gratia awards	217
F	
Family pension—	
ICOs	
Cannot be claimed as a right	82
Cessation of widows pension	98
Division of pension	97
Negligence or misconduct	83
Officers suffering from T. B. but retained in service	94
Ordinary rates—when admissible	86
Promoted from ranks	89
Rank for assessment of pension Rates—	
Ordinary	96
Special	95
Reduction when another pension is granted	91
Restoration of pension on second widowhood	102
Separation of widow from her husband	90
Service in aid of civil power	84
Special rates—when admissible	85
Widow who dies before establishing her claim	92
JCOs/OR/NCs(E)—	
Cessation of	231
Civil power—service rendered in aid of	214
Conditions of eligibility	220
Continuance of	230
Date from which granted	221
Division of pension	228
Eligible members of a family	216
For whom intended	215
Individuals in Govt. employment	222
Individuals in receipt of another pension	222
Nomination of heir for	218
Ordinary family pension—when admissible	212
Rank for assessment of pension	223 to 225
Rates—ordinary family pension	226
Rates—special family pension	227

Special family pension—when admissible	213
Transfer of pension	229
When admissible in conjunction with children's allowance	242

G

Gratuity—ICOs and their families

ICOs other than those of the MNS—

Family gratuity for the widow	104
Retiring gratuity—rate of	32
Retiring gratuity—qualifying service for	27

Officers of the MNS—

Retiring gratuity—rate of	43
Retiring gratuity—qualifying service for	38

Gratuity—JCOs/OR/NCs(E) and their families

Family gratuity	232
Invalidment from service with attributable disability assessed at less than 20%	168
Individuals remustered from higher to lower group	142

Service gratuity—

Minimum qualifying service required—Combatants	139
Minimum qualifying service required—NCs(E)	147
Pay for assessment of—Combatants	141
Pay for assessment of—NCs (E)	149
Scale of—Combatants	140
Scale of—NCs(E)	148
When admissible—Combatants	140
When admissible—NCs(E)	148

Special gratuity—

Pay for assessment of	166
Rank for assessment of	165
Scale of	167
When admissible	164

I

Interpretation of rules	2
Invalidation on account of leprosy	116
Invalidation on account of indulgence in drugs or drink	117

L

Late entrants—

Assessment of disability pension	49
Assessment of retiring pension— ICOs other than those of the MNS	31
Assessment of retiring pension— Officers of the MNS	42
Definition of	15

P

Pension—

Additional benefit at half a year's pension or gratuity in cases where the total period of qualifying service exceeds completed years by six months or more	9
Full rate not invariably admissible	3
Grant subject to future good conduct	4
Individuals who aggravate or retard the cure of disability	118
Officers Cadets drawn from ranks	114
Only one pension admissible	115
Personnel in civil Govt. employment	6
When nationality is changed	8
Withholding of	5

Pensioners—

Convicted of crime or guilty of misconduct	119
Employed in a civil capacity	7
Employment under a Government outside India or commercial employment	18
Eligibility for family pension	222
Re-employment in Defence Services in an emergency	120
Re-employment in Defence Services otherwise than in an emergency	121

R

Rank for assessment of pension—

ICOs—

Family pension	93
Family pension—Officers suffering from TB but retained in service	94
Retiring pension—ICOs other than those of the MNS	28
Retiring pension—officers of the MNS	39
Service element of disability pension	59

JCOs/OR/NCs(E)

Disability pension	180
Family pension and gratuity	223
Service pension—combatants	133
Special pension	165

Re-employment of JCOs/OR/NCs(E) in Defence Services—

In an emergency	120
Otherwise than in an emergency	121

Rates—

ICOs—

Children's allowance—ordinary rates	96
Children's allowance—special rates	95
Constant attendance allowance	63
Dependants pension	95
Disability pension	60
Education allowance	105

Family gratuity	104
Family pension—ordinary rates	96
Family pension—special rates	95
Retiring gratuity—officer other than those of the MNS	32
Retiring gratuity—officers of the MNS	43
Retiring pension—officers other than those of the MNS	29
Retiring pension—Officers of the MNS	40

JCOs/OR/NCs(E)—

Children's allowance	238 & 239
Compassionate allowance	255
Constant attendance allowance	189
Disability pension	183 & 183-A
Family gratuity	232
Family pension—ordinary	226
Family pension—special	227
Reservist pension	155
Service gratuity—Combatants	140
Service gratuity—NCs(E)	148
Service pension—Combatants	136
Service pension—NCs(E)	146

Reservists Pension—

✓ Premature transfer to the reserve	157
Rates	156
Time spent outside India	154
Those in receipt of service pension	153
When admissible	155

Retiring pension—

JCOs (other than those of the MNS)—

Late entrants	31
Minimum service required	25
Rank for pension	28
Rates of deduction	30
Service qualifying for pension	26
Standard rates	29
When admissible	22

MNS Officers—

Late entrants	42
Minimum service required	36
Rank for pension	39
Rates of deduction	41
Service qualifying for pension	37
Standard rates	40
When admissible	22

Rules—

Changing of	2
Interpretation of	2

S

Service—

ICOs other than those of the MNS

Minimum required for pension	25
Qualifying for gratuity	27
Qualifying for pension	26

JCOs/OR/NCs(E)—

Condonation of deficiency	125
Forfeiture of—for certain offences	123
Former—counting of	126
Qualifying for pension and gratuity	122
Rendered in aid of civil power—title to disability pension	174
Rendered in aid of civil power—title to family pensionary awards	214
Restoration of	123

Officers of the the MNS—

Minimum required for pension	36
Qualifying for gratuity	38
Qualifying for pension	37

Service pension—

JCOs and OR—

Deficiency in length of service—condonation of	125
Deficiency of service in a particular rank—condonation of	134
Honorary rank of Jemadar—addition for	137
Individuals transferred to the Reserve	138
Minimum service required	132
Rank and group for pension	133
Rates	136
Remustering from higher to lower group	135

NCs(E)—

Minimum service required	145
Rates	146

Reservists—

In receipt of service pension	153
Invalidment cases	158
Premature transfer to reserve	157
Rates	156
Time spent outside India	154
When admissible	155

Special pension—

Invalidment cases—attributable—less than 20%	168
Rank for pension	165
Rate of pension	167
When admissible	164

Standard rate of retiring pension—		
ICOs other than those of the MNS	29	
Officers of the MNS	40	
Standard service periods—		
ICOs other than those of the MNS	29	
Officers of the MNS	40	
T		
Territorial Army—		
Commissioned officers—		
Children's allowance—condition for the grant of	303	
Constant attendance allowance	309	
Disability pension—		
Cessation of	307	
Conditions for the grant of	303 & 304	
Rank for assessment of	306	
Rates of	305	
When disability manifests itself after retirement.	308	
Family pension—		
Conditions for the grant of	303	
Rank for	312	
Rates of	311	
When admissible	310	
Terminal gratuity—		
Conditions for the grant of	296	
Rate of	297	
JCOs/OR/NCs(E)—		
Children's allowance—		
Conditions for the grant of	325	
Constant attendance allowance	331	
Disability pension—		
Cessation of	329	
Conditions for the grant of	325 & 326	
Rank for	328	
Rate of	327	
When disability manifests itself after retirement	330	
Family pension—		
Condition for the grant of		
Rank for	334	
Rates of	333	
When admissible	332	
Terminal gratuity—		
Conditions for the grant of	318	
Rate of	319	

MEMO EXPLANATORY OF EACH REGULATION IN PART I OF
THE PENSION REGULATIONS FOR THE ARMY- (1961) EDITION

No. of the regulation as in Part I Pension Regulations (1961)	No. of the rule in PRI Pt. II (1940) on which the new regulation is based	Explanatory remarks
1	2	3
1	1(i)	Second sentence of clause (i) rule 1 PRI Pt II (1940 Edn.) deleted being superfluous.
2	1(ii) & 2	(i) A positive provision in regard to changing the rules and their interpretation has been made on the analogy of Article 4 CSR. (ii) Sub-para 2 has been amplified to make it more comprehensive.
3	3	The word "withhold" has been omitted as denial of pension/gratuity altogether is not considered justified. See Govt. of India, Ministry of Defence file No. 80(1)/56/D(Pensions/Services).
4	5(i)	..
5	5(ii)	The rule has been modified to clarify that pension/allowances or gratuity where due but not paid may also be suspended or withheld. Pension/allowances in issue may be "discontinued" permanently or "suspended" temporarily. See also para 153 of the report of AFPRC.
6	17	(i) Sub-para 1 of rule 17 PRI Pt II (1940) has been omitted as there are no officers of this category. (ii) Reference to "Superior Civil Services (Extraordinary Pension) Rules" has been omitted as they are no longer applicable. (iii) Entitlement to pension under military rules where military rates of pay are being drawn is based on Govt. of India, Ministry of Defence letter No. 117/1/SIDCC-D-5 dated the 23rd November 1948 as amended by Corrigendum No. F.229/927/SIDCC/D(PP) dated the 15th June 1953.
7	6	No change in substance. Reference has been made to Article 510-B CSR being relevant.
8	4	..
9	..	Based on Govt. of India, Ministry of Defence letter No. 1(4)/60/595/S/D(Pens/Sers) dated the 28th September 1960.
14	13	Modified in accordance with para 2 of AI 2/S/53.
15	..	Based on para 8 of AI 1/S/53.
16	14	Based on para 9 of AI 2/S/53 read with rules 14 & 15 of Army Rules.

1	2	3
		The rule has been confined to "pension" only. In the case of officers dismissed, cashiered or removed from service, a positive provision for forfeiture of pension has been made.
17	15	Amplified to cover cases of officers of the Regular Reserve and to clarify that casualty pensionary awards would be admissible in respect of re-employed service. See Ministry of Defence file No. 80(2)/56/D(Pensions/Services).
18	..	Based on AI 1/S/56.
22	21	
25	21	(i) Modified to conform to the provisions of paras 3, 8 & 11 of AI 2/S/53. (ii) Provision has been made to clarify that the grant of gratuity is discretionary.
26	27 & 53	Redrafted omitting redundant clauses and amplifying the others on the basis of para 4 of AI 2/S/53 and AI 205/59.
27	28 & 58	(i) Modified to conform to the provisions of para 10 of AI 2/S/53 read with paragraphs 3 & 5 of AI 31/S/48 in regard to periods of ante-date and secondment. (ii) Counting of periods of study leave for purposes of gratuity is based on decision in the Ministry of Defence file No. 79(6)/57/D (Pensions/Services). (iii) The provisions regarding furlough and sick leave in para 1 (1) of rule 58 PRI Pt II (1940) has been omitted as no distinction is envisaged between medical and other officers in the New Pension Code.
28	..	Based on para 5 of AI 2/S/53.
29	..	(i) Clause (a) based on para 6 of AI 2/S/53. (ii) Clause (b) based on Ministry of Defence letter No. 286/PR/D (Pensions/Services) dated the 27th October 1956. (iii) Clause (c) based on AI 140/57.
30	..	Based on para 7 of AI 2/S/53.
31	..	Based on para 8 of AI 2/S/53.
32	..	(i) Based on para 11 of AI 2/S/53. (ii) "Maximum Gratuity" indicates that the actual amount will be at the discretion of the President.
36	101	(i) Modified to conform to the provisions of paras 3, 8 & 11 of AI/2/S/53 and AI 274/50. (ii) Provision has been made to clarify that the grant of gratuity is discretionary. Provisions of AI 274/50 have been brought out.

1	2	3
37	106	(i) Modified in accordance with para 4 of AI 2/S/53. (ii) Proviso 2 of clause (a) based on AI 468/51. (iii) Clauses b, c, d & e of the regulation based on regulation 26. (iv) Clause (f) based on para 10 of Annexure "A" to AI 274/50. (v) Provision regarding condonation of break in temporary service <i>vide</i> clause (b) of rule 106 PRI Pt II (1940) omitted being redundant.
38	..	Based on para 10 of AI 2/S/53. Provision regarding the periods of secondment based on para 10(b) of Annexure 'A' to AI 274/50.
39	..	Based on para 5 of AI 2/S/53.
40	..	Based on para 6 of AI 2/S/53.
41	..	Based on para 7 of AI 2/S/53.
42	..	Based on para 8 of AI 2/S/53.
43	..	Based on para 11 (b) of AI 2/S/53.
47	..	Based on para 2 of AI 2/S/53 and Government of India, Ministry of Defence letter No. F. 284/PR/12814-B/D(PP) dated the 28th December 1954.
48	41	The expression "permanently unfit for General service" has been omitted as an officer who is unfit for General service may not be retired from service in view of the various medical categories since introduced. See also para 12 of AI 2/S/53 and Annexure to Govt. of India, Ministry of Defence letter No. 138999/1/PC dated the 18th April 1950.
49	..	Based on para 12 of AI 2/S/53.
50	39	Redrafted. No change in substance.
51	38	Modified to make the effect of the rule more clear.
52	40	Redrafted. Cases where disability may be cured have also been provided for.
53	44	Redrafted. Cases of retirement on completion of tenure have been provided for in view of the current retirement rules.
54	..	Based on para 5 of Annexure to Govt. of India, Ministry of Defence letter No. 138999/1/PC dated the 18th April 1950. Modified to clarify the position of officers whose services are terminated in the circumstances envisaged in rule 16.
56	..	Based on AI 87/56. Amplified in consonance with regulation 61.
57	..	Based on Govt. of India, Ministry of Defence letter No. F. 6(13)/54/D(Med) dated the 10th December 1956.

	316	Modified in accordance with Ministry of Defence letter No. F/51/53 dated the 5th June 1954.
	317	Modified in accordance with Ministry of Defence letter No. F/51/53 dated the 5th June 1954.
166		Based on Government of India letter No. F/51/53 dated the 5th June 1954.
167	318	(i) Modified in accordance with Government of India Ministry of Defence letter No. F/51/53 dated the 21st June 1954. (ii) Table II to rule 318 omitted as IMC is in existence. (iii) Table III to rule 318 omitted as no special pension/gratuity has been laid down for reservists.
168	321 & 344	(i) Clause (b) based on Government of India, Ministry of Defence letter No. F. 284/PR/12814-B(PP) dated the 28th December 1954. (ii) Categories to which New Pension Code does not apply have been omitted. (iii) "Embodied" in clause (v) of rule 344 Part II (1940) has been substituted by "called up for service" being more appropriate.
172	344	
173	346(i)	Modified in accordance with Government of India, Ministry of Defence letter No. 138999/1/PC dated the 18th April 1950.
174	349	
175	348	Redrafted in view of the current entitlement rules vide Government of India, Ministry of Defence letter No. 138999/1/PC dated the 18th April 1950.
176	350	Redrafted. No change in substance.
177	361	
178		Based on current entitlement rules vide Government of India, Ministry of Defence letter No. 138999/1/PC dated the 18th April 1950.
179	367	Redrafted in accordance with the present rules vide Government of India, Ministry of Defence letter No. 138999/1/PC dated the 18th April 1950.
180		Based on para 10 of AI 1/S/53.

- (iii) Clause (c) based on Govt. of India Ministry of Defence letter No. (Pensions/Services) dated 1956.
- (iv) A positive provision has been made to indicate that pension is payable on discharge/retirement. Modified in accordance with para 1/S/53. of AI 1/S/53.
- Based on para 3 of AI 2/S/54.
- (i) Based on para 6 of AI 1/S/53.
- (ii) The phrase "unless otherwise provided" is intended to indicate that service other than with the colours, which is qualifying, would also count.
- 140 Based on para 8 of AI 1/S/53. Provision regarding reduction in gratuity is based on AI 5/S/56.
- 141 Based on para 7 of AI 1/S/53.
- 142 Based on para 8 of AI 1/S/53.
- 143 Based on para 3 of AI 1/S/53.
- 146 (i) Based on Annexure I to AI 1/S/53.
- (ii) A positive provision has been made to indicate that pension is payable on discharge.
- 147 Based on para 6 of AI 1/S/53.
- 148 Based on para 8 of AI 1/S/53.
- 149 (i) Based on para 7 of AI 1/S/53.
- (ii) Reference to "substantive appointment" omitted being inapplicable in the case of Non-Combatants (Enrolled).
- 153 Based on paras 2(b) & 3(c) of AI 2/S/54.
- 154 297 (i) Modified to provide that periods of temporary absence from India will be regarded as qualifying.
- (ii) "Nepal" is treated as part of India vide rule 7, Reserve Forces Rules, 1925.
- (iii) The rule has been amplified to cater for individuals whose permanent residence is Sikkim or Bhutan.
- 300(c) (i) Modified in accordance with para 3 of AI 2/S/54.
- (ii) Clause (c) based on NI 151/58.
- Based on para 3 of AI 2/S/54.
- 298

1	2	3
247	..	Based on para 1 & 3 of AI 17/S/57. Clause (a) based on Govt. of India, Ministry of Defence letter No. 1(4)/60/595/S/D(Pens/Sers) dated the 28th September 1960.
248	..	Based on para 2 of AI 17/S/57.
249	..	Based on AI 17/S/57.
250	..	Based on Govt. of India, Ministry of Defence letter No. 83463/AG/PS4(a)/599-S/D(Pens/Sers) dated the 14th October 1960.
253	436	Modified in accordance with current entitlement rules <i>vide</i> Govt. of India, Ministry of Defence letter No. 138999/1/PC dated the 18th April 1950.
254	437	..
255	438	..
256	439	..
257	440	..
258	441	..
259	442	..
265	..	Based on para 2 of AI 3/S/56.
266	..	Based on Govt. of India, Defence Department letter No. 156457/PS4(a) dated 17th March, 1947 read with Govt. of India, Ministry of Defence letter No. C/01/DDC dated the 23rd April 1948.
267	..	Based on clauses (c) & (d) of para 3 of AI 3/S/56 & Ministry of Defence letter No. 156457/AG/PS2(a)/601-S/D(AG-II) dated 11th July 1958.
271	..	Based on Annexures I & II to AI 3/S/56.
272	..	Based on para 6 of AI 3/S/56. The sentence "including previous qualifying service which counts for gratuity under clause (c)" omitted being superfluous.
273	..	Based on para 7 of AI 3/S/56.
279	..	Based on para 2 of AI 295/58.
280	..	Based on para 3 of AI 295/58.
281	..	Based on para 5 of AI 295/58.
282	..	Based on para 6 of AI 295/58.
283	..	Based on para 7 of AI 296/58.
289	..	Based on para 1(a) of AI 4/S/56.
290	..	Based on para 1(a) of AI 4/S/56.
295	..	Based on AI 6/S/55.
296	..	Based on AI 6/S/55.
297	..	Based on paras 4(a) and (d) and 5 of AI 6/S/55.
302	..	Based on para 2 of AI 4/S/56.

1	2	3	
303	..	Based on paras 3 & 7 of AI 4/S/56.	1 Apper
304	..	Based on para 3 of AI 4/S/56 and para 4 of AI 256/55.	Apper
305	..	Based on para 3 of AI 4/S/56.	
306	..	Based on para 5 of AI 4/S/56.	
307	..	Based on Note under para 3(b) and last sentence of para 3(d) of AI 4/S/56.	
308	..	Based on para 4 of AI 4/S/56.	
309	..	Based on para 6 of AI 4/S/56.	
310	..	Based on para 7 of AI 4/S/56 read with para 4 of AI 236/55 and the entitlement rules contained in Govt. of India, Ministry of Defence letter No. 138999/1/PC dated the 18th April 1950.	ppe ppe
311	..	Based on para 7 of AI 4/S/56.	
312	..	Based on para 7 of AI 4/S/56.	App
317	..	Based on paras 2 and 4 (d) of AI 6/S/55.	
318	..	Based on paras 4(a), 4(b), 4(c) and 6 of AI 6/S/55.	ries to. E.
319	..	Based on paras 4(a), 4(d), 5 & 7 of AI 6/S/55.	exist
324	..	Based on para 2 of AI 10/S/58.	
325	..	Based on para 1(a) of AI 10/S/58.	
326	..	Based on para 3(a) of AI 10/S/58 and para 4 of AI 236/55.	he er the what
327	..	Based on paras 3(b)(c) & (d) of AI 10/S/58.	
328	..	Based on para 6 of AI 10/S/58.	
329	..	Based on para 4 of AI 10/S/58.	
330	..	Based on para 5 of AI 10/S/58.	
331	..	Based on para 7 of AI 10/S/58.	1
332	..	Based on para 8 of AI 10/S/58.	2
333	..	Based on para 8 of AI 10/S/58.	3
334	..	Based on para 9 of AI 1/S/58.	4
341	446	..	
342	447	..	
343	448	..	
344	449	..	
345	450	..	
346	..	Based on rule 111(ii) P.R.I. Pt. III (1940)	
347	451	..	
348	..	Based on Govt. of India, Ministry of Defence letter No. 94274/AG/PS4(c)/7597/D(Pens/Sers) dated the 20th September 1960.	

	1	2	3
	Appendix I.	..	Based on Govt. of India, Ministry of Defence letter No. 79(8)/58/I/387-S/D (Pension/Services) dated the 21st August 1958.
and para 4 of	Appendix II	..	Based on Govt. of India, Ministry of Defence letter No.138999/1/Pen-C dated the 18th April 1950 as amended by letter No. 138999/1/Pen-O dated the 1st October 1951 and corrigenda No. 138999/1/Pen-O (Part-III) dated the 4th October 1954 and No. 179411/II/Pen-C dated the 16th October 1957 and Govt. of India, Ministry of Defence letters No. 57/D (AG)/52/1/Pen-C dated the 18th March 1954 and No. 180570/1/Pen-C dated the 21st January 1957.
last sentence	Appendix III	..	Based on AIs 4/S/51 & 269/54.
read with para	Appendix IV	..	Based on Govt. of India, Ministry of Defence letter No. 180572/Pen-C dated the 25th March 1958 as amended by corrigendum of even No. dated the 3rd July 1958 & letter No. 180572/II/Pen-C dated the 7th January 1959.
titement rules	Appendix V	Appendix II	
Ministry of			
C dated the			

6/8/55

MEMO EXPLANATORY OF THE TREATMENT ACCORDED IN THE PENSION REGULATIONS (1961) TO EACH RULE NUMBER IN PENSION REGULATION PT. II (1940)

No. of the rule in PRI Pt. II (1940)	Number of the corresponding regulations in Pension Regulations (1961)	Explanatory remarks
1	2	3
1(i)	1	
1(ii)	2(b)	
2	2(a)	
3	3	
4	8	
5(i)	4	
5(ii)	5	
6	7	
7 to 12	..	BLANK.
13	Omitted	For existing rule see regulation 14.
14	16	
15	17	
16	Omitted	Specific Govt. orders are issued for regulating such cases.
17	6	

(1940)

ry of Defence
7/D(Pens/Sers)

CS. No. 78/14/6

1	2	3
18 to 20	..	BLANK.
21	25	
22	Omitted	} Being redundant. For existing rates see reg 29.
23	Omitted	
24	Omitted	
25	32	
26	Omitted	Being redundant. For existing rule see reg 28.
27	26	
28	27	
29	Omitted	Being redundant.
30 to 35	..	BLANK.
36	Omitted	Being superfluous in view of regulation
37	58	
38	51	
39	50	
40	52	
41	60	
42	Omitted	Being redundant.
43	61	
44	53	
45	..	BLANK.
46	..	BLANK.
47	..	Invalid pension rules not finalised.
48	..	Invalid pension rules not finalised.
49	..	BLANK.
50	..	BLANK.
51	Omitted	} Being redundant.
52	Omitted	
53	26	
54	Omitted	} Being redundant.
55	Omitted	
56	Omitted	
57	Omitted	
58	27	
59	..	BLANK.
60	..	BLANK.
61	..	BLANK.
62	..	BLANK.
63	..	BLANK.
64	..	BLANK.
65	51	
66	Omitted	Being superfluous in view of regulation 2
67	58	
68	50	
69	52	

3	2	3
	119	
existing rates see regul	210	BLANK.
	122	Clause (b) of Rule 211 omitted being redundant. Clause (h) of Rule 211 omitted as NPC does not apply to JCOs of SMS (CC) (previously Asstt. Surgeons (IC) of IMD).
existing rule see regul	123	
	126	See regulations 120 & 121.
	Omitted	Being redundant.
	Omitted	Because of uniform minimum qualifying service for all ranks and provision of separate rates of pension for Subedar Majors. See regulation 136.
of regulation 2.	Omitted	
	125	
	124	
	222	BLANK.
	Omitted	Being redundant. For existing rates see regulations 140 & 148.
	Omitted	BLANK.
	Omitted	Being redundant in the context of NPC. For existing rates see regulation 136.
finalised.	Omitted	BLANK.
finalised.	Omitted	Being redundant in the context of NPC. For existing rates see regulation 136.
	Omitted	Personal allowance is not admissible now.
	Omitted	Because of uniform minimum qualifying service for all ranks under the New Pension Code.
	Omitted	Being redundant.
	Omitted	Same remarks as against regulation 229.
	Omitted	Same remarks as against regulation 229.
	140	
	Omitted	Being redundant in view of regulation 141.
	5 to 249	BLANK.
	0	
	1	
	1-A	Omitted
	2	As pension under the New Pension Code is based on group and not Corps. See regulations 136 & 138.
	3	
	4 to 272	BLANK.
	73	Omitted
	74	Being redundant in the context of the New Pension Code.
of regulation 2.	to 276	BLANK.
	Omitted	Being redundant in the context of the New Pension Code.
	78	BLANK.

1	2	3
279	Omitted	Being redundant in the context of the New Pension Code.
280	..	BLANK.
281 to 284	Omitted	NPC does not apply to VAS of RVFC (previously IAVC).
285	..	BLANK.
286 to 287	Omitted	NPC does not apply to the JCOs of SMS (d) (previous Asstt. Surgeons (IC) of I.M.D.)
288	Omitted	NPC does not apply to the JCOs of SMS (CC) (previously Asstt. Surgeons (IC) of IMD).
289	..	BLANK.
290 to 292	Omitted	Being redundant.
293 to 295	..	BLANK.
296	Omitted	Being redundant.
297	154	
298	157	
299	..	BLANK.
300 to 304	Omitted	Being redundant.
305	..	BLANK.
306	Omitted.	Being redundant. See regulation 156.
307	..	BLANK.
308	Omitted	Being redundant. See regulation 156.
309	Omitted	Being redundant.
310	..	BLANK.
311	Omitted	Being redundant.
312	Omitted	Being redundant.
313	..	BLANK.
314	Omitted	Being redundant. See regulation 156.
315	..	BLANK.
316	164	
317	165	
318	Omitted	
319	Omitted	For existing rates see regulations 166 & 167.
320	Omitted	Being redundant in view of regulation 141. Special pension and gratuity is not admissible to reservists.
321	168	
322	..	BLANK.
323 to 326	Omitted	Being redundant in the context of NPC.
327 to 328	..	BLANK.
329 to 331	Omitted	Being redundant.
332 to 334	Omitted	Being redundant in the context of the New Pension Code.
335	..	BLANK.
336	146	

1	2	3
337	}	BLANK.
338		..
339	Omitted	For existing provisions see regulation 164.
340	168	Being redundant in the context of the New Pension Code.
341	Omitted	
342	Omitted	As the New Pension Code does not apply to Religious Teachers.
343	..	BLANK.
344	172	Superfluous in view of regulation 172.
345	Omitted	
346(i)	173	Current Entitlement Rules <i>vide</i> Government of India, Ministry of Defence Letter No. 138999/1/PC dt. the 18th April 1950 have been reproduced in Appendix II.
346(ii)(a)	212	
346(ii)(b)	213	
347	Omitted	
348	175	Being redundant.
349	174	
350	176	For existing provisions see Note I under regulation 180 and Note 1 under regulation 223.
351	Omitted	
352	180 & 223	BLANK.
353	Omitted	
354 to 356	..	Being redundant.
357	Omitted	Being redundant. For existing provisions see regulation 183.
358	Omitted	
359	Omitted	Being purely a guide for medical officers. See Regulations for Medical Services.
360	..	BLANK.
361	177	BLANK.
362 & 363	..	
364 to 366	Omitted	Being redundant in the context of NPC. For existing rates see regulation 183.
367	179	Being redundant in the context of NPC. For existing rates see regulation 183.
368 to 373	Omitted	
374(i)	185	BLANK.
375 to 376	186	
377	..	NPC does not apply to the JCOs of SMS (CC) (Previously Asstt. Surgeons (IC) of IMD) and VAS of RVFC (previously IAVC).
378 & 379	Omitted	
380 to 383	Omitted	Being redundant, ITF does not now exist.
384 to 387	..	BLANK.

1	2	3
388	Omitted	Being redundant. NPC does not apply to of category (vii) of Rule 344 PRI Pt II For NCs(E) see regulation 173.
389	Omitted	Being redundant.
390 & 391	Omitted	Specific rate of disability pension has been down for Non-Combatants (Enrolled) regulation 183.
392	Omitted	Private servants are not now authorised taken on field service.
393 to 395	..	BLANK.
396	212	
397	213	
398	215	
399	216	
400	218	
401	219	
402	220	
403	221	
404	Omitted	
405 & 406	Omitted	For existing rates see regulations 226 & 227. (i) For existing rates see regulation 227. (ii) The New Pension Code does not apply to civilians.
407	228	
408	229	
409	230	
410	222 and 231	
411 to 414	Omitted	Being redundant. ITF does not now exist.
415	Omitted	Private servants are not now authorised taken on field service.
416	232	
417 to 422	..	BLANK.
423	236	
424	Omitted	For existing rates see regulation 238.
425	Omitted	Being redundant in the context of the New Pension Code. For existing rates for Non-Combatants (Enrolled) see regulation 238.
426	239	
427	236	
	240	
	241	
428	242	
429	240	
430	Omitted	Being redundant.
431	237	
432	Omitted	Being redundant. ITF does not now exist.

1	2	3
433 } 434 } 435 }	..	BLANK.
436	253	
437	254	
438	255	
439	256	
440	257	
441	258	
442	259	
443 & 444	..	BLANK.
445	Omitted	Allowances attached to gallantry decorations are not strictly pensionary awards.
446	341	
447	342	
448	343	
449	344	
450	345	
451	347	
452 to 455	..	BLANK.
456 to 464	Omitted	The NPC does not apply to IMD.
465 to 468	..	BLANK.
469 to 472	Omitted	Being redundant.
473 to 474	..	BLANK.
Appendix I	Omitted	Being redundant.
Appendix II	Appendix V	
Appendix III	Omitted	NPC does not apply to JCOs of SMS (CC) (previously Asstt. Surgeons (IC) of IMD) and VAS of RVFC (previously IAVC).
Appendix IV	Omitted	NPC does not apply to JCOs of SMS (CC) (previously Asstt. Surgeons (IC) of IMD) and VAS of RVFC (previously IAVC).