

No. 12(16)/86/D(Pens/Sers)
Government of India/Bharat Sarkar
Ministry of Defence/Raksha Mantralaya

New Delhi, Dated 3rd June, 1988

To

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

Subject:- RELEASE OF DCRC, LEAVE ENCASHMENT AND FAMILY PENSION
IN RESPECT OF ARMED FORCES PERSONNEL WHO ARE MISSING

Sir,

A number of cases have been referred to this Ministry for grant of terminal and other pensionary benefits to the families of service personnel who have suddenly disappeared while in operational and non-operational service and whose whereabouts are not known. At present all such cases are considered on merits. In the normal course unless a period of 7 years has elapsed from the date of disappearance of the employee, he cannot be deemed to be dead and therefore the retirement benefits cannot be paid to the family. This principle is based on Section 108 of the Indian Evidence Act which provides that when the question is whether the man is alive or dead and it is proved that he had not been heard of for 7 years by those who would naturally have heard of him had he been alive, the burden of proving that he is alive is shifted to the person who affirms it. This has resulted in great hardship and distress to the families who have to wait for 7 years before any terminal benefits could be paid to them.

The President is therefore pleased to decide that when a member of the Indian Armed Forces is declared missing while in service the family will be paid the following benefits subject to adjustment of outstanding dues in respect of the missing personnel, if any:-

- (a) Immediately after the date of declaration of disappearance:

The amount of salary due, leave encashment due and DSOP/AFPP Fund amount subject to nomination made by the missing personnel.

- (b) After the lapse of one year from the date of declaration of disappearance/presumption of death:

Family pension/DCRC etc. as admissible in normal conditions.

The above benefits may be sanctioned after observing

... 2/-

(1) The family must lodge a report with the concerned Police Station and obtain a report that the employee has not been traced after all efforts had been made by the police.

(ii) The claimant will be required to furnish an indemnity bond with two solvent sureties to the effect that all payments thus made will be recovered from the amount due to the person if he/she reappears and makes any claims.

4. The family can apply to the concerned authority for grant of family pension and DCR Gratuity after one year from the date of declaration of disappearance of the service personnel in accordance with the procedure for sanction of family pension and DCR Gratuity. In case the disbursement of DCR Gratuity is not effected within 3 months of the date of application, the interest shall be paid at the rates applicable and responsibility for the delay fixed.

5. In the case of officers, the respective Branch/Dte of Service HQs and in the case of JCOs/OR and equivalent in Navy and Air Force, their respective Records Offices will process such cases with CDA(O)/PAO/CDA(P)/CDA(Navy)/CDA(Air Force).

6. The provisions of this letter take effect from 29th August, 1986.

7. This issues with the concurrence of the Finance Division of this Ministry vide their u.o. No.802-Pen of 1988.

Yours faithfully,

(Y.K. TALWAR)
DESK OFFICER

For pensioners also
vide letter of even No dt
20/03/1990

Copy to:-

The Controller General of Defence Accounts - 15 copies
The Controller of Defence Accounts (Pensions), Allahabad -
15 copies
The Controller of Defence Accounts (Pension Disbursement),
Meerut
The Controller of Defence Accounts (Navy), Bombay
The Controller of Defence Accounts (Air Force), New Delhi
The Controller of Defence Accounts (O), Pune
The Controller of Defence Accounts (ORs), South Madras
The Controller of Defence Accounts (ORs), North Meerut
The Controller of Defence Accounts (ORs), Central Nagpur
The Director of Audit, Defence Services, New Delhi
The Dy. Director of Audit, Defence Services, Allahabad
The Controller General of Accounts, New Delhi

....3/-

New Delhi, the 20th March, 90.

To

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

Subject:- Release of DCRG, leave encashment and family pension in respect of Armed Forces personnel who are missing.

Sir,

I am directed to refer to this Ministry's letter of even number dt. 3rd June, 1988 on the subject and to state that it has been decided that the cases of the missing Armed Forces pensioners may also be considered/regulated on the analogy of the letter ibid from the same date, i.e. 29.8.1986.

2. This issues with the concurrence of Finance Division of this Ministry vide their UO No.837/Pen/90, dt. 19/3/90,

Yours faithfully,

(Handwritten Signature)
 (YK Talwar)
 Desk Officer

Copy to:-

The CGDA, New Delhi
 The Dir of Audit, Defence Services, New Delhi - 3 copies
 The Dy Dir of Audit, Defence Services, Allahabad
 The CCDA (Pens) Allahabad
 The CDA (ORs) South, Madras
 The CDA (ORs) North, Meerut
 The CDA (ORs) Central, Nagpur
 The CDA (Navy) Bombay
 The CDA (Air Force) Dehradun
 The CDA (PD) Meerut
 The Dy CDA (Air Force) New Delhi
 The Jt Dir of Audit, DS Southern Command, Pune
 The Jt Dir of Audit DS Eastern Command, Patna
 The Jt Dir of Audit, DS, Central Command, Meerut
 The Jt Dir of Audit, DS, Western Command, Chandigarh
 The Jt Dir of Audit, DS, (Air Force), Dehra Dun
 The Jt Dir of Audit, DS, (Navy) Bombay
 The Dir of Audit, DS, Northern Command, Jammu

P.T.O.