

No.1(5)/89/D(PEN-C),
Government of India,
Ministry of Defence,

New Delhi, the 2nd November, 1995.

To

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

Subject:- Liberalised Pensionary Awards in the case of death/disability as a result of attack by or during action against extremists, anti-social elements etc.

Sir,

I am directed to state that the President is pleased to decide that Liberalised Pensionary Awards as defined in Ministry of Defence letter No.1(5)/87/D(Pensions/Services) dated the 30th October, 1987 and letter No.1(6)/91/D(Pen-C) dated the 7th March, 1991 will be admissible in the cases of Armed Forces personnel who are killed or disabled as a result of attack by extremists, anti-social elements etc. or during action against dacoits, smugglers, hostiles etc. as applicable to civilian Government servants vide Government of India, Department of P&PW O.M.No.33/5/89-P&PW(K) dated the 9th April, 1990. The claims for Liberalised Pensionary Awards in cases of Armed Forces personnel will be regulated as under:-

- (a) Applicability : These orders shall apply to all the categories of Armed Forces personnel.
- (b) Scope: These orders will apply to Defence personnel killed or disabled as a result of attack by extremists, anti-social elements etc. or during action against dacoits, smugglers hostiles etc.

2. The benefits of these orders shall be restricted only to those cases where the death/disability is directly caused by actual operations. The following guidelines are laid down to enable Pension Sanctioning Authorities to determine whether benefits of these orders are attracted or not and decide the cases accordingly:-

- (a) Cases when a person is killed/injured by anti-social elements/extremists: (1) When a Defence personnel is killed by anti-social elements/extremists while on duty (as defined in Entitlement to Casualty Pensionary Awards Rules, 1982 or in an encounter, the family will be entitled to benefits of these orders.

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(ii) In case death occurs during deployment to contain demonstration/agitation etc. by anti-social elements and extremists, the benefit of these orders will be extended to the family. (iii) If the service personnel is killed by persons other than anti-social elements/extremists due to personal enmity, the benefits of these orders shall not be applicable. (iv) If any member of Armed Forces gets killed by such elements while travelling from Duty Station to Leave Station and vice-versa, his family shall be allowed the benefits of these orders. (v) If any Defence personnel gets killed/injured as a result of an attack by anti-social elements when travelling on duty by any mode of transport, the family, he/she shall be entitled to the benefits of these orders. (vi) If an individual while on leave, is killed for reason of being a member of the Armed Forces, his/her NOK would be covered under Sub Para 12(f) of the Entitlement Rules to Casualty Pensionary Awards to the Armed Forces Personnel, 1982, promulgated vide Government of India, Ministry of Defence letter No.1(1)/81/D(Pen-C) dated 22.11.1983. Accordingly, the deceased personnel would be treated on duty and the NOK would be entitled to Liberalised Family Pension.

(b) Cases where a person is killed injured deliberately with a view to spread terror: When anti-social elements/extremists etc., deliberately kill/injure any service personnel with a view to spread terror, the NOK/individual will be eligible to the benefits under these orders.

3. Armed Forces personnel who are invalided out due to disability sustained in above mentioned circumstances, shall be entitled to War Injury Pension and other benefits in terms of Para 13 of Ministry of Defence letter No.1(5)/87/D(Pensions/Services) dated the 30th October, 1987.

4. Armed Forces personnel who are retained in service inspite of disability for life which occurred in the circumstances narrated above, and retire subsequently will also be entitled for Lumpsum compensation in lieu of War Injury element in terms of Government of India, Ministry of Defence letter No.1(6)/91/D(Pen-C) dated the 7th March, 1991.

5. If a service personnel having sustained an injury in such cases is invalided out of service with a War Injury Pension under these orders but dies subsequently as a result of the same injury, he/she will be deemed to have been killed in action and the awards under these orders will be admissible to the family from the date following the date of his/her death.

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6. Claims of service personnel for grant of liberalised pensionary awards in the event of casualties occurring as a result of attack by extremists, anti-social elements etc. or action against dacoits, smugglers, hostiles etc. shall be adjudicated by the Pension Sanctioning Authorities as under:-

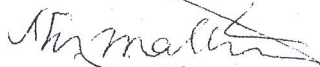
- (a) In cases of casualties while on duty or otherwise in the operational area, the claims shall be adjudicated by the Chief CDA(P) under the delegated powers as in the case of war or war like operations. The claim of a service personnel disabled or killed while on duty outside operational area shall also be adjudicated by the Chief CDA(P).
- (b) Claims of service personnel killed/disabled outside notified area of operation, while not on duty shall be adjudicated by the Ministry of Defence.

7. The claims falling under the Category mentioned in para 6(a) above shall be submitted by the concerned Service HQs/record Office to the CCDA(P) alongwith a detailed statement of the case, duly approved by the competent authority, with a certificate to the effect that the casualty occurred as a result of attack by or during an action against extremists/anti-social elements etc. A Special Casualty Report notified by the competent service authority shall also be furnished to the Pension Sanctioning Authority. A copy of the F.I.R. lodged with the civil police and/or proceedings/recommendations of the Court of Inquiry will also be invariably submitted alongwith such claims. On the basis of documents received from the Service HQs/ROs and after satisfying itself that the claim is admissible under these orders, the Pension Sanctioning Authority will notify the pensionary benefits after adjudication in consultation with its Medical Adviser(Pension). In cases of claims falling under the category mentioned in para 6(b) above, Service HQs/Record Offices will submit claims alongwith the necessary documents and certificates to the Ministry of Defence through the CDA(P) Allahabad who will submit the claim to the Ministry of Defence alongwith an Audit Report, for adjudication/final decision.

8. These orders shall be applicable to all cases arising on or after 1st January, 1986.

9. This issues with the concurrence of Defence(Finance) vide their U.O.No. 1780/Pen/95 of 1995.

Yours faithfully,



(N.R. MATHUR)

Under Secretary to the Government of India.

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