

No.1 (1)/81/D (Pen-C) -Vol.II
Government of India,
Ministry of Defence,

New Delhi, the 27 th October, 1998.

To

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

Subject:- Entitlement Rules to Casualty Pensionary Awards in respect of Armed Forces personnel-definition of "duty" when proceeding from duty station to leave station or returning to duty from leave station provided entitled to travel on public expense.

Reference:- Para 12(d) of Entitlement Rules to Casualty Pensionary Awards promulgated vide this Ministry's letter No. 1(1)/81/D (Pen-C) dated 22.11.83.

Sir,

I am directed to refer to para 12(d) of the Entitlement Rules to Casualty Pensionary Awards 1982 issued vide Ministry of Defence letter No. 1(1)/81/D (Pen-C) dt. 22.11.83 on the above subject and to say that the question regarding interpretation of the said rules has been under consideration of the Government for some time past. In order to ensure that genuine cases are not denied the benefit of this rule, the President is pleased to decide that the clause "Entitled to travel at public expense" implies that once an individual subject to Army/Navy/AF Act is sanctioned leave by competent authority and he/she is entitled to travel from his/her duty station to leave station or vice versa on availing warrant/concession voucher or Cash TA etc, he/she becomes entitled to travel at public expense irrespective of whether such an individual has obtained/utilised railway warrant/concession voucher/Cash TA etc or not.

2. The following guidelines are given for applicability of revised interpretation correctly while deciding the cases:

- (a) All Army personnel while travelling between their place of duty to leave station and vice-versa are to be treated on duty irrespective of whether they are in physical possession of railway warrant/concession vouchers/Cash TA etc or not. An individual on authorised leave would be deemed to be entitled to travel at public expense.
- (b) The time of occurrence of Injury should fall within the time an individual would normally take in reaching

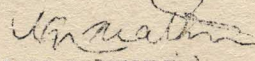
the leave station from duty station or vice-versa using the commonly authorised available mode(s) of transport. However injury beyond this time period during the leave would not be covered.

- (c) The provisions of this rule are applicable only when journey is undertaken by the shortest possible routes. Any deviation from the shortest routes will require sanction of the competent authority.
- (d) Where an individual is recalled from leave for reasons beyond his own control or returns to duty station earlier voluntarily, benefit would be given if sanction of the competent authority exists for the same.
- (e) Where more than one mode of transport exists for going to/coming from leave station, the benefit should be given irrespective of the mode of transport chosen. For instance, journey by road is at times more convenient than by train. In case an individual opts for the most convenient mode of transport, the benefit should be given to the individual. This benefit should also be given to the individual where dislocation of normal traffic is due to strike, flood and other natural calamities and one is compelled to travel by unconventional mode of transport due to reasons beyond one's own control.

3. These provisions shall be made applicable to cases occurring on or after the issue of these orders. Pending cases with the Ministry on the date of issue of this order will also be decided and regulated under the revised orders.

4. This issues with the concurrence of Ministry of Defence (Finance) vide their U.O.No. 2290/Pen of 1998.

Yours faithfully,


(N.N.MATHUR)

UNDER SECRETARY TO THE GOVERNMENT OF INDIA

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