

No.12(G)/95/D(Pen/Sers)

Government of India

Ministry of Defence

New Delhi,

the 9th June, 1999.

To

The Chief of the Army Staff.

Subject : Amendment to Regulation 16 & 113 of Pension Regulations for the Army, 1961.

Sir,

I am directed to state that under the provision of Regulation 113(a) of Pension Regulations for the Army (Part-I), 1961, as amended vide CS No.80/IV/67 a PBOR who is dismissed under the provisions of the Army Act is ineligible for pension and gratuity in respect of all previous service though in exceptional cases, President may at his discretion, grant service pension or gratuity or both at a rate not exceeding that for which he would have otherwise qualified had he been discharged on the same date. Similar provisions in respect of commissioned officers do not exist vide Regulation 16 of PRA (Part-I), 1961. The disparity in the provisions has been engaging attention of the Government for some time past.

2. It has now been decided that all Indian Army personnel including commissioned officers who are cashiered/dismissed under the provisions of Army Act, 1950 or removed under AR 14 i.e. as a measure of penalty, will be ineligible for pension or gratuity in respect of all previous service. In exceptional cases, however, the Competent Authority on submission of an appeal to that effect may at his discretion sanction pension/gratuity or both at a rate not exceeding that which would be otherwise admissible had the individual so cashiered/dismissed/removed been retired/discharged on the same date in the normal manner.

3. An individual who is compulsorily retired or removed on grounds other than misconduct or discharged under the provisions of Army Act, 1950, and the rules made thereunder, remains eligible for pension/and/or gratuity as admissible on the date of discharge. This will suo-moto apply to cases of dismissal/removal converted into discharge subsequently.

4. All appeals to the Competent Authority in this regard will be preferred within two years of the date of cashiering/dismissal/removal.

5. Competent Authority for the above provisions will be President in case of Commissioned Officers and GOC-in-C of command in whose jurisdiction the individual's record office fall in respect of JCOs/ORs. Competent Authority for the purpose of Regn 3 of PRA (Pt-I) as mentioned in Regn 22 (Table VI) of PRA (Pt.II) will also be the GOC-in-C.

6. Pension Regulations for the Army will be amended in respect of the above provisions in due course.

7. The provisions of this letter shall come into effect w.e.f. 1.1.1996. However, the cases decided between 1.1.96 till date of issue of this letter will not be re-opened.

Yours faithfully,

(Signature)

(Amrit Lal)

Under Secretary to the Govt. of India.

Copy to :-

- 1. CAS
- 2. CNS
- 3. All Command HQrs
- 4. CGDA
- 5. CCDA(P)
- 6. CDA(Navy)
- 7. CDA(Air Force)
- 8. CDA(O)
- 9. CDA(PD)
- 10. JAG Deptt.
- 11. AG/PS-4
- 12. MS(Legal)
- 13. MS(PR)
- 14. DV Dte/Ag Branch
- 15. All Pers Dtes of Army HQrs) through AG/PS-4
- 16. All Record Offices)
- 17. Min. of Defence, D(Pen/Sers)
- 18. Defence(Fin/Pen)
- 19. DPP&R, Air HQrs) With the request that immediate steps
- 20. DPA, Naval HQrs) may be taken for making similar amend-
ments in Air Force/Navy Pension
Regulations.

1. Circulate

No.12(6)/95/D(Pen/Sers)
Government of India
Ministry of Defence
New Delhi, the 10th August, 2000.

CORRIGENDUM

Subject : Amendment to Regulation 16 and 113 of Pension Regulations for the Army, 1961.

The following amendments are made to this Ministry's letter No.12(6)/95/D(Pen/Sers), dated 9th June, 1961 on the above subject :-

(a) Para 5

Delete all entries of para 5 and insert the following:-

"Competent authority both for commissioned officers and PBORs for Regulations 16 and 113 of Pension Regulations for the Army, 1961 will be the President."

(b) Para 7

Delete all entries of para 7 and insert the following:-

"Provision of this letter shall come into effect with effect from the date of issue of this Ministry's letter No.12(6)/95/D(Pen/Sers) dated 9th June, 1999. However, past cases will be decided as hither-tofore."

2. This issues with the concurrence of Min. of Defence(Fin/Pen) vide their UO No.2747/Pen/2000, dated 28.7.2000.

Amrit Lal
(Amrit Lal)

Dy. Secretary to the Govt. of India.

To
The Chief of the Army Staff

Copy to :-

- | | |
|---------------------|----------------|
| 1. CAS | 2. CNS |
| 3. All Command HQrs | 4. CGDA |
| 5. CCDA(P) | 6. CDA(Navy) |
| 7. CDA(Air Force) | 8. CDA(O) |
| 9. CDA(PD) | 10. JAG Deptt. |