

No. 6(222)/02/(Pt)/D(Pen-A & AC)
Ministry of Defence
Department of Ex-Servicemen Welfare

New Delhi, dated the 14th December 2004

Subject: 1st /2nd Appeal against rejection of disability pension – issues regarding.

Certain issues have been cropping up while processing 1st and 2nd appeals against the rejection of disability pension at the level of Service Headquarters and Ministry of Defence. To sort out these issues, meetings were held in the Chamber of the then Addl. Secretary on 24-8-2004 and 28-10-2004 which were attended by Addl. FA(H) and DGAFMS besides JS(PEN). As a result of deliberations in these two meetings, the following decisions have been taken which should serve as a guideline in consideration of 1st/2nd Appeals for grant of disability pension:-

- (a) In case of disability arising out of injuries sustained by the Armed Forces Personnel including injuries sustained while on leave, a causal connection between the injury and the military service would be insisted upon. A nexus between the injury and the service has to be established beyond doubt by Brigade/Commander who are required to give their opinion with regard to attributability aspect of any injury. Such a direction has to be in the context of the instructions contained in the MOD's letter dated 7-02-2001.
- (b) In cases of appeals filed after long delay, without any specific reason, the arrears of disability pension, if any, should not be paid for the entire period. It should be reduced to the extent of delay in filing of the appeal.
- (c) Whenever the DGAFMS, in respect of 2nd appeal, has to revise the opinion of the Medical Board either upwardly or downwardly, such a decision would be on the basis of a fresh physical medical examination. Similar procedure would be applied by the appropriate medical authority in the case of 1st appeal.

As discussed
17/12/04
Sb D (Pen-C)

- (d) If a person who is in receipt of disability pension, dies within a period of 10 years from the date of receipt of pension, he should be presumed to have died of the disease for which he was granted disability pension and a medical certificate as to the cause of death stands dispensed with. Cases of death on account of other reasons such as road accident etc. should be dealt with in accordance with relevant rules and orders.
- (e) The DGAFMS will ensure that the medical authorities make recommendations after taking all necessary facts into consideration such as the opinion of the last Medical Board, guidelines to Medical Officers, Injury Report, Court of Inquiry, as the case may be, and views of the fresh Medical Board, wherever required.

Harbans Singh
(Harbans Singh)
Director(Pens)

To

- (i) The Chief of the Army Staff
- (ii) The Chief of the Naval Staff
- (iii) The chief of the Air Staff,
- (iv) The DGAFMS, New Delhi,
- (v) Addl.FA(H),
- (vi) CGDA, New Delhi,
- (vii) PCDA(P),Allahabad,
- (viii) Director,PS-4, AHQ
- ✓(ix) DS(Pen.C)