

No. 1(2)/2004(D)(Pen-C)
Government of India
Ministry of Defence
(Deptt. of Ex-Servicemen Welfare)

New Delhi, Dated 15 September, 2005

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

Subject:- Restructuring of the stages of decision making for grant of disability pension/special family pension to Armed Forces Personnel/NOKs

Sir,

In continuation of this Ministry's letter No. 1(2)/97-D(Pen-C), dated the 7th February, 2001 according sanction to the modifications to the rules and regulations concerning findings of the Medical Board, attributability/aggravation and adjudication of cases of disability/special family pension cases, I am directed to convey the sanction of the President to the following modifications to the said letter as indicated below:-

Sl. No.	Para No.	Existing Provisions	Modified Provisions
1.	2.	Injury cases (attributability) - Decision regarding attributability, would be taken by the authority next higher to the Commanding Officer who in no case shall be lower than a brigade/sub area commander or equivalent.	Decision regarding attributability would be taken by the following authorities:- (a) AG in Army and equivalent rank in Navy and Air Force in respect of disability pension of Brigadier and equivalent and above. (b) ADGPS in Army and equivalent in Navy and Air Force in respect of officers upto the level of Colonel and equivalent rank.

amended vide letter dated 31/5/2006

			(c) OIC, Records in Army, Navy and Air Force in respect of PHOR.
2.	3.	<u>Assessment</u> - The assessment with regard to the percentage of disability as recommended by the IMB/RMB as approved by the next higher medical authority, would be treated as final unless the individual himself requests for a review.	No change.
3.	4.	<u>Approving Authority for Medical Boards</u> - Medical Board proceedings in respect of the personnel of the three Services will be approved by the next higher medical authority than the one which constituted the board as heretofore. In case where disability is abnormally high or low, approving authority will refer the proceeding back to the medical board for reconsideration. If required he may physically examine / get the individual re-examined to ascertain the correct position.	No change.
4.	5.	<u>Disease Cases - Attributability / Aggravation - Attributability / Aggravation</u> in respect of cases pertaining to invalidment owing to various diseases / retirement with various diseases shall continue to be adjudicated by MA(P) in respect of Personnel Below Officer Rank (PBOR) and by Service Headquarters in case of Commissioned Officers as hitherto fore. The power for grant of disability pension to Commissioned Officers has been delegated to SHQ vide MoD Order No. 4684/Dir(Pen)/2001 dated 14 th August 2001.	Decision regarding attributability/aggravation would be taken by the following authorities:- (a) AG in Army and equivalent rank in Navy and Air Force in respect of disability pension of Brigadier and equivalent and above. (b) ADGPS in Army and equivalent rank in Navy and Air Force in respect of officers upto the level of Colonel and equivalent rank.

			(c) OIC, Records in Army, Navy and Air Force in respect of PBOR.
5.	6.	<p>Assessment – The assessment with regard to percentage of disability as recommended by the IMB/RMB and as adjudicated by MA(P) in respect of PBOR and MoD in case of Commissioned Officers would be treated as final and for life unless the individual himself requests for review, except in cases of disabilities which are not of a permanent nature. In the event of substantial difference of opinion between the initial award given by the medical boards and MA(P), the case will be referred to a Review Medical Board. The opinion of the Review Medical Board, which will be constituted by DGAFMS as and when required shall be final.</p>	<p>Assessment with regard to percentage of disability as recommended by the IMB /RMB and as approved by the next higher medical authority in respect of PBOR and Service HQs in case of Commissioned Officers would be treated as final unless the individual himself requests for a review except in cases of disabilities which are not of a permanent nature. In the event of substantial difference of opinion between the initial award given by the medical board and approving authority, the case will be referred to a Review Medical Board. The opinion of the Review Medical Board which will be constituted by DGAFMS as and when required shall be final.</p>
6.	7.	<p>Reassessment of disability -- There will be no periodical reviews by the Resurvey Medical Boards for reassessment of disabilities. In cases of disabilities adjudicated as being of a permanent nature, the decision once arrived at will be final and for life unless the individual himself requests for a review. In cases of disabilities which are not of a permanent nature, there will be only one review of the percentage by a</p>	No change.

		Reassessment Medical Board, to be carried out later within a specified time frame. The percentage of disability assessed/recommended by the Reassessment Medical Board will be final and for life unless the individual himself asks for a review. The review will be carried out by Review Medical Board constituted by DGAFMS. The percentage of disability assessed by the RMB will be final.	
7.	8.	There will be no changes in the procedure for handling appeal cases and post discharge claims.	The appeal shall be referred to the respective Service HQs. by the Record Offices for a decision.
8.	9.	The attributability/aggravation aspect for adjudication of special family pension claim will be dealt with as follows:- (a) Injury cases as per provisions contained in para 2 above. (b) Disease cases as per provisions contained in para 5 above.	(a) No change. (b) No change.
9.	10.	The provision contained in this letter will be applicable to service personnel who were in service on or after 1 st January 1996. The cases which have been finalised prior to issue of this letter will not be reopened. As regards pre 1 st January 1996 disability pensioners, the assessment made by the Reassessment Medical Board held on or after the date of issue of this letter will be considered as final and for life unless the individual himself asks for a review. This review will be carried out by Review Medical Board constituted by DGAFMS. The	No change.

		percentage of disability assessed by the Review Medical Board will be final.	
10.	11.	These rules will be read in conjunction with Pension Regulations of the three Services, Entitlement Rules to Casualty Pensionary Awards to the Armed Forces Personnel, 1982 and Guide to Medical Officers (Military Pension) 1980 as amended from time to time.	These rules will be read in conjunction with Pension Regulations of the three Services, Entitlement Rules to Casualty Pensionary Awards to the Armed Forces Personnel, 1982 and Guide to Medical Officers (Military Pension) 2002 as amended from time to time. The said rules will be amended in due course.
11.	12.	Paras 8.2 and 11.5 of this Ministry's letter of even no. dated 31 st January 2001 so far as these relate to reckoning disability actually assessed by the duly approved Release Medical Board / Invaliding Medical Board for computing war injury element, stand modified as per the provisions contained in this letter.	No change.

2. The decision in respect of disability and special family pension in respect of officers will be taken by AG/ADGPS, and their equivalent in Navy and Air Force, in consultation with Defence(Finance).

3. The next higher medical authority for the purpose of para 3, 4 & 6 mentioned at Sl. No. 2, 3 & 5 will be the authority other than the one, which constituted the Board. In case where disability is abnormally high or low, the approving authority will refer the proceedings back to the Medical Board for reconsideration. If required, he may physically examine / get the individual re-examined to ascertain the correct position.

4. In all cases (excluding invalidment, war injury and corresponding pension to family members) the decision on the disability pension should be finalised before the terms of engagement of the official is completed or the official retires/discharged. Should the individual choose to appeal, the first appeal should also be finalised before the terms of engagement of the official is

completed or the official retires/discharged. In all such cases, the appeal should be finalised within six months from the date of receipt of the appeal.

5. Disability/Special Family Pension claims arising in the following contingencies shall be referred to DGAFMS by Record Office / Service HQrs. for adjudication by Review Medical Board constituted by DGAFMS and the findings of the Board will be final:-

- (i) Cases of substantial increase in the Invaliding Disease.
- (ii) Manifestation of Invaliding Disease after discharge/retirement within 10 years.
- (iii) Claims for Special Family Pension arising after death occurring other than on duty.

6. The provisions contained in this letter are applicable from the date of issue of this letter. The cases finalised prior to the issue of this letter will not be re-opened.

7. This issues with the concurrence of Defence(Finance) vide their U.O.No. 3490/Fin(P) dated 22nd August, 2005.

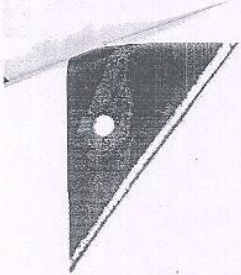
Yours faithfully,


(P.J. Mathew)

Deputy Secy. to the Govt. of India

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1. President Secretariat
2. Vice President's Secretariat
3. Prime Minister's Office
- ✓ 4. The Controller General of Defence Accounts
5. The Principal Controller of Defence Accounts (Pensions), Allahabad
6. Controller of Defence Accounts (Pension Disbursement), New Delhi
7. Controller of Defence Accounts (Navy), Mumbai
8. Controller of Defence Accounts (Air Force), New Delhi
9. Controller of Defence Accounts (O), Pune
10. The Director of Audit, Defence Services, New Delhi
11. Army Hqrs/ AG/PS 4
12. Naval Hqrs/ DPA
13. Air Hqrs/ DPP&R and DPA
14. TA Directorate/ AHQ
15. Director General of Resettlement

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16. DGAFMS, New Delhi
 17. JDAFMS(P), New Delhi
 18. Department of Pensions and Pensioners' Welfare
 19. Department of Expenditure/ Ministry of Finance (E-5 Section)

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No. 1(2)/2002/D(Pen-C)
Government of India
Ministry of Defence
(Deptt. of Ex-Servicemen Welfare)

New Delhi, Dated 1st September, 2005

To
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The Chief of Naval Staff,
The Chief of Air Staff

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Deputy Secy. to the Govt. of India

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4. The Controller General of Defence Accounts
5. The Principal Controller of Defence Accounts (Pensions), Allahabad
6. Controller of Defence Accounts (Pension Disbursement), New Delhi
7. Controller of Defence Accounts (Navy), Mumbai
8. Controller of Defence Accounts (Air Force), New Delhi
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