

S. V. V
for security

ANNEXURE A-2

No W/18219/V/AG/Org.2(MP)(c)/3298/IX AG-II)
GOVERNMENT OF INDIA,
MINISTRY OF DEFENCE,
NEW DELHI, the 18th June, 1971.

To

The Chief of the Army Staff,
NEW DELHI.

Service personnel discharged in low medical category -
Entitlement to disability pension.

Sir,

In supersession of this Ministry's letter No 60879/III/AG/Org.2(c)/5097/Pan-C dated the 2nd June 1960, as amended, I am directed to say that the President has been pleased to decide that in respect of JCOs, OR and NCOs(E), who are placed permanently in a medical category lower than 'S', every effort should be made to provide alternative employment in their own trade/category commensurate with their medical categorisation provided it is in the public interest to do so. The competent administrative authority should consider each case on merits and record a certificate in the individual's service documents that his continued retention in service is in the public interest. In the event of retention, any person willing to retransfer in other Arm or Branch will not be denied the opportunity of such a transfer if it is possible to try him out in the new Arm/Branch despite his low medical category. Their pay on retransferring will be fixed as for surplus personnel in accordance with AI 169/59 for JCOs and AI 4/3/55 for Other Ranks, as/ From time to time.

As amended

2. Retention in service in alternative employment in terms of para 1 will, ordinarily, be for the contractual period of enrolment in the colours only. In the case of JCOs, the term 'enrolment in the colours' will be deemed to mean the minimum service qualifying for service pension subject to the maximum age/service/tenure units prescribed for various ranks. On completion of the said period of colour service, personnel will be discharged with all convenient speed in the normal manner. However, personnel may continue to be retained in service beyond the said period of colour service subject to the fulfilment of normal conditions applicable to JCOs/ORs provided that -

- (a) the personnel are willing and can be suitably employed against 'sheltered' appointments; and
- (b) the strength of the trade/category to which the individuals belong, on an overall regiment/corps basis, is below 95 per cent of the authorised establishment. Necessary control in this regard will be exercised by the Adjutant General.

3. Permanent low medical category personnel will, on discharge from the Army, be deemed to have been invalided out of service for purposes of Para 1 of Post-March 1948 Entitlement Rules, issued under this Ministry's letter No 138989/1/PG dated the 12th April 1950. Those, who having been retained in alternative employment, are eventually discharged before the completion of their engagement/tenure will also be accorded similar

(Sd/-) S. V. V. GUPTA
Adjutant General
New Delhi

treatment. A Medical Board should be held on them before they are discharged for the purpose of assessment of the cause, nature and the degree of disablement. Their claims to disability pension will be dealt with in the normal manner and the disability pension will, if otherwise admissible under the rules, be based on their total length of service, rank and the accepted degree of disablement at the time of discharge or extended service in terms of para 2 above.

4. Past cases of personnel retained beyond completion of their colour service period are hereby regularised. However, further retention in service of permanent low medical category personnel will, in future, be governed as per the provisions of para 2 above. Such personnel becoming due for discharge under the policy announced above will be discharged as expeditiously as possible.

5. Necessary administrative instructions in the matter may be issued by you.

6. This issues with the concurrence of Ministry of Finance (Defence) vide their u.o. No. 2184-PD of 1971.

Yours faithfully,



(P.K. KUMARAN)

UNDER SECRETARY TO THE GOVERNMENT OF INDIA.

Copy of the above forwarded to:-

The Controller General of Defence Accounts, the Director of Audit, Defence Services, the Controller of Defence Accounts (OR) Madras, the Controller of Defence Accounts (Pensions) Allahabad, the Sr. Dy. Director of Audit, Defence Services, Poona and the Dy. Director of Audit, Defence Services, Allahabad.

Ministry of Defence (DPens/Services), Pen-C and Pen-A.

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