

## Disability Pension

### Conditions Of Grant

A claim for disability pension arises only if an individual is invalided out of service on account of disability which is accepted as attributable to or aggravated by his military service.

Individuals placed in low medical category permanently and discharged as no alternative employment in their trade/category suitable to their low medical category could be provided or unwilling to accept the alternative employment or retained in alternative appointment and subsequently discharged before completion of their engagement shall be deemed to have been invalided out from service for the purpose of the Entitlement Rules.

All PBOR are required to be medically examined by medical officer prior to their release/ retirement / discharge.

### Categorization of Disability Pension

For determining the Pensionary benefits the circumstances to decide the attributability/aggravation have been categorised as under :-

#### Category "A"

Death or disability due to natural causes neither attributable to nor aggravated by military service, such as constitutional diseases, chronic ailments, prolonged illness while not on duty.

#### Category "B"

Death or disability due to causes which are accepted as attributable to/ aggravated by military service such as diseases contracted because of continued exposure to hostile work environment subject to extreme weather conditions or occupational hazards.

#### Category "C"

Death or disability due to accidents while performing duty, such as,

- Accidents while traveling on duty in Government/public /private vehicles or during air journey or mishap at sea.
- Electrocution while on duty.
- Accidents during participation in organized sports events/ adventures activities/expeditions/training

### Category "D"

Death or disability due to acts of violence/attack by extremists , anti social elements, whether on duty or even when not on duty, bomb blasts in public places or transport or disability occurring while employed in aid of civil power in dealing with natural calamity.

Death or disability arising as a result of- (wef-03.02.2011)

1. Unintentional killing by own troops during the course of duty in an operational area
2. Electrocution/attacks by wild animals and snake bite/drowning during course of action in counter insurgency/war.
3. (iii) Accidental death/injury sustained due to natural calamities such as flood, avalanches, landslides, cyclone, fire and lightening or drowning in river while performing operational duties/movement in action against enemy forces and armed hostilities in operational area to include deployment on international border of line of control.

### Category "E"

Death or disability arising as a result of poisoning of water by enemy agents while deployed in operational area in active hostilitie

1. enemy action in international war, action during peace keeping mission abroad, border skirmishes.
2. during laying/clearance of mines, accidental explosions of mines.
3. war like situations, including cases which are attributable to / aggravated by:-
  1. extremist acts, exploding mines, etc while on way to operational area.
  2. battle inoculation training exercises, or demonstration with live ammunition.
    1. flying operation involved in rehearsing of war plans and implementation of OP instructions inclusive of international war.
    2. All combat and Tactical sorties in preparation of war.
  3. kidnapping by extremist while on operational duty.

4. an act of violence/attack by extremists and antisocial elements etc. while on operational duty or while employed in aid of civil power in quelling agitation, riots or revolts by the demonstrators.
5. operations specially notified by Government from time to time.
6. Death or disability arising as a result of poisoning of water by enemy agents while deployed in operational area in active hostilities. (wef-03.02.1011)

### Determination of Amount of Disability Pension

Where an Armed Forces Personnel is invalided out of service, which is accepted as attributable to or aggravated by military service, he shall be entitled to disability pension consisting of Service Element & Disability Element as follows:-

#### 1. Service Element

The amount of service element shall be determined as 50% of less emoluments drawn as given in para 6 of MOD letter dt- 12.11.2008 which is subject to minimum Rs 3500/- p.m.

#### 2. Disability Element

The rates of disability elements for 100% disability for various ranks shall be 30% of emolument last drawn subject to Rs. 3510/- per month.  
Disability lower than 100% shall be computed by reducing proportionately

### Disability Element on Invalidment

Where an Armed Force personnel is invalided out of service under circumstances mentioned in para 4.1 of Govt. letter dt. 31.01.01, the extent of disability shall be determined as follows for the purpose of computing the DE :-

Percentage as finally assessed by Competent Authority	Percentage to be reckoned for computing DE
Between 1 to 49	50
Between 50 & 75	75
Between 76 & 100	100

## Disability Element on Retirement/Discharge

Where an Armed Forces personnel is retained in service despite disability and subsequently retired/ discharged on completion of tenure or on attaining the age of retirement, he shall be entitled to D.E at the rate prescribed for 100% disablement. For disablement less than 100% but not below 20%, the rates shall be reduced proportionately. No disability element shall be payable for disability less than 20% .

## Untenable Claims For Disability Pension

1. when personnel seeks voluntary retirement /discharge at his own request, except the voluntary retirement within one year of date of discharge/retirement for the purpose of gaining higher commuted value. However this clause has been withdrawn w.e.f 1.1.06.
2. When a personnel is dismissed being undesirable soldier on administrative/disciplinary grounds.
3. In the cases where disability is neither attributable to nor aggravated by military service.
4. Disability accepted less than 20% in normal discharge cases (other than Invalidment)

## Disability pension on Voluntary retirement

Armed forces personnel who are retained in service in despite of disability, which is accepted as attributable to or aggravated by military service and have forgone lump-sum compensation in lieu of that retirement / discharge from service on or after 01.01.2006 whether voluntary or otherwise in addition to retiring / service pension or retiring / service gratuity.

## Adjudication of Disability Pension Claims

Findings of medical board regarding attributability /aggravation and adjudication of disability pension claims due to injury/disease are now regulated under Govt. of India MOD No. 1(2) /2002/D(Pen-C) dated 01.09.2005 & 31.05.2006 as under:

### 1. Injury Cases

Decision regarding attributability/ aggravation in injury cases would be taken by OIC , Records in Army, navy and Air Force.

The assessment with regard to percentage of disability as recommended by the Invaliding/ Release Medical Board as approved by next higher medical authority would be treated as final unless the individual himself requests for a review. the approving authorities i.e. Officer – In – Charge Records can also get the individual reexamined by a Review Medical Board, in consultation with DGAFMS, if in their opinion the assessment of percentage of disability made by IMB/RMB is abnormally high or low

#### Approving Authority for Medical Board

Medical Board proceedings in respect of PBOR will be approved by the next higher medical authority than the one which constituted the Board. Hence approving authority will judiciously examine the percentage of disability recommended by Medical Boards before approval. In case, approving authority feels that the assessment is abnormally high or low, approving authority will refer the proceedings back to the medical

Board for necessary rectification. If required, he may physically examine the individual or get his re-examination to arrive at the correct decision.

## 2. Disease Cases

Attributability/aggravation in respect of cases of invalidment arising from various diseases shall be taken by OIC , Records in Army, navy and Air Force in case of doubt, the case will be referred to DGAFMS for advice. The assessment and the period of assessment with regard to percentage of disability as recommended by the IMB/RMB and as approved by next higher medical authority in respect PBOR would be treated as final, unless the individual himself requests for a review, except in cases of diseases which are not of permanent nature or approving authority have any doubt. In both the cases the individual will be examined by a Review Medical Board to be constituted by DGAFMS. The opinion of the Review Medical Board will be final.

### 1. Where disability is permanent in nature

The assessment with regard to percentage of disability as recommended by the IMB/RMB and as approved by next higher medical authority in respect PBOR would be treated as final and for life unless the individual himself requests for a review, except in cases of diseases which are not of permanent nature.

### 2. Where disability is not permanent in nature

Initial assessment will be made for specified time frame. The individual will be assessed to report for a review after specified time frame. Assessment made by Reassessment Medical Board during this review will be final and for life unless the individual himself seeks for review. This review will be carried out by a Review Medical Board constituted by DGAFMS and percentage of disability assessed by Review Medical Board will be final.

## Pending Enquiry Award

The Pending Enquiry Award is intended to relieve the financial difficulties of personnel below officer rank & their dependents when such personnel are invalidated out of service or die & the invaliding disability or the cause of death is considered prima facie due to military service or is accepted as such by the competent authority with reference to the applicable entitlement rules – under this scheme provisional awards will be made pending completion of the enquiries and other steps which may be necessary before a pension claim can be finally admitted.

Provisional Medical Board is held in case of personnel found suffering from Pulmonary Tuberculosis and Leprosy. Since they need long treatment, they are generally not discharged. These disabilities are accepted at 100% for

Pul.T.B.& 20% for Leprosy for one year or so for which PEA, consisting of SE &DE, is sanctioned and payment is made through RO.

On receipt of final medical board proceedings after the discharge, the amount of PEA already paid is recovered through the PPO in lump-sum.

## Appeal Cases

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An individual may submit two appeals against rejection of disability pension within 6 months from the date of rejection memo

The first appeals shall be referred to the respective Service Headquarters by the Record Office for a decision by Appellate Committee on first appeals.

There will be no change in the procedure for handling second appeals and post discharge claims i.e. The second appeal will be considered by the Govt. (Defence Minister's Appellate Committee headed by Raksha Mantri / Rajya Raksha Mantri).