

No. 16(05)/2008/D(Pension/Policy)  
Government of India  
Ministry of Defence  
Department of Ex-Servicemen Welfare  
New Delhi-110011 Dated 19<sup>th</sup> May 2017

To,

The Chief of the Army Staff  
The Chief of the Naval Staff  
The Chief of the Air Staff

**Subject: Grant of Disability Element to Armed Forces Personnel who were retained in service despite disability attributable to or aggravated by Military Service and subsequently proceeded on premature/ voluntary retirement prior to 01.01.2006.**

Sir,

The undersigned is directed to refer to this Ministry's letter No. 16(5)/2008/ D(Pen/Policy) dated 29<sup>th</sup> September 2009 wherein disability element/ war injury element have been allowed to such Armed Forces Personnel who were retained in service despite disability and retired/ discharged voluntary or otherwise in addition to retiring/ service pension or retiring/ service gratuity, subject to condition that their disability was accepted as attributable to or aggravated by military service and had foregone lump sum compensation in lieu of that disability.

2. In terms of Para- 3 of the above referred letter the provisions stated above are applicable to the Armed Forces Personnel who were retired/ discharged from service on or after 01.01.2006. Armed Force Tribunal (Principal Branch) New Delhi in OA No. 336 of 2011 vide their order dated 07.02.2012 have struck down Para-3 of this Ministry's above letter.

3. The issue of extension of above benefit to the Pre-2006 retired/ discharged Armed Forces Personnel, who were retained in service despite disability attributable to or aggravated by military service, was under active consideration of Government. Now, the President is pleased to decide that all Pre- 2006 Armed Forces Personnel who were retained in service despite disability and retired voluntarily or otherwise will be allowed disability element/ war injury element in addition to retiring/ service pension or retiring/ service gratuity, subject to the condition that their disability was accepted as attributable to or aggravated by military service and had foregone lump sum compensation in lieu of that disability. Further, concerned Armed Forces Personnel should still be suffering from the same disability which should be assessed at 20% or more on the date of effect of this letter.



4. Implementation of these orders is expected to be arduous and challenging. Documents like Medical Board proceedings, retention of the personnel in service despite disability, option of individual foregoing lump sum compensation and non-payment of lump sum compensation would be required in all cases which may not be available at the end of Pay Accounting Authorities/ Record offices and Pension sanctioning authorities readily. In such cases, pensioners/ family pensioners may be asked to produce the copies of relevant documents to the Executive authorities in support of their claims.

5. The claim for grant of disability element/ war injury element in affected cases will be submitted to the PSA concerned by PCDA(O) Pune/ NPO/ AFCAO/ Record office along-with copy of medical board/ fresh medical board proceedings showing extent of disability applicable as on date of effect of this letter in respect of Commissioned officers/ JCOs/ ORs. It will be responsibility of PCDA(O) Pune/ NPO/ AFCAO and Record office to confirm payment/ non-payment of lump sum-compensation in lieu of disability element to Commissioned officers and JCOs/ ORs. A sanction showing extent of disability and its attributability/ aggravation due to Military service in terms of MOD letter No. 4684/DIR(PEN)/ 2001 dated 14.08.2001 would be issued by the Service HQrs in case of Commissioned Officers and sanction would be issued by OI/ C Record office in case of JCOs/ ORs.

6. The corrigendum PPOs granting disability element/ war injury element in all affected cases will be issued by respective Pension Sanctioning Authorities.

7. The provisions of this letter shall take effect from 01.012006.

8. Pension Regulation of all the three services will be amended in due course.

9. This Issues with the concurrence of Finance Division of this Ministry their letter I. D. No 10(3)2012/FIN/PEN dated 19<sup>th</sup> May 2017

10. Hindi version will follow.

Yours faithfully



(Manoj Sinha)

Under Secretary to the Government of India

Copy to:

As per Standard List.

