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PS DIRECTORATE

General Information

1. Personnel Services Directorate (PS Dte) is mandated with a vast span of responsibilities, encompassing a variety of subjects related to Terms and Conditions of Services, Monitory Policies, Pay & Allowances and Pensions. PS Dte responsibilities include policy making related to Terms and Conditions of Services, Monitory Policies, Pay & Allowances and Pension Implementation and dealing with vast variety of Legal Cases. In the recent past Standing Army Pay Commission Section (SAPCS) and Armed Forces Tribunal (AFT) Section have also been placed under PS Dte.

2. The Directorate consists of five sections. Their responsibility/ Charter is as shown against each :-
 - (a) **PS -1.** Coordination Functions and Projects.

 - (b) **PS-2.**Terms and Conditions of Service.

 - (c) **PS-3(Policy).**Pay and Allowances and Its Policies.

 - (d) **PS-3(Implementation).**Implementation of Pay and Allowances of all ranks.

 - (e) **PS-4 (Legal).**Legal cases related to Pensionary benefits.

 - (f) **PS-4(Implementation).**Implementation issues related to Pensionary benefits.

 - (g) **PS-5.**Policy issues related to Pensionary benefits and petitions pertaining to Pensionary entitlement of all ranks of Army.

TERMS AND CONDITIONS OF SERVICE

Terms and Conditions: Officers

3. Types of Entry.

(a) Permanent Regular Commission.

Type of Commission	Education Requirement	Training	Remarks	Auth
NDA Entry	10+2	Four Yrs (Three years at NDA, one year at IMA)	Awarded Graduate Degree from NDA	AI 53/78
Direct Entry	Graduate	One yr and six months	---	SAI 4/S/74
ACC Entry	10+2	Four Yrs (Three yrs in ACC Wing and one yr at IMA)	Graduate Degree from ACC Wing	AI 55/73
Technical Graduate Course and Post Graduate Entries (AEC& MF)	Technical Graduate and Post-Graduate (AEC&MF)	One yr	Awarded 1 yr ante date seniority only to Tech Graduate	SAI 1/S/94 for Tech Graduate and AI 105/61 for PG Course
University Entry Scheme	Engg Degree	One yr at IMA	-do-	AI 2/93
PC (SL)	Higher Secondary (11 th Pass) Student	Four weeks at OTA	---	AI 85/74
SCO	Class XI CBSE pattern	One yr at IMA	---	AI 5/97
10+2 Entry TES	10+2(PCM)	Pre-Commission Trg four yrs and Post Commission Trg one yr	---	AI 3/99

(b) **Short Service Commission.**

Type of Commission	Education Requirement	Training	Remarks	Authority
Technical	Engg Degree/ Equivalent/ M.Sc (Computer Science) as applicable to different corps	49 wks	Awarded one yr ante date Seniority	AI 1/93 Govt Letter No B/32313/PC/AG/ PS2(a)/921/D (AG) dated 20 Jul 2006.
Non-Tech	Graduate	-do-	---	SAI 3/S/98. Govt of India Letter No B/32313/PC/AG/ PS2(a)/921 /D(AG) dated 20 Jul 2006.
SSC (Women) Tech	Graduate/PG Diploma PG Degree /Engineering Degree	49 wks	Awarded one yr ante date seniority for Tech Graduate	SAI 1/S/92 Govt Letter No. B/32313/PC/AG/ PS2(a)/921/D (AG) dated 20 Jul 2006.
SSC (Women) Non Tech	Graduate	49 wks	---	SAI 1/S/92 Govt Letter No. B/32313/PC/AG/ PS2(a)/921/D (AG) dated 20 Jul 2006.

Note: WOs inducted in JAG and AEC will be considered for PC in terms of MoD Letter No 12(i)/2004-D(AG) Pt-II dt 26 Sep 2008 and MoD letter No 671/2009-D(AG) dt 11 Nov 11.

4. **Rank Structure and Promotions.**(a) **Types of Promotion.**

Acting Promotion in Peace and field concessional Areas.	
Substantive Promotion	Time Scale (up to Lt Col), Selection Grade (Col and above)
Local Rank	Local ranks appropriate to the appointments held may be granted to the officers if considered necessary in terms of DSR Para 88.

(b) **Years of Reckonable Commissioned Service for Acting Promotion.**

(Refer SAI 1/S/74 read in conjunction with AO 329/69).

Rank to Which Acting Promotion is Made	Total Minimum Service as Commissioned Officer	Remarks
Capt	1 yrs	-
Maj	4 yrs	3 yrs in Fd
Lt Col	7 yrs	With minimum service of one yr in the rank of substantive Maj.
Col	8 yrs & 6 months	With minimum service of two yrs in the rank(s) of Maj & above.
Brig	12 yrs	With minimum service of three yrs in rank(s) of Lt Col and above.
Maj Gen	20 yrs	-
Lt Gen	25 yrs	-

Note: Applicable for offr of all Arms and Service except AMC, RVC, ADC, MNS and APS.(c) **Years of Reckonable Commissioned Service for Substantive Promotion**(Other than AMC/ADC).

Rank	Maj Arms/Service	Vet offr	MF	SL
Capt	2	1	2	2
Maj	6	7	6	6
Lt Col	13	17	13	13
Col(TS)	26	-	26	26
Col(Selection)	15	15	15	15
Brig	23(22)*	-	-	-
Maj Gen	25(24)*	-	-	-
Lt Gen	28	-	-	-
Gen	No restriction	-	-	-

Note: (i) *for JAG Department Officers.

(ii) As per Army Rule 2(d)

(iii) Read with DSR Para 68, substantive promotion can be granted to those PC officers who have the requisite reckonable commissioned service as given in DSR Para 67.

5. **Terms of Engagement.**

PC Officers	Commissioning to superannuation age of rank held
SS Officers	Initial engagement for 10 yrs extendable to 14 yrs for officers not granted PC
Special List Officers	Superannuation as per rank held. : Up to Col - 57 yrs : Brig - 59 yrs
Special Commissioned Officer	For serving JCOs/NCOs (less AMC/ADC) commissioned at age between 28-35 yrs. Superannuation age 57 yrs.
Women Entry	Age at entry should be between 19 and 25 years except for entries into AEC, JAG and ASC(Food Scientist) for which age at entry should be 21 to 27 years. Initial Engagement for 10 yrs extendable up to 14 yrs for all. PC is now being granted to women offrs in JAG and AEC.

6. **Age of Retirement.**

Rank	Arms	Service	Minor Corps	SL	SCOs
Maj& Below	52	54	57	57	57 yrs in all case
Lt Col	54	54	57	57	-
Col(TS)	54	54	57	57	-
Col(Selection)	54	54	57	57	-
Brig	56	56	58	59	-
Maj Gen	58	58	59/60*	-	-
Lt Gen	60	60	60/61**/62***	-	-

Note: * AMC, ** DG RVC& Lt Gen AMC, *** DGAFMS.

Terms and Conditions: JCOs/OR

7. Rank Structure and Age/Tenure/Service Limit for Retirement.

(a) **Sepoys.** Refer AI1/S/76 as amended and Min of Def Letter No F14(3)/98/D(AG) dated 03 Sep 98.

Rank	Present Criteria
(GD Categories/Semi-skilled categories) Sep – Group I	17 years of service with colours extendable by two years by screening and two years in reserve or till attainment of 42 years of age, whichever is earlier.
(Skilled/Tech Categories/Specialist Categories and Tradesmen) Sep – Group II	20 years of service with colours extendable by two years by screening and three years in reserve or till attainment of 48 years of age, whichever is earlier.

(b) **NCOs.** Refer to Min of Def Letter No F. 14(3)/98/D(AG) dt 03 Sep 98.

Ranks	Present Criteria
Naik	On completion of 22 years' service with colours extendable by two years by screening or 49 years of age, whichever is earlier.
Dafadar/Havildar	On completion of 24 years' service with colours extendable by two years by screening or 49 years of age, whichever is earlier.

Note: Reserve liability of all NCOs is up to 51 years of age or two years after retirement, whichever is earlier.

(c) **JCOs.** Refer to Min of Def Letter No F. 14(3)/98/D(AG) dt 03 Sep 98).

Ranks	Present Criteria
NbRis/Nb Sub	26 years of pensionable service extendable by two years by screening or 52 years of age, whichever is earlier.
Risaldar/Subedar	28 years of pensionable service extendable by two years by screening or 52 years of age, whichever is earlier.
Risaldar Major / Subedar Major	32 years of pensionable service extendable by two years by screening or four year tenure or 54 years of age, whichever is earlier.

Note: Reserve liability of all JCOs is up to 54 years of age or five years after retirement, whichever is earlier.

Criteria for Promotion: JCOs/NCOs

8. Discipline Criteria.

- (a) Not more than three red ink entries during entire service and not more than one in last five years.
- (b) For promotion to Sub Maj there should not be any red ink entry in the rank of JCOs.

9. Medical Criteria.

- (a) Must be SHAPE – 1 with exception as given below in sub para (b) & (c).
- (b) Battle Casualties and personnel injured during ops etc eligible up to SHAPE-3.
- (c) Medical cat SHAPE-2 eligible for promotion except those due to psychological causes, misconduct, self-inflicted injuries or overweight. However, overweight regular sportsmen engaged in Wrestling, Boxing, Weight Lifting, Hammer Throw, Javelin Throw, Discus Throw, Shot Putt or Best Physique (Body building) are eligible for promotions.

10. ACR Criteria.

<u>Promotion to the rank of Dfr/Hav</u>	<u>Promotion to the rank of NbRis/Nb Sub</u>	<u>Promotion to the rank of Ris/Sub</u>	<u>Promotion to the rank of RisMaj/Sub Maj</u>
Last two reports in the rk of Nk	Last five Report out of which three reports in Havrk.	Last three reports out of which at least one in rk of Nb Sub.	Last five report in the rk of JCO.
These report should not be less than 'High Average'.	At least three out of five reports should be 'Above Average' & the remaining not less than 'High Average'.	All these reports should not be less than 'High Average'.	At least three out of five reports should be 'Above Average' & the remaining not less than 'High Average'.
The indl should have been recommended for promotion in the both reports.	Min of two reports on Regt duty or as an Instr in an Army School of Instructions.	Recommended for promotion in three reports.	Min of two reports on Regt duty or as an Instr in an Army School of Instructions.
	Recommended for promotion in all five reports.		Should have been recommended for promotion in last five reports in JCO rank.

11. **Grant of Time Scale L Nk/Nk.** Sepoy not granted L Nk/Nk due to any reason may be granted Time Scale L Nk/Nk three/one year before completion of their original terms of engagement (Presently under review by Army Pay Commission Cell).

Auth: Govt of India, Min of Def Letter No 15(1)/83/D(AG) dated 28 Jul 1984 amended vide Letter of even No dated 04 Jul 2001.

12. **Grant of MACP.** Modified Assured Career Progression (MACP) Scheme approved w.e.f. 01 Sep 2008 consequent to implementation of 6th CPC. Under MACP Scheme, a direct entry Sep, Hav or JCO will get minimum three Financial up gradation after completion of 8, 16 and 24 years of service if not promoted to the next rank. The Govt letter on approval of MACP to JCOs/OR of Army has been issued vide letter No 14(i)/99-D(AG) dt 30 May 2011 and Adm Instrs on grant of MACP has been issued by PS Dte vide letter No B/33513/ACP/AG/PS-2(c) dt 13 Jun 2011.

Leave Rules in Brief

13. Leave of Officers, JCOs and ORs (Refer Leave Rules for the Services, Vol-I (Army)).

<u>Type of Leave</u>	<u>Officers</u>	<u>JCOs/ORs</u>	<u>Recruits Boys</u>
Annual Leave	60 days	60 days	30 days
Casual Leave	20 days*	30 days@	30 days
Furlough Leave (at half pay)	60 days in a cycle of three years	NA	NA
Sick Leave	Full pay and allowances during entire period of hospitalization. In case of grant of sick leave exceeding six months after period of hospitalization full pay and allowances will be admissible to officers granted such sick leave up to the limits specified i.e. up to 24 months on account of sickness attributable/ aggravated due to service conditions.	(i) Entire period spent in a mil or a recognized civil hospital is treated as duty subject to Indl falling sick whilst on duty. (ii) After discharge from hospital, further sick leave may be granted, if advised by medical auth. (iii) There is no limit of sick leave.	Admissible as to other ranks.
Maternity leave to women officers.	180 days leave on full pay for each confinement subject to maximum of two confinements/two surviving children.	NA	NA

Note: * *Offrs can avail 20 days CL at a time.*

@ *JCOs/OR can avail 30 days CL at a time.*

14. **Amendment of Rule 11 of the Leave Rules for Services -Vol I(Army).** As per Rule 11 of the Leave Rules for the Services –Vol I (Army), annual leave is not admissible in any year unless an individual has actually performed duty in that year. As a step towards liberalising the leave policy Govt has accorded approval to do away with existing clause of performing duty for a day before being eligible for annual leave of the year and issued necessary amendments to rule 11.

Auth:Gol Mod Letter No B/33922/AG/PS-2(b)/642/D(AG)dt 04 Apr 20110.

15. **Personnel Sent Abroad on Deputation: Prefixing / suffixing of Closed Holidays with Ex - India Leave.** Govt has sanctioned prefixing/suffixing of closed holidays viz Saturday / Sunday etc with ex- India leave granted under Rule 71 of Leave Rules for the Services, Vol I (Army).

Auth :GolMoDLetter No B/33926/AG/PS-2(b)/4894/D(AG) dt 08 Nov 2011.

16. **Delegation of Power to Service HQs: SOP on Regularization of Absence/ Overstay of Leave.** The procedure for regularization of absence/overstay of leave beyond 60 days has been laid down in the SOP issued by the AG's Branch. The power to regularize absence period beyond 60 days has been delegated to the AG.

Auth :Army HQ Letter No B/33940/AG/PS-2(b) dt 31 May 2002.

17. **Commencement and Termination of leave in Respect of Personnel hailing from the Districts of Doda, Reasi, Rajouri, Poonch and Udhampur of J&K.** As per the existing provisions, leave of officers, JCOs and ORs hailing from areas beyond Banihal and parts of Doda district commences/terminates from the date of reporting at transit camps at Jammu/Srinagar. In view of the current militancy/CI situation, the existing facilities have been extended to Officers, JCOs and ORs hailing from Doda, Reasi, Rojouri, Poonch and Udhampur districts of J&K also.

18. **Encashment of Leave.** Accumulation and encashment of leave is limited to the number of days of annual leave at the credit of the Defence Forces personnel on the day of their proceeding on superannuation / release / discharged on own request / invalidated out of service / died while in service, irrespective of the number of years of service rendered, subject to a limit of 300 days. These orders have taken effect from 01 Jan 2006.

Auth : Gol, MoD Letter No B/33931/AG/PS-2(b)/1908/D(AG) dated 12 Apr 10 and B/33931/AG/PS-2(b)/2890/D(AG) dt 18 Jul 11.

19. **Enhancement of Maternity Leave.** The ceiling on maternity Leave for women officers in Defence Forces has been revised from existing 60 days to 180 days on full pay for each confinement subject to maximum of two confinements / two surviving children. All other conditions governing the subject leave remains unchanged.

Auth :Gol, MoD Letter No B/33922/AG/PS-2(b)/943/D(AG) dt 16 Mar 09.

20. **Coverage of Full Period of Hospitalization with Full Pay & Allces.**

(a) Full pay and allowances are granted during the entire period of hospitalization.

(b) In case of grant of sick leave exceeding six months after period of hospitalization, full pay and allowances will be admissible to officers granted such sick leave up to the limits specified in the Leave Rules, on account of sickness attributed/aggravated due to service conditions.

Auth :PCC/Navy/147(R)/1035/D(Pay/Services) dt 01 Oct 2009.

ALLOWANCES

(Allces increase by 25% for every 50% rise in DA. Rates shown are current , revised wef 01 Jan 11)

Education Related Allces

21. **CEA Scheme**. It has two components, CEA and Hostel Subsidy. **Both cannot be claimed concurrently.**

(a) **CEA**. Rs 1,250/- pm per child for two children only from Nursery to Twelfth classes. Reimbursement can be claimed once every quarter. Amount claimed in a quarter may be more or less than Rs 3,750/-, subject to an annual ceiling of Rs 15,000/- per child. It holds no relationship with performance of child in class and includes reimbursement for :-

- (i) Fee paid for tuition, admission, lab, sports, library or any other activity.
- (ii) One set of text books, note books and school shoes.
- (iii) Two sets of uniform.

(b) **Hostel Subsidy**. Rs 3,750/- pm per child for two children only. Applicable when children are studying in a boarding school away from the place of posting of the father/ mother.

Auth : GOI MoD Letter No 1(66)/2008 D (Pay/Services) dated 25 Feb 09.

22. **Qualification Grant (One Time)**.

Cat I Courses (Officers)	Rs 25,000/-
Cat II Courses (Officers)	Rs 18,750/-
Cat III Courses (Officers)	Rs 11,250/-
Cat IV Courses (Officers)	Rs 7,500/-

Note :For List of Course refer DGMT Letter No A/63088/GS/MT-10/975-C/D (GS-II) dt 25 Jun10.Qualification Grant is not admissible to AMC/ADC Officers.

Auth : GOI MoD letter No. 1/55/2008-D (Pay/Services) dated 04 Nov 08.

Uniform Related Allces

23. **Officers.**

One Time Kit (OTK) Offrs	Rs 17,500/- initial grant & Rs 3,750/- every 03 years thereafter
OTK MNS Offrs	Rs 8,750/- initial grant & Rs 1,875/- every 03 years thereafter
Kit Maint Allce for Offrs	Rs 500/- PM

24. **Outfit Allce for Hony Commission.** One time grant of Rs 8000/- to JCOs granted Hony Commission.

25. **Outfit Allce to NCOs Promoted as JCOs.** One time grant of Rs 1250/-.

26. **Mufti Allce (Civilian Clothing Allce).** One time grant of Rs 500 /- .

Auth : GOI MoD letter No. 1/55/2008-D (Pay/Services) dated 04 Nov 08.

Transport Related Allces

27. **Transport Allce.**

Rank	A-1 / A Cities	Other Places
Offrs, incl Hony Commissioned	3200 + DA	1600 + DA
JCOs	1600 + DA	800 + DA
Hav & below, but pay in the pay band Rs 7440 & above	1600 + DA	800 + DA
Hav& below, but pay in the pay band below Rs 7440	600 + DA	400 + DA

Notes:-

(a) A1 / A Cities, Hyderabad, Delhi, Bangalore, Greater Mumbai, Chennai, Kolkata, Ahmadabad, Surat, Nagpur, Pune, Jaipur, Lucknow and Kanpur.

(b) Not admissible to those provided Govt transport for commuting between place of residence and duty.

(c) Campus and one KM clause removed.

(d) Full rate of DA admissible.

(e) Maj Gen and above, if not availing staff car, are auth Rs 7000/- pm plus DA.

Auth : GOI MoD letter No. 12630/Tpt A/Mov C/3120/D(Mov)/08 dated 16Dec 08.

28. **Conveyance Allce.**

Average monthly travel on official duty	For journeys by own motor car (in Rupees)	For journeys by other modes of conveyance (in Rupees)
201- 300 Kms	1400	463
301 - 450 Kms	2100	600
451 - 600 Kms	2588	800
601 - 800 Kms	3038	938
Above 800 Kms	3750	1063

Auth: GoI, MoD Letter No 12621/Mov C/79/D (Mov)/2009 dated 12 Jan 09.

Various Fd Allces

29. **CI Ops Allce**

Rank	CI Ops Allce		
	Fd	Mod Fd	Peace
Lt Gen	9750	7500	6500
Maj Gen	9750	7500	6500
Brig	9750	7500	6500
Col	9750	7500	6500
Lt Col	9750	7500	6500
Maj	9000	6925	6000
Capt	8250	6350	5500
Lt	7875	6050	5250
Sub Maj	6750	5200	4500
Sub	6750	5200	4500
Nb Sub	6750	5200	4500
Hav	4500	3450	3000
Nk	3750	2875	2500
Sep	3750	2875	2500

Auth : GOI MoD letter No. 1/55/2008-D (Pay/Services) dated 04 Nov 08.

30. **Fd Area Allce.**

Rank	Fd Area Allce		
	HAFA	Fd	Mod Fd
Lt Gen	-	6500	2500
Maj Gen	-	6500	2500
Brig	10500	6500	2500
Col	10500	6500	2500
Lt Col	10500	6500	2500
Maj	9700	6000	2325
Capt	8875	5500	2150
Lt	8475	5250	2000
Sub Maj	7275	4500	1500
Sub	7275	4500	1500
Nb Sub	7275	4500	1500
Hav	4850	3000	1150
Nk	4050	2500	1000
Sep	4050	2500	1000

Auth : GOI MoD letter No. 1/55/2008-D (Pay/Services) dated 04 Nov 08.

31. **High Altitude / Siachen Allce.**

Rank	High Altitude Allce			Siachen Allce
	CAT III (\$)	CAT II (\$)	CAT I (\$)	
Lt Gen			2650	17500
Maj Gen		4000	2650	17500
Brig	14000	4000	2650	17500
Col	14000	4000	2650	17500
Lt Col	14000	4000	2650	17500
Maj	14000	3500	2325	17500
Capt	14000	2500	1650	17500
Lt	14000	2000	1325	17500
Sub Maj	9335	1800	1200	11668
Sub	9335	1800	1200	11668
Nb Sub	9335	1800	1200	11668
Hav	9335	1400	925	11668
Nk	9335	1000	675	11668
Sep	9335	1000	675	11668

Note : \$ - 80% of Siachen Allce for areas specified in MoD Letter No1(15)/2007/D(Pay/Services) dt 10 Aug 07.

Auth : GOI MoD letter No. 1/55/2008-D (Pay/Services) dated 04 Nov 08.

32. **Other Allces.**

Category		Rates			Remarks
		Offrs	JCOs	OR	
Hard Area Allce		25 % Basic pay			Extended to Lakshwadeep gp of Islands/Nicobar Island. Applicability - Concurrent with ISDA.
Island special duty Allce (ISDA)		12.5 % Basic pay			Areas around the capital towns (Port Blair in A&N islands, Kavaratti & Agatti in Lakshadweep).
		20 % Basic Pay			Difficult areas (North & middle Andaman, south Andaman excluding Port Blair in A&N islands, all Islands in Lakshdweep except Kavaratti, Agatti & Minicoy.
		25 % Basic Pay			More difficult areas (little Andaman, Nicobar group of islands, Narcondum Islands, East islands in A &N Island, Minicoy in Lakshdweep)
Special Compensatory (Remote Locality) Allce	Part A	3250	2500	GP <5400	For Specified Areas Pt A, B, C, D ref – M o f, Dept of Exp OM No.3 (1)/20088-E-II (B) dt 29 Aug 2008.
			3250	GP >5400	
	Part B	2625	2000	GP <5400	
			2625	GP >5400	
	Part C	1875	1500	GP <5400	
			1875	GP >5400	
	Part D	500	400	GP <5400	
			500	GP >5400	

Auth: GoI, MoD letter No. 1/55/2008 D(Pay/Services) dated 04 Nov 08.

Accn Related Allces

33. HRA.

FOR ALL RANKS	
Classification of Cities	Rate as % of Pay in Pay Band + Grade Pay + MSP + NPA (where applicable)
X (Earlier A-1)	30%
Y (Earlier A, B-1 & B-2)	20%
Z (Earlier C & Unclas)	10%

Notes :-

(a) JCOs/OR within Auth Married Est (AME) have the option to choose CILQ or HRA, whichever is beneficial.

(b) Basic Pay for the purpose of HRA for JCOs/OR is Pay in Pay Band+ Grade Pay + MSP. **X Gp Pay is not to be incl for calculating CILQ / HRA.**

(c) For Classification of cities ref Appx A to MoD Letter No 10(55)/98/D(O&C)-I dt18 Nov 2008.

Auth : GOI MoD letter No. 10/55/98/D (Q&C) and 10(55)/98/D(Q&C)-I both dated 18 Nov 08.

34. **Family Accn Allce.**

(a) It is auth to all JCOs/OR not held on Auth Married Est (AME). All JCOs/OR, irrespective of age and marital status are auth Family Accn Allce if not claiming HRA / CILQ or not staying in Govt accn.

(b) Min of HRA rates applicable.

(c) The pay for this purpose will incl Pay in Pay Band, Grade Pay & MSP, X Gp not to be incl.

Auth : GOI MoD letter No. 10(55)/98/D(Q&C) dated 18 Nov 08.

35. **CILQ.**

Rank	Classification of City / Rates		
	Class X (Earlier A1 Cities)	Class Y (Earlier A, B1, B2)	Class Z (Earlier C & Unclas)
Sep / Nk	4500	3000	2000
Hav	5250	3500	2500
JCOs	6750	4500	3000
NC (E)	2250	1500	1000

Auth: Gol, MoD Letter No 10 (48)/2007/D (Q&C) dated 14 Nov 08.

TA / DA and Permt Duty Entitlements

36. **Travel Entitlement within Country.**

Chief / Vice Chief / Army Cdrs / DGAFMS / Lt Gens & Offrs drawing Grade pay Rs 10000 & above	Business / Club CI by Air / AC 1 st by train
Offrs drawing Grade Pay Rs 7600, 8700 & 8900	Economy CI by air / AC 1 st by train
Offrs drawing Grade Pay Rs 5400, 6100 & 6600	Economy CI by air/ AC II Tier by train
Pers drawing Grade Pay Rs 4200, 4600 & 4800	AC II Tier by train
Pers drawing Grade Pay below Rs 4200	1 st CI / AC III Tier / AC Chair Car by train

37. **Mileage Allce for Journeys by Road.**

Grade Pay	Entitlement
Chief / Vice Chief / Army Cdrs / DGAFMS & Offrs drawing Grade pay Rs 10000 & above	Actual fare by any type of public bus incl AC bus/ at prescribed rates of AC taxi when the journey is actually performed by AC taxi / at prescribed rates of auto rickshaw for journeys by auto rickshaw, own scooter, motor cycle, moped etc.
Offrs drawing Grade Pay Rs 5400, 6100, 6600, 7600, 8700 & 8900	Same as above with the exception that journey by AC taxi will not be permissible.
Pers drawing Grade Pay Rs 4200, 4600 & 4800	
Pers drawing Grade Pay Rs 2400 & above but less than Rs 4200	Actual fare by any type of public bus other than AC bus / at prescribed rates for auto rickshaw for journeys by auto rickshaw / own scooter /motor cycle/moped etc.
Pers drawing Grade Pay below Rs 2400	Actual fare by ordinary public bus only / at prescribed rates for auto rickshaw / own motor cycle / moped etc.

38. **Daily Allce on Tour.**

Grade Pay	Daily Allce
Chief/Vice Chief/Army Cdrs/ DGAFMS & Offrs drawing Grade pay Rs 10000 & above	Reimbursement :- (a) Hotel accn/guest house up to Rs 6250/- per day. (b) AC Taxi Charges up to 50 Kms for travel within city. (c) Food bills not exceeding Rs 625/- per day.
Offrs drawing Grade Pay Rs 7600 to 8900	Reimbursement :- (a) Hotel accn up to Rs 3750/- per day. (b) Non AC Taxi Charges up to 50 Kms for travel within city. (c) Food bills not exceeding Rs 375/- per day.
Offrs drawing Grade Pay Rs 5400 to 6600	Reimbursement :- (a) Hotel accn up to Rs 1875/- per day. (b) Taxi Charges up to Rs 188/- per day for travel within city. (c) Food bills not exceeding Rs 250/- per day.
Pers drawing Grade Pay Rs 4200 to 4800	Reimbursement :- (a) Hotel accn up to Rs 625/- per day. (b) Travel Charges up to Rs 125/- per day for travel within city. (c) Food bills not exceeding Rs 188/- per day.
Pers drawing Grade Pay below Rs 4200	Reimbursement :- (a) Hotel accn up to Rs 375/- per day. (b) Travel Charges up to Rs 63/- per day for travel within city. (c) Food bills not exceeding Rs 125/- per day.

Auth: Gol, MoD Letter No . 12630/Mov C/3737/D (Mov)/08 dated 29 Dec 08.

39. **Entitlement for Journeys on Permt Duty.**

(a) **Accn and Mileage Allce Entitlements.** Accnand Mileage Allce entitlements forjourney on tour by different modes will also be applicable in case of journeys on tfr.

(b) **Tfr Grant Packing Allce.**

(i) Composite Transfer Grant (CTG) equal to one month's pay in the Pay Band, Grade Pay, MSP, Classification Allce, Gp 'X' Pay and NPA (where applicable), in case of posting involvinga change of stn located at a distance of more than 20 Kms from.

(ii) In cases of transfer to stns, which are at a distance of less than 20Kms and tfrwithin the same city, one third of the CTG will be admissible, provided a change of residence is actually involved.

(c) **Transportation of Personal Effects by Rail.**

Grade Pay	By Train/ Steamer	Rate per Km for transportation by road (Rs/ Km)	
		X and Y Class Cities	Z Class Cities
Chiefs / Vice Chiefs /Army Cdrs / DGAFMS & Offrs drawing Grade pay Rs 7600 & above	6000 Kgs, by goods train / four wheeler wagon/one double container	37.50	22.50
Pers drawing Grade Pay Rs 4200, 4600, 4800, 5400, 6100 & 6600	6000 Kgs, by goods train / four wheeler wagon/one single container	37.50	22.50
Pers drawing Grade Pay Rs 2800	3000 kgs	18.75	11.25
Pers drawing Grade Pay below Rs 2800	1500 kgs	9.4	5.75

Auth: Gol, MoD Letter No. 12630/Mov C/1673/D (Mov)/10 dated 09 Jul 10.

Misc Allces

40. **Flying and SF Allce.**

Rank	Flying Allce	SF Allce
Lt Gen	-	13125
Maj Gen	13125	13125
Brig	13125	13125
Col	17500	17500
Lt Col	17500	17500
Maj	17500	17500
Capt	13750	13750
Lt	11250	11250
Sub Maj	10500	10500
Sub	10500	10500
Nb Sub	10500	10500
Hav	8750	8750
Nk	8750	8750
Sep	8750	8750

Note: @ - Govt. orders on extension of Navy and IAF eligibility conditions to the Army Avn Pilots making them eligible for grant of Flying Allce as long as they continue to be borne on str of the Avn Cadre awaited.

Auth: Gol, MoD Letter No. 1/55/2008 D(Pay/Services) dated 04 Nov 08.

41. **Official Hospitality Grant.**

Offrs only	Rate
Service Chiefs & Vice Chiefs / Army Cdrs	Rs 2500/ month
Appts in the rk of Lt Gen presently in receipt of entertainment allce	Rs 2000 /month
Appts in the rank of Maj Gen presently granted entertainment allce	Rs 1500/ month
Appts in the rank of Brig presently entitled to entertainment allce	Rs 1250 /month
Appts in the rank of Col presently entitled to entertainment allce	Rs 1000 /month
Appts in the rank of Lt Col presently entitled to entertainment allce	Rs 500/ month

Auth: Gol, MoD Letter No. 1/55/2008 D(Pay/Services) dated 04 Nov 08.

42. **Deputation (Duty) Allce.**

For Offrs only
An option to draw either :- (a) 50% of Deputation Duty Allce applicable to civ offrs along with service concession. or (b) 100% of Deputation Duty Allce, but forego the service concession.

Auth: Gol, MoD Letter No. 1/55/2008 D(Pay/Services) dated 04 Nov 08.

43. **Composite Pers Maint Allce.**

JCOs/OR only	
Hair Cutting Allce	Rs 25/month
Washing Allce	Rs 75/month
Rum Allce	Rs 38/month
Soap Toilet Allce	Rs 25/ month
Clothing Maint Allce	Rs 25/month
Composite Pers Maint Allce	Rs 188/month

Auth: Gol, MoD Letter No. 1/55/2008 D(Pay/Services) dated 04 Nov 08.

44. **Rum Allce.**

JCOs/OR only	
Peace Areas	Rs 38/ month
Field Area Below 3000 ft	Rs 88/ month
Field Area 3000 – 4999 ft	Rs 125 /month
Field Area 5000 – 8999 ft	Rs 138/ month
Field Area 9000 ft and above	Rs 200 /month

Auth: Gol, MoD Letter No. 1/55/2008 D(Pay/Services) dated 04 Nov 08.

45. Other Misc Allces.

Category	Rates			Remarks
	Offrs	JCOs	OR	
Aeronautical Tech		250		
Airworthiness Cert		188		Avn trade JCOs/OR with service of two to ten years
		375		Avn trade JCOs/OR with service of more than ten years
Hill Area Allce	750	600		
Instructional Allce	2250	1250	750	
JAG Deptt Exam	8000 #			
Non Practicing Allowance	25% \$			
Para	1500	1000		
Para Free Fall Jump Instr	2500	1500		
Para Jump Instr	3000	2250		
Para Reserve	375	250		
Project Allce	1875	1250		
PG Allce (Degree)@	1250			
PG Allce (Diploma)@	750			
Tech Allce Tier I	2500			
Tech Allce Tier II	3750			
Funeral Allce	5000	5000		
Specialist Allce	2000 2500 3000			Graded Specialist Classified Specialist Consultant Advisor
Language Allce	1125 PM 938 PM 750 PM	1125 PM 938 PM 750 PM		Cat I Cat II Cat III
Qualification pay for flying qualification	625 PM 500 PM 350 PM 500 PM 350 PM			Master aviation Instructor. Senior aviation Instructor CI-I. Senior aviation Instructor CI-II Aviators holding master green card. Aviators holding green card.
Test pilot Test Engineer Allce	2500 PM 1250 PM			
Spectacle Allce		163 313		Normal lens (one time) Bifocal lens (one time)
Acting Allce		750 PM 1000 PM		Holding appt of Capt/Equip. Holding appt of Maj& Equip.
Bicycle Advance		3750		Applicable upto GP 2800
Festival Advance		3750		Applicable upto GP 4800
Natural Calamity Advance		6250		Applicable upto GP 4800

Note : # One Time Award , \$ 25% of Band Pay + GP + MSP for Doctors of AMC / ADC / RVC ,
@ Payable when not eligible for Specialist Allowance (AMC / ADC Only).

Auth: GoI, MoD Letter No. 1/55/2008 D(Pay/Services) dated 04 Nov 08.

PENSIONARY ENTITLEMENTS TO ARMY PERSONNEL

Introduction

46. Pension is a retirement benefit for government employees governed by a Pension scheme where in a recurring monthly payment for life and a lump sum gratuity is given at the time of retirement. The quantum of Pension and Gratuity is determined with reference to the length of service and last pay drawn. Pension has great significance since it is a measure of socio-economic justice and brings economic security in the fall of life when physical and mental prowess tends to ebb.

47. Judicially, Pension is defined as a stated allowance or stipend made in consideration of past service. In the event of death, spouse of pensioner gets a monthly payment for life whereas other beneficiaries get such payment for limited period or for life subject to certain conditions.

48. The constitution and law of our country have recognised pension as a property and provides protection to it. The Courts will not allow refusal, reduction, forfeiture of pension unless there are genuine grounds for doing so and the employees can also seek redress in the Courts of Law, whenever, they feel that justice has been denied to them. Only misconduct of the gravest nature can lead to forfeiture of pension once sanctioned. Pension is also secure against attachment, seizure or sequestration by process of any civil court at the instance of a creditor or in satisfaction of a decree or order of any civil Court of Law. Amounts owed by the pensioner to Govt, though undisputed cannot be recovered by deduction from pension except with his express consent. However pension can be attached on orders of a criminal court for maintenance of wife under sec-125 of Cr PC.

Retiring Pension

49. **Retiring/Service Pension.** Retiring Pension is granted to officers on completing a minimum qualifying service of 20 years (15 years in case of late entrant). Service Pension is admissible to JCOs/OR on completion of minimum mandatory qualifying service of 15 years. The linkage of full pension with 33 years of qualifying service and rank wise weightages admissible has been dispensed with effect from 01 Jan 2006.

50. **Calculation of Pension.** It is calculated @50% of the emoluments last drawn or average of last 10 months emoluments drawn, whichever is more beneficial, where :

Reckonable Emoluments = Basic Pay + Grade Pay + MSP + NPA or Classification Allowance
(For the purpose of gratuity, reckonable emoluments will be same as above but will include DA)

Commutation of Pension

51. A maximum of 50% of pension can be commuted. The commuted value of pension is calculated on the basis of the personnel's age on next birthday, following the date of retirement. Formula for calculation of capitalized value of pension = 50% of Service/Retiring Pension x 12 x Commutation Value. Communication table effective from 1-9-2008 is given below:-

Age next birthday	Commutation value expressed as number of year's purchase	Age next birthday	Commutation value expressed as number of year's purchase	Age next birthday	Commutation value expressed as number of year's purchase
20	9.188	41	9.075	62	8.093
21	9.187	42	9.059	63	7.982
22	9.186	43	9.040	64	7.862
23	9.185	44	9.019	65	7.731
24	9.184	45	8.996	66	7.591
25	9.183	46	8.971	67	7.431
26	9.182	47	8.943	68	7.262
27	9.180	48	8.913	69	7.083
28	9.178	49	8.881	70	6.897
29	9.176	50	8.846	71	6.703
30	9.173	51	8.808	72	6.502
31	9.169	52	8.768	73	6.296
32	9.164	53	8.724	74	6.085
33	9.159	54	8.678	75	5.872
34	9.152	55	8.627	76	5.657
35	9.145	56	8.572	77	5.443
36	9.136	57	8.512	78	5.229
37	9.126	58	8.446	79	5.018
38	9.116	59	8.371	80	4.812
39	9.103	60	8.287	81	4.611
40	9.090	61	8.194		

Example : Pension(Col) : Rs 25900/-
Amount commuted (50%) : Rs 12950/-
Age Next birth day at the time of retirement : 57 Years
Commutation Value : 8.512
Commutation amount = 12950 x 12 x 8.512 = Rs 13, 22,764/-

Gratuity

52. Gratuity means a onetime reward given by the employer for the past services rendered. All service which qualifies for pension of an officer shall also qualify for gratuity. The reckonable emoluments for gratuity are same as for pension. However, gratuity will additionally include DA also.

53. **Retirement Gratuity.** Officers and JCOs/OR who have put in qualifying service and are eligible for service pension/invalid gratuity or pension of any type are entitled for Retirement Gratuity. It is paid at the rate of ***one fourth of the emoluments last drawn for every six months of completed service***, subject to a maximum of sixteen and half months pay, or Rs 10 lakhs whichever is less. No weightage in qualifying service is admissible for calculating Retiring Gratuity.

54. **Retiring/Service Gratuity.** Where service rendered is less than the minimum qualifying service to earn a pension, but is 5 years or more in case of JCOs/OR and 10 years or more in case of officers, Service/Retiring Gratuity is admissible at the rate of ***half a month's reckonable emoluments for each completed six monthly period of qualifying service***. No weightage in qualifying service is admissible for calculating Retiring Gratuity.

55. **Invalid Gratuity.** An indl invalidated out of service for causes which are neither attributable to nor aggravated (NANA) by service, is granted invalid pension, if he has rendered more than 10 years' service. If the service rendered is less than 10 years at the time of invalidment, only invalid gratuity is paid. The amount of Invalid Gratuity shall be calculated at ***half a month's Reckonable Emoluments , for each completed six monthly period of qualifying service***. The maximum limit of Invalid Gratuity is Rs. 10 lac.

56. **Death Gratuity.** Admissible in case of death while in service, to the Next of Kin at the following rates:-

<u>Length of Service</u>	<u>Amount</u>
Less than 1 year	2 times of last reckonable emoluments
1 to 5 years	6 times of last reckonable emoluments
5 to 20 years	12 times of last reckonable emoluments
More than 20 years	One month's of last reckonable emoluments for every completed year subject to maximum of 33 years or Rs 10 lakhs whichever is less

57. **Terminal Gratuity.** Terminal gratuity is paid to Short Service Commissioned Officers who are not entitled for any type of pension. The terminal gratuity is calculated at the rate of ***half-a-month's reckonable emoluments for each completed six-monthly period of service***.

Monetary Allowance on Gallantry Awards

58. Monetary awards are authorised by the Govt on gallantry awards. The monetary awards of an officer are notified in the pension payment order (PPO) and are admissible on a monthly basis. The widow is entitled to same monetary awards after her husband's death. It is clearly mentioned in the PPO of gallantry awardees that the wife is entitled for the monetary allowance on gallantry award after the death of the officer. ***In addition, the officer with gallantry award and subsequently his widow are also exempt from income tax on their full pension.*** The monetary allowance is authorised for every Gallantry award/ Bar separately. The rates of monetary allowance are revised by the Govt at regular intervals. The current rates of monetary allowance wef 30 Mar 11 vide Min of Def letter No. 7(119)/2008-D(AG) dated 30 March 2011 and O/o PCDA (P), Allahabad circular No 09 dt 10-06-2011 of are as follows:-

(a) **Post- Independence Gallantry Awards.**

(i)	Param Vir Chakra	: Rs 10,000/- pm
(ii)	Ashok Chakra	: Rs 6,000/- pm
(iii)	Maha Vir Chakra	: Rs 5,000/- pm
(iv)	Kirti Chakra	: Rs 4,500/- pm
(v)	Vir Chakra	: Rs 3,500/- pm
(vi)	Shaurya Chakra	: Rs 3,000/- pm
(vii)	Sena Medal (Gallantry) {SM(G)}	: Rs 1,000/- pm

(b) **Pre-Independence Gallantry Awards.**

(i)	Distinguished Service Order (DSO)	: Rs 4,000/- pm
(ii)	Indian Order of Merit (IOM)	: Rs 4,000/- pm
(iii)	Indian Distinguished Service Medal (IDSM)	: Rs 4,000/- pm
(iv)	Distinguished Service Cross (DSC)	: Rs 2,800/- pm
(v)	Military Cross (MC)	: Rs 2,800/- pm
(vi)	Distinguished Service Medal (DSM)	: Rs 2,800/- pm
(vii)	Military Medal (MM)	: Rs 2,800/- pm

Additional Pension to Old Pensioners

59. The quantum of pension available to the old pensioners/ pensioners shall be increased as under with effect from 01 Jan 06.

Age of Pensioner	Additional Quantum of Pension
From 80 - Less than 85 years	20% of Revised Basic Pension/Family Pension
From 85 - Less than 90 years	30% of Revised Basic Pension/Family Pension
From 90 - Less than 95 years	40% of Revised Basic Pension/Family Pension
From 95 - Less than 100 years	50% of Revised Basic Pension/Family Pension
From 100 years or more	100% of Revised Basic Pension/Family Pension

Note: *The above increase is also applicable in respect of those in receipt of casualty awards. i.e. Disability Pension, War Injury Pension, Special Family Pension and Liberalised Family Pension.*

60. **Methodology to be adopted for Payment of Additional Pension on Attaining Age of 80 Years and Above in Cases Where the Date of Birth is Not Available in the PPO.** Old pensioners of 80 years of age and above where exact date of birth nor the age is available either in the PPO or in the office records, can submit four copies of any of the following documents, duly attested by a Gazette Officer/MLA to the Pension Disbursing Agency for additional pension/family pension :-

- (a) PAN Card.
- (b) Matriculation Certificate (containing information regarding date of birth).
- (c) Passport.
- (d) ECHS Card.
- (e) Driving License (If it contains date of birth).
- (f) Election ID Card.

Auth: Govt of India letter No 1(11)/2009/D(Pen/Policy) dated 18 Aug 09.

Disability/ Invalid / War Injury Pension

Disability Pension

61. An officer can develop a disability while in service through an injury or disease. Depending upon the degree of disablement, he can be either retained in service or can be invalided out of service. Invalid medical board is done when an officer is permanently downgraded to the lowest medical category.

62. When an officer's disability is attributable to or aggravated by military service and he has a disability of 20% or more, then he is entitled to disability pension. Disability pension is given for following reasons:

- (a) For disability attributable to or aggravated only by the service.
- (b) When the disability percentage as per medical board is 20% or more.

Components of Disability Pension

63. Disability pension has two components i.e., **Service element and Disability element**. For both these elements, separate PPOs are normally issued.

(a) **Disability Element**. Disability element is that part of the disability pension which is given for the disability which is attributable to or aggravated by service. Therefore disability element is directly linked with the disability percentage as decided by Release / Invalidment Medical Board (RMB/IMB). Disability percentage is the percentage of loss suffered w.r.t. 100% fitness of an officer. For 100% disability, 30% of last reckonable emoluments will be paid as disability element for the disability pension subject to a minimum of Rs 3510/-. For lesser disability, it will be reduced proportionately. Dearness Relief (DR) is payable on the service element as well as disability elements.

(b) **Service Element**. Service element is similar to retiring pension i.e. 50% of last reckonable emoluments. It consists of pension for service actually rendered i.e. 50% of last pay drawn subject to a minimum of Rs.3500/- pm.

Invalid Pension

64. The amount of disability pension is directly related to the percentage of disability as decided by medical board. The PPO for service element and disability element is issued separately. However the conditions for grant of disability pension are more benevolent in cases of invalidment vis-a-vis superannuation & premature retirement cases.

65. Quite often there is confusion between disability pension and invalid pension. Both are not the same. There can be a situation where an individual is invalidated out of service with a disability which is **neither attributable to nor aggravated by service (NANA)**. In such a case if the individual has a qualifying service of 10 years or more, he will be granted service element of pension at 50% of last drawn pay or last 10 months average pay whichever is more beneficial. However he will not be entitled for disability element of pension. **This type of service element of pension (for invalidated out officers) where his disability is NANA is called as Invalid pension.** In cases of invalidment with disability as NANA, if the qualifying service is less than 10 years, the individual is entitled for **invalid gratuity** only (and not for invalid pension). Invalid gratuity is calculated @ half- a-months reckonable emoluments + DA for every six months of service subject to a maximum limit of Rs 10 Lac.

66. Thus an individual who is invalidated out of service will be eligible for disability pension if his disability is attributable to or aggravated by service. In such a case he will be eligible for the service as well as the disability element of disability pension. However if the individual is invalidated out of service with 10 years or more of qualifying service and his disability has been decided as NANA he will be entitled to Invalid pension only.

Beneficial Provisions of Disability Pension for Invalidment Cases.

67. An officer with a disability could be entitled for disability pension in three cases i.e. if invalidated out of service or if proceeding on superannuation or proceeding on premature retirement. For cases of superannuation and premature retirement the disability pension will be fixed as per guidelines explained above. The Govt is also benevolent in deciding the disability pension for individuals whose normal service is cut short due to invalidation out of service which is based on recommendations of an Invalid Medical Board.

68. For cases of invalidation out of service, the eligibility criteria for service element of the pension is relaxed in the following ways:-

(a) **For Invalidation Cases where Disability is Attributable to/ Aggravated by Service.**

(i) There is no requirement of a minimum qualifying service for earning service element of pension.

(ii) Service element of pension will be at 50% of last drawn pay or last 10 month's average pay whichever is more beneficial. There will be no pro-rata reduction for less than 20 years of service required to earn full pension (applicable after VI CPC only).

(b) **For Invalidation cases where disability is neither attributable to nor aggravated by service (NANA).**

- (i) If the officer has a qualifying service of 10 years or more, he will be eligible for service element of pension at 50% of last drawn pay or last 10 months average of his pay whichever is more beneficial.
- (ii) For service less than 10 years, the officer will be entitled for invalid gratuity only. Last drawn pay and reckonable emoluments are one and the same i.e. Band Pay, Grade Pay, MSP & NPA.

69. **For Invalidation Cases, the Eligibility Criteria for Disability Element of the Pension are Also Relaxed in the Following Ways:-**

(a) There is no requirement for a minimum disability of 20%, to earn disability element of pension for invalidation cases. Disability percentage for invalidation cases are broad banded to a higher percentage as specified. The Govt rules on broad banding of disability percentage ensures that nobody is invalidated out of service, with disability attributable to or aggravated, which is less than 50%. Thus in invalidation case, the corresponding disability element of disability pension is bound to be higher and more beneficial (when compared to disability element calculated for superannuation / PR cases).

(b) The existing provisions of broad banding, of disability percentage for invalidation cases are as follows:-

- (i) 01-49 % disability : Get 50% as disability element
- (ii) 50-75% disability : Get 75% as disability element
- (iii) 76-100% disability : Get 100% as disability element

War Injury Pension

70. War injury pension is given to an individual who receives injury under circumstances mentioned in category E of relevant Govt letter. Category E covers war or war like operations, operations specially notified by Govt, actions against terrorists/ extremists/ anti-social elements, Battle inoculation training exercise etc. War injury pension is of two types: -

- (a) When an individual is invalidated out of service due to his war injury.
- (b) When the individual is retained in service and he proceeds on normal or premature retirement.

71. In both the cases of war injury, **the service element** is similar to retiring pension i.e. 50% of last reckonable emoluments. There is no requirement of a minimum qualifying service for eligibility to service element of pension. However for cases of war injury leading to invalidation out of service, the **war injury element** for 100 % disability is equal to 100% of last reckonable emoluments. For cases where individual is retained in service he is entitled to war injury element @ 60% of last reckonable emoluments for 100% disability subject to a minimum of Rs 7020/- at the time of retirement. For disability which is less than 100% the war injury element will be reduced proportionately. Wef 01-07-2009 there is no restricting upper ceiling/cap on the aggregate of service element and war injury element of war injury pension.

72. **Constant Attendance Allowance.** A Constant Attendance Allowance at the rate of Rs 3000/- pm may be granted to service personnel who are awarded disability pension for 100% disablement, if in the opinion of the IMB/RMB/RSMB, service personnel needs the services of a Constant Attendant and the necessity arises solely from the conditions of accepted disability/disabilities. Further, this rate will be increased by 25% every time the dearness allowance payable on revised Pay goes up by 50%. The allowance is not admissible during indoor treatment at a hospital or during the period of employment.

Summary: Rates of Disability Pension

73. The rates of disability element of pension for 100% disability are given below. DR is admissible on disability element of pension. For disability lesser than 100%, the amount has to be reduced proportionately. The rates for 100% disability are:-

- | | | | |
|-----|--|---|-------------------------------|
| (a) | For normal disability element | - | 30% of reckonable emoluments |
| (b) | For war injury element when Retained in service | - | 60% of reckonable emoluments |
| (c) | For war injury element when Invalided out of service | - | 100% of reckonable emoluments |

Medical Opinion in Deciding Attributability /Aggravation Factor

74. The eligibility of Disability element of pension is directly dependent on the Attributability /aggravation aspect of disability. The only agency which is competent to comment upon disability is the medical board for diseases and the Court of inquiry/injury report for injury cases. The medical officers have well - defined guidelines on this matter from the Govt, in the form of entitlement rules and guide to medical officers. The court of inquiry/ injury report is based on evidence and witnesses. The courts have said that the opinion of the medical board holds primacy in this matter. Thus, the attributability / aggravation factor of a disease is primarily dependent on the opinion of the medical board. Similarly attributability/ aggravation factor for cases of injury primarily depends on the findings of COI /injury report.

Attributability Factor for Injury while on Duty

75. The COI/ injury report will recommend an injury as attributable only when the injury has taken place while performing duty. The following cases will also be considered on duty: -

- (a) Injury while proceeding to or returning from place of duty on the normal route.
- (b) Injury while proceeding on leave or returning from leave if injury takes place during journey period between duty station and place of leave. Mode of travel, type of leave and using a warrant / form D etc. has no relevance on this attributability. However once an indl has reached his place of leave, any injury thereafter will not be attributable unless he has been specifically tasked to undertake a service task during leave by a competent authority and the injury takes place while carrying out that task.

Review of Beneficial Provisions for Pre and Post 2006 Disability Pensioners

76. The other beneficial provisions of disability pension are as given below:-

- (a) **New Rates of Disability Element.** The earlier rates for 100% disability element of pension have been revised. Vide a Govt letter dated 15 Feb 11, 100% disability element has been revised to 30% of the notional pay as per modified parity method, for pre -2006 pensioners. For war injury (retained in service) and war injury (invalidation out of service) the rates are 60% and 100% respectively. For disability, which is less than 100%, proportionate reduction will be done in the amount.
- (b) **Broad Banding for Invalidation.** Broad banding of disability pension for invalidated officers (due to attributable/aggravated causes) was permitted for the first time in V CPC i.e. wef 01-01-1996. This broad banding of disability percentage is done to the nearest higher figure at 50%, 75% and 100%. Earlier this facility was not extended to pre 01-01-1996 pensioners. Wef 01-07-2009, this facility has been extended to all pre 01-01-1996 disability pensioners who were invalidated out of service, due to attributable/aggravated causes. The effective date of broad banding for pre-1996 invalid pensioners is likely to be changed by the Govt from 01-07-2009 to 01- 01- 1996 in near future. MoD (Deptt of ESW) has agreed to revise the policy in line provisions applicable for Central Govt Employees.
- (c) **Disability Pension @ 60% of Reckonable Emoluments.** For permanent disability of 60% and above the disability pension (service + disability element) shall not be less than 60% of reckonable emoluments last drawn. For past cases, if the PPO is not reflecting the correct rate of disability pension then it will have to be revised through a Corr. PPO.

(d) **Authorisation of Service Element of Pension to Emergency commissioned and SSC officers.** As per the provision of SAI 6/5/65, EC/SSC officers were granted Service element by taking the service only up to the date of sustaining injury / disability. Now vide GOI MoD letter No 1(9)/2006/D(Pen-C) dated 30 August 2006, the EC/SSC officers whose disability is attributable to/aggravated by service and who are entitled to disability element will also be entitled for service element of disability pension as per existing provisions as applicable to a Permanent Commissioned Officer. For those Emergency Commissioned and SSC officers who are in receipt of disability element and have retired before 30 August 2006, following provisions of Govt letter will apply:-

(i) Those officers whose disability was attributable to service at the time of retirement will be entitled for service element wef 30 Aug 2006 (prospectively). No arrears will be admissible due to notional fixation of revised pension for the period prior to 30 August 2006. No commutation will be admissible and there shall be no change in the retirement gratuity already paid.

(ii) Those officers whose disability was aggravated by service at the time of retirement will not be entitled for service element of disability pension. For cases of aggravation, service element of disability pension will be granted to only those emergency commissioned & SSC officers who have retired on 30 August 2006 or there after i.e. issue date of Govt letter.

(iii) Past cases will not be opened.

(e) **Removal of Previous Cap on War Injury Pension.** As per earlier rules, the total of service element and War injury element could not exceed the last pay drawn. This cap has been removed wef 01 July 2009 for all pensioners including all past pensioners vide MOD letter 10(01)/D(Pen/Pol)/2009/Vol.II dated 19 January 2010 and MOD letter no 70(4)/2008(1)D (Pen/Policy)/-Vol-V dated 15 Feb 2011 (follow up PCDA(P) Circular No 456 dated 18 Mar 11). For the purpose of deciding last pay for pre-2006 pensioners notional pay as per VI CPC will be taken i.e. Minimum of the pay in the Pay Band +Grade Pay +MSP+ X Group Pay (where applicable).

(f) **Provision for Additional Pension on Disability Element of Pension after 80 years of Age.** Additional pension with DR as per prescribed rates is authorised on disability element of pension after reaching the age of 80 years. The rates for this additional pension are additional 20% of basic pension at age of 80 years, 10% increase of basic pension with every five years increase in age (i.e. 30% for 85 years, 40% for 90 years and 50% for 95 years). Once a pensioner completes 100 years of age, the additional pension will be increase to 100 %.

(g) **Exemption from Income Tax.** Disability pensioners are *exempted* from income tax on their whole pension which includes service element and disability element.

(h) **Payment of Ex-Gratia Lump-sum Compensation to Defence Service Officers and Personnel Below Officer Rank who are Invalided out of Service on account of Disability Attributable to or Aggravated by Military Service.** Such Defence Service personnel, who are disabled, incapacitated in the performance of their bonafide official duties under various circumstances and are boarded out from service on account of disability / war injury attributable to or aggravated by military service, shall be paid Ex-gratia lump sum compensation amounting to Rs. 9 lac for 100% disability. For disability / war injury less than 100% but not less than 20%, the amount of Ex-gratia compensation shall be proportionately reduced. No Ex-gratia compensation shall be payable for disability war injury less than 20%. The proportionate compensation would be based on actual percentage of disability as certified by the Invaliding Medical Board, without applying broad banding provisions as contained in Para 7.2 of MoD letter No. 1(2)/97-D (Pen-C) dated 31 Jan 2001. This shall be admissible to those invalidated out on or after 01 April 2011.

(j) **Lump Sum Compensation in lieu of War Injury Element/Disability Element.** Armed Forces personnel, who are retained in service despite disability due to war injury or due to causes held attributable to /aggravated by military service, can opt for compensation in lump sum in lieu of War Injury Element/Disability Element on final retirement. For computation of capitalized value of war injury/disability element, age on next birthday is reckoned with reference to the date of onset of disability as per the recommendations of Medical Board. The compensation is paid on the rank and emoluments held by the personnel at the time of disability.

Note: *Once lump sum compensation is paid in lieu of war injury/disability element there shall be no further entitlement on account of the disability on subsequent retirement.*

(k) **Liberalized Disability Pension.** Service personnel sustaining disability due to acts of violence/attack by terrorists, anti-social elements etc, shall be entitled to same Pensionary benefits as admissible to war injury cases on invalidment /discharge including lump-sum compensation in lieu of disability. However, on invalidment they will be entitled to disability element instead of war injury element in addition to service element. There shall be no condition of minimum qualifying service for earning this element. In no case aggregate of service element and disability element shall be less than 80% of reckonable emoluments last drawn.

(l) **Entitlement to War Injury/Disability Element on Premature Retirement.** An Armed forces personnel whose disability is 20% or more and attributable/aggravated to military service and has been retained in service despite disability shall be entitled to disability/war injury element on premature retirement wef 01 Jan 06 provided he has not obtained lump sum compensation in lieu of disability.

Family Pension

Eligibility Criteria for Family Pension

77. The legal wife/NOK of every officer who dies in service is entitled for family pension irrespective of qualifying service of the officer. Similarly the legal wife/NOK of every retired officer who is in receipt of service element of pension is entitled to family pension, after death of the retired officer. The Pension Scheme of Govt is very benevolent in nature. After death of an officer it has provisions for Family Pension not only for the wife but also for dependent children up to 25 years of age, unmarried /divorced/ widowed daughter for life (subject to minimum income criteria), handicapped child for life and for dependent parents of bachelors and widower officers. Family pension is always authorised through a Pension Payment Order (PPO). For death while in service the PPO for family pension is issued directly to the widow/NOK. For officers who are proceeding on retirement the family pension is jointly notified for the wife along with the officer's own entitlement of retiring pension.

78. For the purpose of Family Pension, the family can be defined as follows:-

(a) **Category - I**

(i) Widow or widower, up to the date of death or re-marriage, whichever is earlier.

(ii) Son / daughter (including widowed daughter) up to the age of 25 years or date of his/her marriage/remarriage whichever is earlier.

(b) **Category - II**

(i) Unmarried/ widowed / divorced daughter, not covered by category- I above, up to the date of marriage /remarriage or till the date she starts earning or up to the date of death, whichever is earlier.

(ii) Parents who were wholly dependent on the Armed Forces personnel when he was alive provided the deceased had left behind neither a widow nor a child.

79. Salient aspects of eligibility of family pension are: -

- (a) Family pension to dependent parents, unmarried/divorced/widowed daughter will continue till the date of death (subject of fulfilment of income criteria).
- (b) Family pension to unmarried/widowed/divorced daughters in category-II and dependent parents shall be payable only after the other eligible family members in Category-I have ceased to be eligible to receive family pension and there is no disabled child to receive the family pension.
- (c) Grant of family pension to children in respective categories shall be payable in order of their date of birth. The younger of them will not be eligible for family pension unless the brother / sister above him/her has become ineligible for grant of family pension in that category.
- (d) The dependency criterion for the purpose of family pension shall be an income which is not more than minimum family pensioning along with dearness relief i.e. Rs 3500/- pm + DR.
- (e) A legally separated wife or husband (not yet legally divorced) is eligible for family pension provided such separation is not on grounds of adultery.

Types of Family Pension

80. **Ordinary Family Pension (OFP)**. Ordinary Family Pension is normally paid to the widow for all cases of death after retirement and for those cases of death while in service where the death is neither attributable to nor aggravated by service (NANA). It is paid @ 30% of last reckonable emoluments (Band pay, Grade pay, MSP & NPA for medical officers) + dearness relief (DR). OFP will stop on remarriage except for widows who are issue less. For widows with children, it will pass on to her eligible children as per their seniority.

81. **Enhanced Ordinary Family Pension (EOFP)**. This pension is basically an ordinary family pension which has been enhanced for a limited period as a benevolent measure by the Govt for cases of death while in service and for an early death after retirement. Enhanced ordinary family pension is paid @ 50% of last reckonable emoluments + DR. It is paid for 10 years to the widow for death in service. There is no upper age limit. For death after retirement, it is paid for 7 years after death or up to 67 years of age of deceased officer (65 years for pre - 13 May 1998 retirees). For a widow to be eligible for enhanced ordinary family pension (EOFP), a minimum of seven years qualifying service is required to have been rendered by the deceased officer.

82. **Special Family Pension (SFP).** Normally SFP is given to the widow for death of an officer while in service where the death is attributable to/or aggravated by service. It is paid @ 60% of last reckonable emoluments + DR. However if an invalidated out officer dies within seven years of his invalidation out of service and in the medical opinion his death has been primarily caused by the disability for which he was invalided out of service, then the widow could be eligible for SFP. SFP will not stop after remarriage. However if widow does not support her children it can be divided between the widow and the children.

83. **Liberalized Family Pension (LFP).** LFP is granted for death which besides being attributable to and aggravated by service should take place in the face of enemy (in war/on border/notified operations), engagement with militants, while trying to maintain law and order amongst unruly crowds, weather extremities during op deployment, fratricide in combat heat, Battle inoculation training exercise, death in Op deployment due to snakebite, poisoning of water by enemy etc. The recommendation for LFP will depend on the circumstances of death as emerging out of Court of inquiry/injury report and subsequent medical opinion on death. It is paid @ 100% of last reckonable emoluments +DR. LFP will not stop after remarriage. However if widow does not support her children after remarriage, it will be divided between the widow and the children.

Special Provisions for Family Pension

84. **Family Pension to Children below 25 Years.** When both parents/ single surviving parent, eligible for pension expire/ become ineligible, then Children below 25 years of age unmarried and unemployed (income less than minimum pension of Rs 3500/-pm +DR) will be eligible for family pension. The Family pension will start with eldest child below 25 years of age. Once he/she is 25 years of age it will be given to the next child in line who is below 25 years. For release of family pension to a minor child, a legal guardian will be required from a court of law till the child is 18 years old. If there is a handicapped child who is eligible for lifelong family pension, then the family pension to handicapped child will be issued only after all other eligible children below 25 years have received their family pension, in sequence.

85. **Family Pension for Handicapped Children/ Handicapped Siblings.** Handicapped unmarried children (not capable of earning their livelihood) are eligible for family pension for life, after the death of both the parents. Such children have to be examined by competent medical authorities and a certificate will be issued by Medical Board under the chairmanship of Medical Superintendent/ Director/Head of the Institute with at least one member of the board who is Specialist of the said disability. Married handicapped children are not eligible for this pension. A guardian for such children should be nominated by parents in their life time. Handicapped siblings (brothers and sisters) are also eligible for family pension on similar lines as handicapped children. For endorsement of the name of handicapped child/sibling in the PPO, an officer can apply during his life time itself.

86. **Family Pension for Unmarried/ Divorced/ Widowed Daughter.** Unmarried / divorced / widowed daughter can apply for family pension only after the death of both her parents. She is eligible to apply only if she is unmarried/ remains divorced at the time of demise of her last surviving parent (father or mother). Her pension is subject to minimum income criteria and audit verification of her claims. Her name will not be annotated in the PPO during her parent's life time.

87. **Family Pension to Wife/NOK of Missing Personnel in Service or After Retirement.** Ordinary family pension is admissible for personnel who are missing in service or after retirement. The family pension can commence six months after lodging of FIR about the missing person. For cases of missing personnel while in service, an inquiry at the unit level must establish that the person is actually missing and is not a deserter. The same has to be supported by a Police investigation report on the matter. For cases of missing personnel after retirement the family pension will only be admissible to widow/NOK if the missing indl was in receipt of service element of pension and the police investigation report establishes clearly that the retired indl is missing. Thereafter in such cases family pension will be released after proper audit verification.

88. **Family Pension after Remarriage of a Widow in Receipt of Liberalised Family Pension (LFP).** Before 01-01-1996, widows in receipt of LFP could continue to draw LFP only if they were married to the real brother of the deceased. If they married anybody else their LFP was stopped and OFP was given to them. Continuation of LFP for widows remarrying anybody else (not the real brother of deceased) was permitted for the first time after V CPC i.e. 01-01-1996. However for widows who were remarried before 01-01-1996, and whose LFP was stopped, there was no provision to restart their LFP. Govt vide its order dated 24 Jun 2005 has permitted restoration of LFP for such cases of remarriage for pre-1996 widows wef 24-06 2005.

89. **Family Pension after Remarriage of a Widow in Receipt of Special Family Pension (SFP).** Widows in receipt of SFP are permitted SPF even after remarriage after V CPC i.e. 01-01-1996. SFP is primarily given for death of an officer while in service when the death is attributable to or aggravated by service. Widows in receipt of SFP who remarried before 01-01-1996, were however not eligible for pension. Wef 20-01-2009 widows who remarried before 01-01-1996 and whose family pension was stopped are eligible for grant of SFP.

90. **Family Pension after Remarriage of a Widow in Receipt of Ordinary Family Pension (OFP).** Normally the family pension of a widow in receipt of ordinary family pension (OFP) stops after remarriage. OFP is given when death is neither attributable to/ nor aggravated by service and for cases of death after retirement. However, as an exception a childless widow in receipt of OFP/enhanced family pension is eligible for continuation of her family pension after remarriage subject to fulfillment of certain laid down minimum income criteria. Initially this provision was applicable to prospective cases wef 01 Jan 06. Now, childless widow of a deceased employee who expired before 01 Jan 06 will also be eligible for family pension after re-marriage.

Ex Gratia

91. **Ex-Gratia by Central Govt.** Ex-Gratia payment is made to the widow/NOK of a service personnel who die while performing their duties at the following rates wef 01 Jan 06.

Death occurring due to accidents in course of performance of duties.	Rs. 10.00 lakhs
Death in the course of performance of duties Attributable to acts of violence by terrorists, anti-social elements etc.	Rs. 10.00 lakhs
Death occurring in border skirmishes and action against militants, terrorists, extremists etc.	Rs. 15.00 lakhs
Death occurring while on duty in the specified high altitude, inaccessible border posts, etc on account of natural disasters, extreme weather conditions.	Rs. 15.00 lakhs
Death occurring during enemy action in international war or such war like engagements which are specifically notified by Ministry of Defence.	Rs. 20.00 lakhs

92. **Ex-Gratia Award to Cadets Boarded out of Training.** Ex-gratia award in the case of death/disability of Cadets (Direct) due to causes attributable to or aggravated by military training has been revised vide Govt Of India, Ministry of Defence letter No 6(1)/2009-D(pension/Policy) dated 01 Jun 10 and is as under :-

(a) **Invalidment on Medical Ground:**

(i) Payment of monthly ex-gratia amount of Rs 3,500/- per month (earlier Rs.1275/- pm).

(ii) Payment of ex-gratia disability award @Rs 6,300/- per month (earlier Rs. 2,100/- pm) for 100% disability during the period of disablement. The amount will be reduced proportionately from the ex-gratia disability award in case the degree of disablement is less than 100%.

(iii) Constant Attendance Allowance (CAA) of Rs. 3000/- per month (earlier Rs.600/- pm) for 100% disability on the recommendations of Invaliding Medical Board.

(b) **In case of Death** :-

- (i) Ex-gratia amount of Rs. 5 lakhs (earlier Rs. 2.5 lakhs).
- (ii) Payment of monthly Ex-gratia amount of Rs. 3,500/- per month (earlier Rs. 1275/-pm) to the NOK in addition to (i) above.

(c) The ex-gratia disability awards as mentioned above shall be admissible in cases of invalidment/death of Cadets (Direct) occurring on or after 01 Jan 06. The benefit of revised monthly ex-gratia payments as mentioned in Para (a) and Para b (ii) above, shall be admissible to pre 01 Jan 06 cases as well, with effect from 01 Sep 08.

Maximum/Minimum Pension

93. **Minimum Pension.** Wef 01-01-06 the minimum rates of pension for various types of pension for are as follows:-

- | | |
|--|----------------------|
| (a) Retiring & Ordinary family pension | - Rs 3500/- PM + DR |
| (b) Special & Liberalised family pension | - Rs 7000/- PM + DR |
| (c) Min Disability element for officers (for 100% disability Proportionate reduction for lesser disability) | - Rs 8100/- PM + DR |
| (d) Min Disability element for other ranks (for 100% disability, Proportionate reduction for lesser disability) | - Rs 3510/- PM + DR |
| (e) Min Disability pension (total of service +disability element) For permanent Disability not less than 60% | - Rs 7000/- PM + DR |
| (f) Min war injury element for officers (for 100% disability on retirement/Discharge, proportionate reduction for lesser) | - Rs 16200/- PM + DR |
| (g) Min war injury element for other ranks (for 100% disability on retirement/Discharge, proportionate reduction for lesser) | - Rs 7020/- PM + DR |

Pre 2006 Pensioners : Know your Pension Entitlements

94. We all believe in the system and expect that justice will be done to us. However your presumption that your bank is paying you correct pension, may not be in your best financial interests. Experience indicates that Banks are frequently doing the mistake of paying lower rates of pension vis a vis authorisation to many pensioners due to poor understanding of defence pension provisions by their staff. Therefore it is a must for every pensioner to know his/her correct entitlement of pension.

95. The pensioners, who have retired on or after 01-01-06, generally do not have any problem in getting their correct pension. The CDAs in their case have issued Pension Payment Order (PPO) as per the new provisions of VI CPC. For these pensioners the banks have no option, but to pay the pension as specified by the CDA in the PPO. However, the story is different for pre 01-01-06 retirees.

96. Considering the large volume of pre-2006 pensioners, the CDAs have expressed their inability to issue a revised PPO as per VI CPC entitlement. The Govt has therefore issued orders to Pension Disbursing Agencies (Banks, Treasury Offices etc) to calculate the revised pension (as per VI CPC) and pay the same to the pre - 2006 pensioners directly. Govt has issued instructions to banks (with necessary reference tables) for calculating and releasing the revised pension. Efforts are on at the highest level to ensure that revised PPOs are issued for pre-2006 pensioners also, by the CDAs in near future. However it is linked to digitalisation of past records and data capture of pre-2006 pensioners on a large scale and could take some time. Therefore as on date, it is only banks who will decide the post VI CPC revision of pension, for pre-2006 pensioners.

Calculation of Correct Pension Entitlement (Pre-2006 Pensioners)

97. The revised pension for pre-2006 pensioners is required to be fixed by the banks by calculating it through two specified methods. Out of the two methods, the revised pension is to be fixed as per the method which is more beneficial to the pensioner. The two methods of pension calculation are explained below:-

- (a) **Consolidation Method.** In this method, the pension has been consolidated by adding together the following:
- (i) The Existing Pension / Family Pension.
 - (ii) Dearness Pension.
 - (iii) Dearness Relief @ 24% on (i) & (ii) above.
 - (iv) Fitment weightage @ 40% on (i) above.

Note: *The thumb rule for calculating revised pension under the consolidated method is to multiply the existing basic pension with 2.26. For those who retired on or after 01 Apr 04 and before 01 Jan 06, their basic Pension as reflected in PPO is inclusive of dearness pay (DP). Such pensioners have to remove the DP and go by the basic pension for correct calculation. There is a formula to do it. For example if the basic pension inclusive of DP is Rs. 11325/-, then the basic pension will be $11325/1.5 = 7,550/-$. Thumb rule for calculating revised pension (consolidation method) will be to multiply the existing basic pension of Rs 7550/- with 2.26. This method of calculation is generally as per Annexure I of relevant Govt letter.*

(b) **Modified Parity Method.** The pension under modified parity has been revised by taking fifty percent of the minimum of the pay in pay band plus the grade pay and the MSP (+ Gp X pay for other ranks, as applicable) introduced from 01-01-06 (VI CPC), corresponding to the pre revised scale from which the Pensioner had retired/was discharged. However, pension calculated under modified parity has been reduced on pro-rata basis, wherever the full qualifying service of 33 years, has not been rendered by the pre -2006 pensioner. A table- showing pension under this method is shown on next pg.

Note:

(i) *After calculating pension by both methods and ascertaining the most beneficial pension, the commuted amount should be deducted to arrive at the correct take home pension. Monthly DR is always on full pension entitlement.*

(ii) *All Govt letters on pension provisions are followed by a circular from PCDA(P) Allahabad. The circular amplifies the implementation procedure of a Govt order. Banks will release payment to pensioners only after issuance of a circular by PCDA(P) Allahabad. These circulars are available on PCDA (P) Allahabad website.*

(iii) *The detailed Govt letters on pension are primarily available on PCDA (P), Allahabad website www.pcdapension.nic.in.*

98. It is a common complaint by pre 01-01-06 pensioners that banks are not revising their pensions correctly. They are also complaining that banks are not issuing Annexure IV despite clear Govt orders for its issuance. Annexure IV reflects the pension fixation methodology by banks. It should have calculations by both methods i.e. consolidation and modified parity. The larger experience indicates that banks are inclined to revise pension as per consolidation method only. This method is beneficial for only 10-15% of defence pensioners. For the rest of defence pensioners who are in majority, modified Parity method is more beneficial. Thus the first challenge for a pensioner is to find out his revised pension as per the most beneficial method.

99. As explained above, calculating pension as per consolidated method (thumb rule) should be extremely easy. For modified parity method calculation, the table given in the next page can be referred. Both the calculations must be checked for arriving at the most beneficial pension.

RETIRING PENSION / PRE-2006 RETIREES : COMMISSIONED
OFFICERS
(As Per Modified Parity)

Rank	Lt	Capt	Maj	Lt Col (TS)	Lt Col(S)	Col (TS) / Col (S)	Brig	Maj Gen	Lt Gen
<u>Qualifying Service</u>									
10	7773	7975	7975	11682	13240	13420	134200	13420	14379
10.5	7978	8185	8185	12072	13629	13815	13815	13815	14932
11	8182	8394	8394	12461	14019	14210	14210	14210	15485
11.5	8387	8604	8604	12850	14408	14604	14604	14604	16038
12	8591	8814	8814	13240	14797	14999	14999	14999	16591
12.5	8796	9024	9024	13629	15187	15394	15394	15394	17144
13	9000	9234	9234	14019	15578	15788	15788	15788	17697
13.5	9205	9444	9444	14408	15966	16183	16183	16183	18250
14	9410	9654	9654	14797	16355	16578	16578	16578	18804
14.5	9614	9863	9863	15187	16744	16972	16972	16972	19357
15	9819	10073	10073	15576	17134	17367	17367	17367	19910
15.5	10023	10283	10283	15966	17523	17762	17762	17762	20463
16	10228	10493	10493	16355	17913	18157	18157	18157	21016
16.5	10432	10703	10703	16744	18302	18551	18551	18551	21569
17	10637	10913	10913	17134	18691	18946	18946	18946	22122
17.5	10841	11122	11122	17523	19081	19341	19341	19341	22675
18	11046	11332	11332	17913	19470	19735	19735	19735	23228
18.5	11250	11542	11542	18302	19860	20130	20130	20130	23781
19	11455	11752	11752	18691	20249	20525	20525	20525	24334
19.5	11660	11962	11962	19081	20638	20919	20919	20919	24887
20	11864	12172	12172	19470	21028	21314	21314	21314	25440
20.5	12069	12382	12382	19860	21417	21709	21709	21709	25993
21	12273	12591	12591	20249	21807	22104	22104	22104	26546
21.5	12478	12801	12801	20638	22196	22498	22498	22498	27099
22	12682	13011	13011	21028	22585	22893	22893	22893	27652
22.5	12887	13221	13221	21417	22975	23288	23288	23288	28205
23	13091	13431	13431	21807	23364	23682	23682	23682	28758
23.5	13296	13641	13641	22198	23754	24077	24077	24077	29311
24	13500	13850	13850	22585	24143	24472	24472	24472	29864
24.5	13500	13850	13887	22975	24532	24866	24866	24866	30417
25	13500	13850	14100	23364	24922	25261	25261	25261	30970
25.5	13500	13850	14100	23754	25311	25656	25656	25656	31523
26	13500	13850	14100	24143	25700	26050	26050	26050	32076
26.5	13500	13850	14100	24532	25700	26050	26050	26050	32629
27	13500	13850	14100	24922	25700	26050	26050	26050	33182
27.5	13500	13850	14100	25311	25700	26050	26050	26050	33735
28	13500	13850	14100	25700	25700	26050	26150	26150	34288
28.5	13500	13850	14100	25700	25700	26050	26150	26150	34841
29	13500	13850	14100	25700	25700	26050	26150	26150	35394
29.5	13500	13850	14100	25700	25700	26050	26150	26296	35947
30 >	13500	13850	14100	25700	25700	26050	26150	26700	36500

Family Pension

Rank		Lt	Capt	Maj	Lt Col (TS)	Lt Col (S)	Col (TS)/ Col (S)	Brig	Maj Gen	Lt Gen	V COAS/ DGAEMS	COAS
TYPE												
OFP		8100	8310	8460	15420	15420	15630	15690	16020	21900	24000	27000
SFP		16200	16620	16920	30840	30840	31260	31380	32040	43800	48000	54000
LFP		27000	27700	28200	51400	51400	52100	52300	53400	73000	80000	90000
<u>Dependent Pension</u>												
Min Pension		8100	8310	8460	15420	15420	15630	15690	16020	21900	24000	27000
Min Lib Dep Pension	For Both Parents (75%)	20250	20775	21150	38550	38550	39075	39225	40050	54750	60000	67500
	For Single Parent (60%)	16200	16620	16920	30840	30840	31260	31380	32040	43800	48000	54000

- Note:1.** *The dependent pension for death which is not attributable to/aggravated by service (corresponding to OFP) is subject to minimum income criteria i.e. Rs 3500/-PM+DR.*
- 2.** *The dependent pension for death which is attributable to/aggravated by service (corresponding to SFP) is not subject to any minimum income criteria however the pension is paid at half the rate as admissible for SFP. Thus the dependent pension corresponding to OFP and SFP will be same.*
- 3.** *The dependent pension will however be different for LFP as indicated above. There is no minimum income criterion for LFP also.*

Disability Element For 100% Disability

Minimum Disability Element	8100	8310	8460	15420	15420	15630	15690	16020	21900	24000	27000
Minimum War Injury Element for Disability	16200	16620	16920	30840	30840	31260	31380	32040	43800	48000	54000
Minimum War Injury Element for Invalidment	27000	27700	28200	51400	51400	52100	52300	53400	73000	80000	90000

Note: *The disability element rates are for 100% disability. For lesser disability the amount will reduce proportionately.*

Legal Issues Related to Pensionary Benefits

Legal Aspects Related with Family Pension

100. **Who in the Family has First Claim to Family Pension.** It is quite common to see tussle between wife and parents of late officer for family pension. As per the existing pension rules the parents can have no claim over Family pension if the officer has left behind a widow or a child. Thus parents are primarily eligible for family pension of bachelor officers or widowers without children. The sequence of eligibility for family pension is Widow/Widower, children of officer, parents and dependent siblings. Legal guardianship certificate from a court of law will be required for release of family pension to a minor child.

101. **Legal Wife and Legal Child.** Instances of plural marriages are extremely less. But they exist and normally surface after retirement/death of the indl. The legal position on this matter is as follows:-

(a) As per Hindu marriage act (applicable to most other religions) the lady with whom the indl got married for the first time is the legal wife. Any marriage with another lady before the death/divorce (as given by a court of law) of first wife is void in the eyes of law. A wife from void marriage is not entitled for family pension.

(b) A marriage solemnised done before death /divorce with the legal wife will continue to remain void even after subsequent death/ divorce of first wife. The fact that the first wife had consented for such a marriage in her life time does not make it legal and the marriage will continue to be void in the eyes of law.

(c) However children born from void marriages are considered as legal children and they will be legally entitled to family pension as per their eligibility on the same lines as children from a legal marriage.

102. **Will by an Indl on the Family Pension.** There are instances where serving/retired personnel have expressed disappointment with their wives behavior/character and have written a Will that the family pension due to them should not go to their wife and should be given to some other NOK. Such matters have gone to court and the legal position is that a Will by the Indl on family pension is null and void due to following:-

(a) A Will can only be written for own property. Family pension comes out of Govt money for a social cause hence will on family pension is null and void.

(b) Marital discord/ other related issues may be a reason to seek divorce. However after an individual is dead, the status of a legal wife continues uninterrupted and her right to claim family pension and other related benefits is legally valid. Even in cases where divorce proceedings are going on, her legal status as a wife will remain unchanged till a divorce decree is pronounced by the court. If the death of the individual takes place before the pronouncement of divorce decree, the divorce proceedings will cease & become irrelevant. The lady's status as the legal wife will continue for all benefits due to a widow.

103. **Provisions for Division of Family Pension.** Family pension can be divided in following circumstances:

(a) **Ordinary Family Pension (OFP).** As per AI 51/80, Ordinary Family Pension is generally granted to only one eligible member of the family of the deceased Officer/ JCOs /OR. Ordinary Family Pension is not divisible between eligible members of the family and is granted only to the eldest eligible member except in case of two eligible and legally wedded widows and twins in the absence of widow.

(b) **Special Family Pension (SFP).** If a widow in receipt of SFP does not support her children (below 25 years of age), then her SFP will be divided as 50% to her and the balance 50% to her children.

(c) **Liberalised Family Pension (LFP).** If a widow in receipt of LFP does not support her children (below 25 years of age) then her LFP will be divided as OFP (30% of last emoluments) to her and SFP (60% of last emoluments) to her children.

104. **Restrictions on Drawing more than One Family Pension.** A defence pensioner can earn his second pension from the new organisation where he is re-employed after retirement. The present Govt rules do not permit two family pensions to a widow. She can draw only one family pension whichever is more beneficial to her. Wef 27-7-2001, in addition to her defence family pension, a widow can also draw the second family pension only if it comes under following two categories:-

(a) Employees Provident Fund (EPF) scheme 1995

(b) Family Pension Scheme (FPS) 1971

Legal Aspects Related with Disability/ Invalid Pension

105. **Withdrawal from Contesting Court Cases where Finding of IMB/RMB altered by MAP (Medical Advisor Pensions) in PCDA (P).** Institution of MAP in PCDA(P) was abolished in 2004. Till such time it was in vogue, all med opinions of the IMB/RMB that were recd in PCDA(P) for claims were adjudicated by the MAP who were considered the final auth to decide on final admissibility of disability pension. These alterations in the findings of IMB/RMB by MAP (PCDA(P)) without having physically examined the indl, do not stand to the scrutiny of law and in numerous judgments Hon'ble Supreme Court has ruled that the Medical Bd which has physically examined should be given due weightage value and credence. Record Offices have therefore been instructed to withdraw unconditionally all such cases where:-

(a) Subsequent Appeal Medical Boards have not been held and initial findings of RMB/IMB have assessed disability/disabilities to be attributable/or aggravated/or connected with service.

(b) If subsequently, consequent to a Court Order or otherwise on indl's request any Appeal Medical Board which has physically examined the individual, has been held and they too have confirmed the alteration by MAP (PCDA(P)) as NANA or any other assessment which disallows disability pension to an indl, such cases will NOT be withdrawn.

106. **Grant of Disability Pension to Premature Retirement Cases who proceeded on Discharge prior to 01 Jan 2006.** Pre-2006 retiree PBOR who were denied disability pension solely on the grnds that they had preceded on PMR will be processed for sanction. This implies that as and when a PBOR files a case in this connection their case files will be processed for Govt sanction without awaiting court order. These provisions are however not applicable to offrs as PRA, Rule 50 has been upheld by Hon'ble Supreme Court in judgment dt 06 Jul 2010 in case of Lt Col Ajay Wahi (SLP No 25586/2004, Civil Appeal No 1002/2006).

107. **Grant of Service Element to Those Invalided out prior to 1973 with Less than Minimum Qualifying Service for Pension.** As per extant rules prevalent prior to 1973, Service Element of Disability Pension was admissible to those affected persons who are invalided out of service due to disability attributable/aggravated by Mil Service initially with disability above 20 percent. However, at a later stage, if the percentage of disability was assessed to be less than 20 percent, continuation of Service Element was permissible only in case the individual has put in minimum qualifying service which was revised from time to time, till it was brought to NIL Qualifying Service wef 01 Jan 1973. It has now been decided by the Govt to extend the benefit to Service Element to all affected cases of pre-1973 period wef 01 Jan 1973. Widows of all affected persons who would've otherwise been entitled to the benefit but had demised on any dt later than 01 Jan 1973, will also be extended the benefits due to them in accordance with rules.

Appeals Against Rejection of Pensionary Awards.

108. **Right of Appeal.** Where entitlement is denied by the Pension Sanctioning Authority on initial consideration of the claim, the claimant has a right of First and Second appeal against decision on entitlement and assessment.

(a) **First Appeal.** The first appeal cases are decided by the Appellate Committee on First Appeals (ACFA) consisting of the following:-

- (i) Chairman : DDG PS, PS Dte, Army HQ
- (ii) Members : DDG(Pens), Office of the DGAFMS
DFA (Pension), MoD
Dir PS 4

(c) **Procedure of Handling First Appeals.** The first appeals against rejection of Pensionary awards are processed as under:-

(i) **Officers.** Appeals against rejection are addressed to Chairman ACFA and sent to MP 5 & 6/MPRS(O) who process it on their file and send it to PS-4, who send it to DDG (Pens), Office of DGAFMS along with initial claim file and medical documents. DDG(Pens) after endorsing his views sends the file to AG/PS-4 (Imp-II). Thereafter, comments of the DFA(Pens), are obtained. The approval of DDG PS(C) on sanction letter or rejection letter, as the case may be, is issued by PS-4 (Imp). Thereafter, the file is returned to MP 5 and 6/MPRS (O).

(ii) **JCOs/OR.** The individual submits his appeal against rejection of pensioner award to the Appellate Committee on First Appeals through Record Office. The Record Office forwards the same to the AG/PS-4(Imp) along with service/medical document. On receipt of appeal case, AG/PS-4(Imp) opens a file and forwards the same to DDG (Pens), the Appellate Medical Authority for comments with regards to entitlement aspect. On the basis of recommendations of the DDG (Pens), the case is further referred to DFA (Pens) for comments, Thereafter, with the approval of DDG PS, the sanction letter or rejection letter, as the case may be is issued by PS-4 (Imp).

(d) Normally, after consideration of all relevant issues involved, decision regarding acceptance or rejection of the appeal is taken by consensus among members of ACFA by circulation. If there is disagreement, the case is discussed at the meeting of ACFA and decision taken in meeting is communicated to the individual.

(e) **Second Appeal.** In case of rejection of first appeal, the claimant has a right to submit second appeal. Till recently the second appellate committee was under the chairmanship of Hon'ableRM/RRM but has been recently reconstituted as Second Appellate Committee on Pension (SACP) under the Chairmanship of VCOAS. The constitution of the Committee as following has been approved by the VCOAS :-

- (i) Chairman - VCOAS
- (ii) Members - Dir Gen Hospital Services,
Rep ADG PS - rep service HQ,
JS & Addl FA (R) – rep MoD(F),
JAG (Air /Navy)

(f) Second Appeal is processed by PS Dte. Efforts are on to create a separate section for this.

Grant of Service Pension on Mercy Petition.

109. In terms of Regn 16 and 113 of PRA Part-I (1961) cashiering, dismissal or removal of any Officer/JCOs/OR from service shall entail forfeiture of his entire past service for the purpose of grant of pension and Pensionary benefits. However, the President may at his discretion, grant (on mercy petition from the affected individual) service pension or gratuity or both at rate not exceeding that which would have been otherwise admissible had the individual been discharged from service on the same date. Power has been delegated to the AG in Aug 2001.

110. On receipt of mercy petition , audit report is called from the PCDA(P), Allahabad on the Pensionary entitlements of the individual and the pecuniary condition of the individual is examined on merits in the light of the gravity of the offense committed by the individual vis-à-vis his family liabilities/responsibilities. On the recommendation of ADG PS, approval of the AG is obtained under the delegated powers for grant of full or part of Pensionary benefits. Thereafter Govt Letter is issued in consultation with MOD (Fin).

111. The cases of Officers cashiered out of service are decided by the Min of Def.

Commercial Employment by Commissioned Officers after Retirement

112. As per Rule 18 (a) of the Pension Regulations for the Army 1961, Part-I, an officer in receipt of Pensionary benefits in respect of his service in the Army shall obtain the permission of the President before accepting any commercial employment before the expiry of two years from the date his Army services ceases. This period has now been reduced to one year at par with civilian Central Govt Officer Gp 'A' Officers. Orders in this regard have been issued and the amended provisions are being incorporated in the Pension Regulations being revised by MOD.

Common Problems Faced by Pensioners

113. Some of the common problems faced by pensioners are of a repetitive nature and can be reduced / avoided if shared and understood by other pensioners. Some of these common problems are as given below:-

(a) **Not Having Joint Account With Wife.** If an individual is lucky enough to die because of ripe old age, the possibility of his wife outliving him by a few years is very bright because in most cases the wife is younger. A joint account makes the transition to family pension smooth. It also helps in early start of family pension and claiming of life time arrears of the late officer.

(b) **Not Giving Any Nomination in Bank Account.** In many cases the pensioner has a single account and the nominee is not filled up by the individual at the time of opening the pension account, it is left blank. In such cases the wife can't claim life time arrears of the late officer. As per the existing rules, Banks can pay the left over money in late individual's account, to the nominee or to the next heir as per succession certificate from a court of law. The wife automatically can't claim life time arrears of her late husband if she is not a nominee. A large number of widows are surprised to find themselves in this frustrating situation after their husband's death. There are cases where a widow had to wait for over one year to complete legal formalities in a court and claim the money. Similarly it is desirable for Family pensioners also to have a nominee in their bank account. The nominee should preferably be one of her children who is looking after her.

(c) **Wife's Name is Different From What is Notified in PPO.** After death of an individual, the family pension by Bank will be released to the legal wife as notified in the Pension Payment Order (PPO). It is very common for many bereaved wives to discover in the Bank that what they claim to be their name is different from what is notified in PPO. If the two names differ the banks don't release Family pension. Technically for them, it could be a case of impersonation. This matter thereafter has to be resolved procedurally with the help of Service HQ/ Record office/CDA. This whole process takes time and is a frustrating experience for the widow. Experience indicates that the mistakes could be related to spelling i.e. Reeta and Rita, Malati Tyagi and Malti Tyagi or difference in surname i.e. Reena Rai and Reena Roy. Sometimes there are variations due to extra words in one name i.e. Savitri Singh Mankar and Savitri Mankar. There are also bizarre instances where the indl absent mindedly writes the nick names of their wife used at home where as the lady uses her formal name outside i.e. Munni Sharma and Manyata Sharma. Surname can be changed after marriage however it should be a mutually agreed change between the couple. The best way to avoid future problems is to re-verify the name of wife as jointly notified in PPO with the wife herself and her certificates etc. Where ever there is a discrepancy, the same should be rectified at the earliest.

(d) **Non Submission of Life Certificate in Time.** A large number of pensioners in general and NRI pensioners in particular suffer due to non- submission/delayed submission of life certificate to bank in November every year. If the life certificate is not submitted in time the banks can stop the pension payment. This is a precaution which banks take to detect fraudulent withdrawal from pension accounts of pensioners who are dead. It is easier to submit the yearly life certificate every year in November than to work hard subsequently towards restarting a stopped pension.

(e) **Not Having Copies of Important Documents like PPO, Post Retirement Insurance etc.** There are number of requests from pensioners to send a copy of the PPO in which wife's name has been jointly notified. Many times the banks misplace it/ loose it in floods/fire etc and demand the same for releasing family pension. In one's life time, a special folder should be made which should have copies of all important documents related with pension and other issues. It should contain all PPOs including Corr PPOs, certificate of service, post retirement insurance cover papers etc. This folder can also have information on all your investments, bank accounts, fixed deposit debit & credit cards with pin code, ownership papers of house, car, other property and finally the will. All this information will be handy for a wife and will help her to manage things in a better manner after her husband's death.

(f) **Not Writing a Will.** Death is inevitable. If one is lucky he/she will die of ripe old age but the possibility of an unexpected/premature death due to accident/ disease can't be ruled out. Therefore prudence demands that everyone should write a will immediately after retirement and revise it at regular intervals. While in service our will is taken at the time of joining itself because it is compulsory. But after retirement we don't want to think of these painful realities of life despite the fact that will is more relevant after retirement. We all have seen and heard from our personal contacts and relatives as to what kind of bad blood and distrust exists between the children after the death of father/ both parents. However we find it difficult to comprehend that it could happen to our children also. Thus writing a will is desirable and by writing a will one would protect the long term interests of his wife and children. A will need not always be on a stamp paper and through a lawyer. It can be written on a plain sheet of paper also in one's own handwriting. Two independent witnesses (preferably much younger) are required to sign the will. Basically a will can be written primarily on the property which the individual has earned himself. If the property is inherited he can write will only on that portion which is due to him after division with other legal heirs. If one is depriving his wife and immediate family and giving property to an outsider then the reason behind the same should be clearly spelled out in the will to avoid future litigation. If one is very old and handwriting is not stable/clearly legible then a typed will is desirable. For writing a will one can initially do self-education on internet and then write the will. For property of a complicated/disputed nature it is better to take advise from a civil lawyer before writing the will.

(g) **Problems Faced by NRI Pensioners.** Many pensioners retire at a young age and settle down in a foreign country. Many of them get the citizenship of the new country. Over the years these pensioners start experiencing a lot of problems with their pension. These problems primarily relate to stoppage of their pension. Experience indicates that the problems of these pensioners are primarily caused due to non-submission/transit loss of yearly life certificate and non-adherence to procedural requirements of FEMA (foreign exchange management act). No money can go out of India without meeting FEMA requirements. Attempts to use credit card will eventually get blocked by the bank. Such pensioners can open NRO account and give power of attorney to the bank. They will be required to have a PAN card and fill certain forms prescribed by CBDT (central board of direct taxes). Such pensioners are advised to take appropriate advice from their bank and also take the help of a chartered accountant to meet the procedural requirements of the bank. The NRI pensioners who do not want regular transfer of money from India can tie up the same with their banks and withdraw the money during their visits to India. Since monthly pension is taxable, banks will deduct tax as applicable on pension account. Other problems like delay in restoring commuted value of pension and commencement of additional pension after 80 years of age etc can be taken up directly with bank.

(h) **Not Knowing the Procedure of Lodging Complaints against Banks.** Pensioners have to deal with banks on all financial issues related to pension i.e. payment of correct pension, calculation of DR and arrears correctly, timely release of family pension etc. Thus there can be occasions for deficiency in banking service and the consequent complaints. In many cases, when local liaison with bank fails, the pensioners bring their complaints to the knowledge of Service HQ/Record Offices who in turn issue relevant advice to the concerned bank. However, pensioners can also utilize the complaint channels of a bank to lodge a complaint directly against their local bank. The procedure for lodging such complaints is as given below:-

(i) **Against State Bank of India.** SBI is the largest public sector bank in India. It has recently appointed Defence Banking Advisors (DBA) across the country on a Zonal basis. The DBAs are retired Defence officers who besides other things are looking into complaints of a Defence pensioner. To resolve a complaint against a branch of SBI, following four methods can be adopted:-

(aa) **Online Redressal of Grievances.** Online complaints for the issues pertaining to State Bank of India can be lodged on its official website i.e. www.sbi.co.in. Pensioners /account holders of SBI may lodge their complaints directly at [dsparmy\[dot\]customers\[at\]sbi\[dot\]co\[dot\]in](mailto:dsparmy@customers@sbi.co.in).

(ab) **Redressal through DBA.** In case the issues still remains unresolved after online complaints as mentioned above then the Defence Banking Advisors (DBA) of SBI, who are specialists on Defence pensions may be approached at [dba\[dot\]army\[at\]sbi\[dot\]co\[dot\]in](mailto:dba@army@sbi.co.in).

(ac) **Complaints Through SMS.** SBI has recently launched an SMS service for redressal of grievances/complaints of its customers. To lodge a complaint through SMS one has to type 'UNHAPPY' in its message box and send it to 8008202020 which is a toll free number. Within 48 hours, an official from your nearest SBI branch will contact you to know about your problem and he will refer your case to appropriate agency for necessary action.

(ad) **Complaints through Call Centre.** SBI has started its 24 x 7 Call Centre to help its customers. Apart from getting information, option to lodge complaint on pensionary matters is also possible through these Call Centre. The following toll free numbers can be dialed from Landline or mobile phone:-

08026599990 (from mobile)

18004253800 (from landline and mobile)

(ii) **Against Other Public Sector Banks.** All public sector banks have their inbuilt systems for redressal of banking complaints. All public sector banks in their official websites have specific provisions for complaints. Thus following provisions can be used for all other public sector banks to lodge complaints:-

(aa) **Online Complaints.**All the public sector banks have their own official websites, information on which can be sought from local branch. Alternatively, the sites can be found through any of the search engines like Google, yahoo etc. These official sites have option for lodging one's banking complaints.

(ab) **RBI, Ombudsman Scheme -2006.** In order to find the resolution of banking related complaints, RBI has started a Banking Ombudsman scheme, wherein a person is appointed by RBI to redress the customers' complaints. The Banking Ombudsman appointed by RBI is a quasi-judicial authority. The aggrieved person is required to file his/her complaint on a plain paper to any of the 15 Banking Ombudsmen appointed by RBI. However, before lodging complaint with Banking Ombudsman the complainant should have lodged a complaint with the concerned bank in writing. Evidence to this effect should be given to the Banking Ombudsman. The address(es) of such ombudsmen is available at official website of RBI. Online complaints can be filed at www.bankingombudsman.rbi.org.in. Pensioners can file complaints related to non-receipt/delay of their pension related dues.