

No. 1(2)/97/D(Pen - C)
Government of India/Bharat Sarkar
Ministry of Defence/Raksha Mantralaya
New Delhi dated the 7th February, 2001

To

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

SUBJECT: MODALITIES FOR IMPLEMENTATION OF THE RECOMMENDATIONS OF THE FIFTH CENTRAL PAY COMMISSION CONTAINED IN PARAS 164.10 AND 164.22 OF THE REPORT REGARDING THE FINDINGS OF THE MEDICAL BOARDS.

Sir,

The undersigned is directed to state that in pursuance of the Government's decisions on the recommendations of the Fifth Central Pay Commission, as contained in Paras 164.10 and 164.22 of the Report, sanction of the President is hereby accorded to the modifications, to the extent specified in this letter, in the rules and regulations concerning the findings of the Medical Board, attributability/aggravation and adjudication of cases for disability pension.

Injury cases

2. **Attributability.** Decision regarding attributability would be taken by the authority next higher to the commanding officer which in no case shall be lower than a brigade/sub area commander or equivalent.
3. **Assessment** The assessment with regard to the percentage of disability as recommended by the Invaliding Medical Board/Release Medical Board as approved by the next higher medical authority, would be treated as final unless the individual himself requests for a review.
4. **Approving Authority for Medical Boards** Medical Board proceedings in respect of the personnel of the three Services will be approved by the next higher medical authority than the one which constituted the board as heretofore. In case where disability is abnormally high or low, approving authority will refer the proceeding back to the medical boards for reconsideration. If required he may physically examine/get the individual re-examined to ascertain the correct position.

Disease Cases

5. Attributability/Aggravation Attributability/aggravation in respect of cases pertaining to invalidment owing to various diseases/retirement with various diseases shall continue to be adjudicated by MA(P) in respect of Personnel Below Officer Rank(PBOR) and by MOD in case of Commissioned Officers as hithertofore.

6. Assessment The assessment with regard to percentage of disability as recommended by the Invaliding Medical Board/Release Medical Board and as adjudicated by MA(P) in respect of PBOR and MOD in case of Commissioned Officers would be treated as final and for life unless the individual himself requests for review, except in cases of disabilities which are not of a permanent nature. In the event of substantial difference of opinion between the initial award given by the Medical Boards and MA(P), the case will be referred to a Review Medical Board. The opinion of the Review Medical Board, which will be constituted by DGAFMS as and when required shall be final.

7. Re-assessment of Disability There will be no periodical reviews by the Resurvey Medical Boards for re-assessment of disabilities. In cases of disabilities adjudicated as being of a permanent nature, the decision once arrived at will be final and for life unless the individual himself requests for a review. In cases of disabilities which are not of a permanent nature, there will be only one review of the percentage by a Reassessment Medical Board, to be carried out later, within a specified time frame. The percentage of disability assessed/recommended by the Reassessment Medical Board will be final and for life unless the individual himself asks for a review. The review will be carried out by Review Medical Board constituted by DGAFMS. The percentage of disability assessed by the Review Medical Board will be final.

Board

8. There will be no changes in the procedure for handling appeal cases and post discharge claims.

9. The attributability/aggravation aspect for adjudication of Special Family Pension claim will be dealt with as follows :-

(a) Injury Cases : As per provisions contained in Para 2 above.

(b) Disease cases : As per provisions contained in Para 5 above.

10. The provision contained in this letter will be applicable to service personnel who were in service on or after 1 Jan 96. The cases which have been finalised prior to issue of this letter will not be re-opened. As regards pre 1Jan 96 disability pensioners, the assessment made by the Reassessment Medical Board held on or after the date of issue of this letter will be considered as final and for life unless the individual himself asks for a review. This review will be carried out by Review Medical Board constituted by DGAFMS. The percentage of disability assessed by the Review Medical Board will be final.

11. These rules will be read in conjunction with Pension Regulations of the three Services, Entitlement Rules to Casualty Pensionary Awards to the Armed Forces Personnel, 1982 and Guide to Medical Officers (Military Pension) 1980, as amended from time to time.

12. Paras 8.2 and 11. 5 of this Ministry's letter of even number dated 31st Jan, 2001 so far as these relate to reckoning disability actually assessed by the duly approved Release Medical Board/Invaliding Medical Board for computing war injury element, stand modified as per the provisions contained in this letter.

13. This issue with the concurrence of the Finance Division of this Ministry vide their U.O. No 137/DFA(Pen -O) dated 1.2.2001.

Yours faithfully,



(Sudhaker Shukla)
Director (Pensions)

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3. Prime Minister's Office
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5. The Principal Controller of Defence Accounts(Pensions), Allahabad
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7. Controller of Defence Accounts(Navy), Mumbai
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