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DEFENCE SERVICES REGULATIONS

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NAVY (PENSION) REGULATIONS,
1964



GOVERNMENT OF INDIA
MINISTRY OF DEFENCE

PRINTED IN INDIA BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS,
NEW DELHI AND PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI, 1964

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35h 4d or 98 Cents

NAVY (PENSION) REGULATIONS, 1964

S.R.O. 74.—In exercise of the powers conferred by section 184 of the Navy Act, 1957 (62 of 1957), the Central Government hereby makes the following regulations, namely:—

PART I

CHAPTER I—PRELIMINARY

1. Short title and application.—These regulations may be called the Navy (Pension) Regulation, 1964.

(2) They shall apply to all persons subject to naval law including commissioned officers and sailors but shall not apply to:—

- (a) commissioned officers who, on the 1st July, 1936, were in service as commissioned officers or were under-going training in the United Kingdom;
- (b) commissioned officers who, in accordance with regulation 14, elect to be governed by the Pension Regulations, 1943; and
- (c) sailors who were in service on the 31st May, 1953, and who have, before the 31st December, 1961, elected to be governed by the Pension Regulations, 1943.

2. Definitions.—In these regulations, unless the context otherwise requires,—

- (a) "Act" means the Navy Act, 1957, (62 of 1957);
- (b) "active list" means the list of officers who are not placed either on the retired list or on the emergency list;
- (c) "Appendix" means an Appendix to these regulations;
- (d) "branch list" means the list of officers whose occupational designations are prefixed by the words "Senior Commissioned" or "Commissioned";
- (e) "Competent authority" with reference to any regulation mentioned in column 2 of Appendix I means the authority specified against that regulation in column 4 thereof;
- (f) "emergency list" means the list of commissioned officers—
 - (i) who having been permanent have withdrawn from the active list without entitlement to retiring benefits and voluntarily accepted liability for recall to service in an emergency but who were not eligible for inclusion in the retired list; and

- (ii) who were short service officers with liability for a period specified in the original engagement for recall to service in an emergency;
- (g) "general list" means the list of officers including subordinate officers in the Indian Navy, holding the rank of Sub-Lieutenant and above and acting Sub-Lieutenant;
- (h) "Pension Regulations, 1943" means the pension regulations for the Indian Navy and other related orders applicable as on the 31st May, 1953;
- (i) "retired list" means the list of commissioned officers who have retired from service and who in the event of war or an emergency are liable to be recalled for service till they attain the age of 55 years;
- (j) "sailors" means a seaman as defined in clause (20) of section 3 of the Navy Act, 1957;
- (k) "sanctioning authority" with reference to any award mentioned in column 3 of Appendix II means the authority specified against that award in column 4 thereof;
- (l) "service" means service in the Indian Navy.

3. Kinds of pensionary etc., benefits.—Subject to the other provisions of these regulations, the following kinds of retiring and other benefits are admissible to whom these regulations are applicable, namely:—

- (a) service pension,
- (b) service gratuity,
- (c) disability pension,
- (d) constant attendant allowance,
- (e) family pension which may be either ordinary or special,
- (f) family gratuity,
- (g) children allowance, and
- (h) education allowance to children,

4. Implied condition of granting of pension, etc.—Future good conduct shall be an implied condition of every grant of pension or any other allowance under these regulations and its continuance.

5. Full rates not always admissible.—The full rate of pension or gratuity under these regulations shall not be granted to a person unless the service rendered by him has been satisfactory.

6. Date of commencement of pension.—Subject to the other regulations, a family pension shall be payable from the date following that on which the casualty which gives rise to the claim occurred and a pension other than a family pension shall be payable—

- (a) in the case of commissioned officer, from the date following the date of his retirement,
- (b) in the case of a sailor, from the date on which he ceases to be borne on the effective establishment.

Explanation.—A sailor who is discharged shall cease to be borne on the effective establishment on the date following the date of discharge and a sailor transferred to the reserve after earning a service pension shall cease to be borne on the effective establishment on the date following the date of transfer.

7. Duration of pension.—A pension shall, unless otherwise provided in these regulations, be payable during the life time of the pensioner including the day on which the pensioner dies.

8. Without holding etc., of pension.—A pension or other benefit granted under these regulations may, in such special circumstances as the Central Government may determine, be withheld, suspended or discontinued, in whole or in part, and in any exceptional case, the payment of the whole or any part of any of any pension or other benefit may, by order of the Central Government, be made to the wife or other dependent of the person otherwise eligible thereto.

9. Discontinuance of pension on change of nationality.—Where a person who is in receipt of a pension or allowance under these regulations becomes a naturalised

citizen of a foreign State, the Central Government may, by order, direct that the whole pension or allowance or any part thereof to be specified in the order be discontinued:

Provided that an order under this regulation shall not be made unless the person concerned has been given an opportunity to make his representation and the representation has been considered by the Central Government.

10. Fractions of year in qualifying service.—Where the total period of service of a person qualifying for pension exceeds a whole number of completed years by 180 days or more, the pension or other benefit payable to him shall be increased by half the difference between the amount admissible for the completed years of qualifying service and the amount admissible for the next consecutive number of completed years.

11. Re-employment.—Subject to the provisions of regulation 76 a person who is in receipt of pension under these regulations, and who is re-employed in a civil capacity under the Central Government or a State Government or an administration or who is granted a pension under these regulations while serving in such civil capacity shall, in respect of his pay in the re-employed post, be governed by the provisions of article 510-B, or article 526 of the Civil Service Regulations or, as the case may be, the corresponding rules applicable to the civil post concerned.

12. Personnel in Civil Government employment.—An officer or sailor in civil Government employment shall be governed by the relevant civil extra-ordinary pension rules, except where he is in receipt of naval rates of pay in which case he shall be governed by these regulations.

Explanation.—Nothing in this regulation shall preclude the grant to an officer or sailor of any pension or other benefit to which he may be eligible under these regulations or, if his family is not eligible to any pension or other benefits under the civil extraordinary pension rules, the grant to his family of an award other than a special family pension admissible under these regulations.

CHAPTER II—COMMISSIONED OFFICERS

SECTION I—GENERAL

13. Interpretation.—In this Chapter,—

- (a) 'late entrant' means an officer who on reaching the prescribed age for compulsory retirement completes or who, but for his retirement on account of a disability, would have completed fifteen years but not twenty years of commissioned service qualifying for pension;

Explanation.—In the case of an officer on the general list, service in the general list shall alone be counted for the fifteen years limit.

- (b) 'officer' means a commissioned officer.

14. Right to elect.—(1) An officer who on the 1st June, 1953, was in service as a permanent commissioned officer shall on retirement have the right to elect to be governed in respect of his service award either by these regulations or by the Pension Regulations, 1943:

Provided that the pension of an officer who elects to be governed by the Pension Regulations, 1943, shall be assessed on the substantive rank held by him on the 31st May, 1953.

Explanation.—Service rendered by the officer from the 1st June, 1953 upto the date of retirement or invaliding shall qualify for pension.

- (2) The election once made shall be final.

15. Officers dismissed, discharged, etc.—(1) No pension shall be granted to an officer who is dismissed with disgrace from service.

(2) In the case of an officer who is dismissed otherwise than with disgrace from the service, the question whether any pension shall be granted and if so, the rate of such pension shall be decided by the Central Government, provided that the pension, if granted shall not exceed the rate which would have been admissible to him if he had retired on the same date.

(3) An officer who is discharged from service or is called upon to retire or to resign or, in the event of his refusing to do so, is retired from the service, may,

at the discretion of the Central Government, be granted a pension at a rate not exceeding that which would have been admissible to him if he had retired on the same date.

16. Officers re-employed or recalled to service.—(1) The pension of a retired officer who is re-employed in an emergency in the Indian Navy and of an emergency list officer recalled to service shall be held in abeyance during the period of re-employment or re-call to service, as the case may be.

(2) The re-employed or re-called service shall not count for pension or gratuity, nor shall it count towards the service limits prescribed in regulation 53 for ordinary family pension.

(3) Disability element of Pension, Constant Attendant Allowance and Special family pensionary awards on account of disablement or death due to re-employed or recalled service shall be at the same rates and subject to the same general conditions as are applicable to the case of an officer on the active list.

17. Acceptance of employment after retirement.—(1) An officer who is granted any pension, gratuity or other benefit, under these regulations or to whom such pension, gratuity or other benefit, is admissible shall not, without the permission of the Central Government, accept an employment under a Government outside India at any time after retirement.

(2) An officer of the rank of Captain or above, whether in a substantive capacity or otherwise, who is granted a pension, gratuity, or other benefit under these regulations or to whom such pension, gratuity or other benefit is admissible shall not, without the permission of the Central Government, accept any commercial employment before the expiry of two years from the date of his retirement:

Provided that any such officer who before retirement has been permitted by the Central Government, to take up a particular employment under a Government outside India or a commercial employment shall not subsequently be required to obtain the permission of the Central Government for his continuance in that employment.

(3) No pension or other recurring benefit shall be payable to an officer who accepts any employment without the permission of the Central Government in respect of any period for which he is so employed or for such longer period as the Central Government may determine. Any gratuity which is due to the officer and which has not already been paid to him shall also be liable to be withheld in part or in full as the Central Government may determine.

Explanation.—"employment under a Government outside India" includes employment under a local authority or corporation or any other institution or organisation which functions under the supervision or control of a Government outside India.

Explanation.—"commercial employment" means employment in any capacity including that of an agent under a company, firm or individual engaged in any trade, commerce, industry or in any profession and includes a directorship of such company and a partnership in such firm.

SECTION 2—SERVICE PENSION

18. Admissibility.—An officer who is permitted to retire from service may be granted service pension in accordance with these regulations.

19. Minimum service.—The minimum period of service qualifying for pension shall be fifteen years in the case of late entrants and twenty years in other cases.

20. Service qualifying for pension.—The periods of service of officers in the general list and in the branch list which qualify for pension under these regulations shall be as specified in Appendix III.

21. Rank for assessment of pension.—(1) The amount of pension admissible to an officer shall be assessed on the substantive rank held by him at the time of retirement:

Provided that an officer who has held the substantive rank of Admiral should have held that rank at least for one year, and an officer who has held any other substantive rank should have held it at least for two years, before the date of retirement.

(2) Where an officer has held a substantive rank for less than the period specified in sub-regulation (1), the pension shall be assessed on the next lower substantive rank.

22. **Rates of pension.**—An officer who at the time of retirement has held a substantive rank specified in column 1 of the Table below and who has rendered qualifying service for a period not less than that specified in the corresponding entry in column 2 of that Table may be granted service pension at the rate specified in the corresponding entry in column 3 of the said Table:

Provided that the service pension of an officer who at the time of retirement held the substantive rank of Lieutenant Commander may, if the conditions specified in Appendix IV are fulfilled, be assessed on the paid acting rank held by him at the time of retirement.

TABLE

| Rank | Period of service | Rate of pension |
|-------------------------------------|-------------------|-----------------|
| 1 | 2 | 3 |
| (a) General List Officers | | |
| | Years | Rs. per mensem |
| Lieutenant | 20 | |
| Lieutenant Commander | 22 | |
| Commander | 24 | |
| Captain (Less than 5 years in rank) | 26 | 67 |
| Captain (5 years or more in rank) | 28 | 825 |
| Rear Admiral | 30 | 875 |
| Vice Admiral | 30 | 900 |
| Admiral | 30 | 1000 |
| (b) Branch List Officers | | |
| Commissioned Officer | 23 | 190 |
| Senior Commissioned Officer | 25 | 220 |

23. **Deficiency in service.**—Where an officer has rendered service for a period less than that specified in regulation 22 for his rank, the amount of service pension payable to him shall be the rate prescribed for that rank reduced by one deduction at the rates specified below for each year or part thereof of the deficiency in service:

| Service pension | Rate of deduction |
|-----------------|-------------------|
| Rs. per mensem | Rs. per mensem |
| 1000 to 751 | 30 |
| 750 to 601 | 20 |
| 600 to 401 | 15 |
| 400 to 301 | 10 |
| 300 to 201 | 5 |
| 200 and below | 2.50 |

Provided that each successive deduction shall be at the rate appropriate to the amount remaining after the preceding deduction.

24. **Late Entrants.**—The pension payable to a late entrant shall be assessed as follows, namely:—

Qualifying Service × Rate of pension for the rank

Minimum Service required for full pension.

SECTION 3—SERVICE GRATUITY

25. Admissibility.—An officer who is permitted to retire from service or whose services are otherwise terminated after he has completed ten years service may, at the discretion of the Central Government, be granted a service gratuity in accordance with these regulations.

26. Service qualifying for gratuity.—All service which qualifies in full for service pension shall also qualify in full for service gratuity but service as sailor and any other service which does not qualify in full for service pension shall not qualify for gratuity.

27. Rate of service gratuity.—The amount of gratuity admissible to an officer shall be—

(a) in the case of an officer of the general list, Rs. 10,000/- for the first ten years of qualifying service and Rs. 1,000/- for every year of qualifying service in excess of ten years;

(b) in the case of an officer of the branch list, one month's pay for each completed year of qualifying service.

SECTION 4—DISABILITY PENSION AND GRATUITY

28. Disability pension when admissible.—An officer who is retired from the service on account of a disability which is attributable to or aggravated by such service and which is assessed at twenty per cent or over may, on retirement, be awarded a disability pension consisting of a service element and a disability element in accordance with the regulations in this section.

29. Officers who became non-effective.—An officer who held a permanent commission and who became non-effective during the period from the 27th October, 1947 to the 31st May, 1953 (both days inclusive) shall be eligible for disability pension with effect from the 1st June, 1953 or from the date on which the disability arose, whichever is later:

Provided that this regulation shall not apply unless the officer was alive on the 28th of December, 1954.

30. Voluntary retirement.—An officer who retired from service voluntarily shall not be eligible for disability pension.

31. Disability due to negligence or misconduct.—Where the disability of an officer was wholly or partly due to his serious negligence or misconduct, the competent authority may reduce the rate of disability pension admissible to him to such extent as the authority may, in the circumstances of the case, consider reasonable.

32. Refusal to undergo medical treatment.—(1) If an officer suffering from a disability which is attributable to or aggravated by service refuses without justifiable reason to undergo an operation or other medical treatment which, in the opinion of the service medical authority, would cure or reduce the degree of disablement, the disability element of pension otherwise admissible may, at the discretion of the Central Government, be withheld or be granted at such reduced rate as may appear to the Central Government to be reasonable in the circumstances of the case.

(2) The refusal shall not be regarded as unreasonable when, in the opinion of the service medical authority, the treatment or operation may be severe and dangerous to life.

33. Compulsory retirement.—An officer who is compulsorily retired on account of age or on completion of tenure and who at the time of retirement is in the opinion of the service medical authority suffering from a disability attributable to or aggravated by service, may, at the discretion of the Central Government, be granted in addition to the service pension, a disability element according to the degree of disablement as if he had been retired on account of the disability.

34. Disability manifesting after retirement.—An officer who had retired (otherwise than at his own request or in any of the circumstances specified in regulation 15) on a service pension or gratuity, but who, within a period of seven years from the date of retirement, is found to be suffering from a disease which is attributable to his service may, at the discretion of the Central Government, be granted in addition to his service pension or gratuity, a disability element at the appropriate rate with effect from such date as the Central Government may determine.

35. Readjustment of disability pension.—(1) The competent authority may alter the rate of disability pension granted to an officer for life if a medical board, on subsequent medical examination, decides that the disability on the basis of which

the pension was originally granted has ceased or is reduced or has become capable of improvement.

(2) Where the rate of disability pension is altered under sub-regulation (1), the altered rate of pension shall take effect from the date of assembly of the medical board.

(3) Where a pensioner who is required to appear before a medical board for the purpose of examination refuses to do so, then—

- (a) if the pensioner has rendered qualifying service for five years or more, the disability element of pension shall be suspended from the date of such refusal; or
- (b) in other cases, the disability pension as a whole shall be suspended from the date of such refusal.

36. Officers suffering from tuberculosis.—(1) Where an officer who was suffering from pulmonary tuberculosis attributable to or aggravated by service and who on completion of leave rejoined duty having been found fit for retention in service is retired therefrom on account of a relapse of the disability within a period of five years from the date of rejoining, he shall be eligible for a disability element appropriate to the degree of disablement as accepted on the date he was found medically fit for retention in service.

(2) The grant of a disability element under sub-regulation (1) to an officer shall be in addition to the service element of disability pension which would have been admissible to him if he had been invalided on the date immediately prior to the date of rejoining duty or, the service pension based on the total length of qualifying service rendered upto the date of retirement, whichever is greater:

Provided that if he is retired from service on account of the relapse of the disability after a period of five years from the date of rejoining, the disability pension admissible shall be regulated by these Regulations.

37. Qualifying service.—All service which qualifies for service pension shall also qualify for the service element of disability pension.

Explanation.—Service rendered in aid of the civil power shall be treated as service in the Indian Navy for the purpose of disability pension and gratuity.

38. Rank for assessment of service element.—The service element of disability pension shall be assessed on the substantive rank held by the officer on the date of his retirement from service on account of a disability:

Provided that, in the case of an officer of the general list, the service element shall not be assessed on a rank lower than that of a lieutenant:

Provided further that in a case where the disability arises on or before the 31st May, 1963, the service element may be assessed on the paid acting rank held by the officer on any one of the dates specified below which is most favourable to him, namely:—

- (a) the date of his retirement from service; or
- (b) the date on which he sustained the wound or injury or was first removed from duty on account of a disease causing his disablement; or
- (c) if he rendered further service and suffered aggravation of the disability during and as a result of such service, the date of later removal from duty on account of the disability.

39. Amount of disability pension.—(1) The service element of disability pension shall be assessed as follows, namely:—

- (a) if the qualifying service of the officer is twenty years or more, the service element shall be equal to the service pension admissible to him.
- (b) if the qualifying service is less than twenty years, the service element shall be assessed by making deductions from the service pension which would have been admissible to him on his retirement with twenty years qualifying service, such deductions being made in the manner, and at double the rate, specified in regulation 23 for each year or part of a year by which the qualifying service falls short of twenty years.

Explanation.—In the case of a late entrant, this sub-regulation shall apply subject to the modification that references to twenty years shall be taken as references to fifteen years.

(2) The disability element of disability pension shall be assessed in accordance with the Table below and shall be granted from the date from which it is admissible or, where there has been a previous grant, from the date of expiry of the previous grant and shall be available for the duration of the disability at that degree as advised by the medical board or the service medical authority:—

TABLE

| Percentage of disablement | Rate of disability element per mensem | |
|---------------------------|---------------------------------------|---------------------------|
| | Officers of General List | Office of the Branch List |
| | Rs. nP. | Rs. nP. |
| 100 | 150 | 125.00 |
| 90 | 135 | 112.50 |
| 80 | 120 | 100.00 |
| 70 | 105 | 87.50 |
| 60 | 90 | 75.00 |
| 50 | 75 | 62.50 |
| 40 | 60 | 50.00 |
| 30 | 45 | 37.50 |
| 20 | 30 | 25.00 |

40. Duration of disability element.—(1) The disability element shall be granted for a period not exceeding—

(a) One year if, in the opinion of the medical board, the disability is capable of improvement; or

(b) two years if, in its opinion, the disability is incapable of improvement; and at the end of the period, the pensioner shall be examined again by a medical board and the degree of disablement assessed.

(2) Where two successive medical boards have assessed the degree of disablement at the same percentage and held it to be incapable of improvement, and the assessment is accepted by the medical service authority, the disability element at the appropriate rate may be granted for life with effect from the date of expiry of the previous grant.

41. Duration of service element.—The service element of disability pension shall be payable—

(a) in the case of an officer who has completed five years qualifying service for life, and

(b) in other cases, for so long only as the accepted degree of disablement is not less than 20 percent.

42. Final gratuity.—(1) In the case of an officer whose disablement is finally assessed at less than 20 percent and who has less than five years qualifying service, a final gratuity shall be paid to him—

(a) if he is a general list officer, at the rate of Rs. 1000/- for each year of qualifying service; or

(b) if he is a branch list officer, at the rate of one month's pay for each year of qualifying service.

(2) The provisions of regulations 31 and 37 relating to disability pension shall apply to final gratuity under this regulation.

43. Determination of nature etc. of disability.—All questions regarding the nature of the disability, the assessment of its degree and its attributability to or aggravation by service shall be determined in accordance with the provisions of Appendix V.

44. Constant Attendant Allowance.—(1) Subject to the conditions specified in sub-regulation (2), an officer who has been granted a disability pension for hundred per cent disablement may also be granted a constant attendant allowance at the rate of Rupees forty per mensem in the case of an officer of the general list and of Rupees thirty per mensem in the case of an officer of the branch list:

Provided that no allowance shall be payable for any period during which the pensioner is an inmate or in-patient in a Government institution or hospital.

(2) The conditions referred to in sub-regulation (1) are—

(a) that the disablement shall be such that in the opinion of the invaliding or re-survey medical board, the services of a constant attendant are required for not less than three months;

(b) that the officer has no relative to look after him properly;

(c) that an attendant is actually employed.

(3) The allowance may be granted to an officer who has been granted a reduced rate of pension under regulation 31, provided that the other conditions for the grant of the allowance are fulfilled.

(4) The payment of the allowance shall be made in accordance with the provisions of Appendix VI to these regulations.

SECTION 5—FAMILY PENSION

45. Kinds of family pension.—(1) A family pension may be granted to the members of the family of a deceased officer in the circumstances, at the rates and subject to the conditions hereinafter specified.

(2) The different kinds of family pension admissible under this regulation are—

(a) pension to the widow, which may be ordinary or special;

(b) gratuity to the widow;

(c) children's allowance, which may be special or ordinary;

(d) education allowance for children;

(e) dependents pension.

46. Officers who became non-effective.—A special family pension shall be admissible in the case of an officer who held a permanent commission and who became non-effective during the period from the 27th October, 1947 to the 31st May, 1953, both days inclusive, if the cause of his death is attributable to or aggravated by service:

Provided that the pension shall be granted from the 1st June, 1953, or the date from which it became admissible, whichever is later:

Provided further that the beneficiary was alive on the 28th December, 1954.

47. General condition of admissibility.—A family pension shall not be claimed as of right; nor shall it be granted when the applicant is, in the opinion of the Central Government, unworthy of the grant or unless the officer's service has been such as to justify the grant.

48. Reduction of family pension in certain cases.—(a) The amount of family pension and the children's allowance admissible under these regulations shall, if the applicant is in receipt of any other pension or allowance on account of the service of the deceased officer, whether in the Indian Navy or in any other service capacity, be reduced to the extent of such other pension or allowance.

(b) A pension admissible under these regulations shall remain unaffected by any pension granted under Central or any State Extraordinary Pension Rules.

49. Serious negligence or misconduct.—If the death of an officer is wholly or partly due to his serious negligence or misconduct, the special family pension otherwise admissible may be reduced by the competent authority to such extent as may appear to the authority to be reasonable in the circumstances of the case:

Provided that no reduction in special family pension or children's allowance shall be made where a family gratuity is refused on grounds of serious negligence or misconduct.

50. Special family pension.—Where the death of an officer was due to or hastened by a wound, injury or disease which was attributable to service or was due to aggravation by service of a wound, injury or disease which existed before or arose during service, and in the case of death after retirement, if the officer had retired otherwise than voluntarily, the members of the family of the officer may be granted special family pension as follows, namely:—

(a) a special pension to the widow, if—

- (i) the officer married before joining service or while on the active list and before he received the wound or injury or before he was removed from duty on account of disease;
- (ii) in the case of death due to a disease the officer survived the marriage by at least a year unless it can be shown that he was manifestly in good health at the time of marriage;
- (iii) the widow was not separated from her husband at the time of his death;

(b) a special children's allowance to the legitimate children of the deceased officer below 18 years of age if the conditions in clause (a) are fulfilled;

(c) in the absence of the widow and children eligible for the pension or allowance, a special dependents pension to the parents, if the parents were largely dependent on the officer at the time of his death or the father is dead or, if living, is incapable of self-support through age or infirmity and in every case, the pecuniary and other circumstances of the parent or parents are such as in the opinion of the Central Government justify the grant;

(d) in the absence of any of the above relations so eligible, a special dependents pension to the brothers and sisters, if the brothers and sisters were largely dependent on the officer at the time of his death and their pecuniary and other circumstances are such as in the opinion of the Central Government, justify the grant.

Explanation.—For the purpose of this regulation, service rendered in aid of the civil power shall be treated as service in the Indian Navy.

51. Gratuity to widow.—(1) Where the death of an officer occurred in any of the circumstances specified in sub-regulation (2), the widow of the officer, if she was not separated from her husband at the time of his death, may, in addition to the pension to which she may be eligible under regulation 50, be granted a gratuity at the appropriate rate specified in sub-regulation (3).

(2) This regulation applies to a case where an officer—

(a) is killed in action or dies of wounds sustained in action, or

(b) without serious negligence or misconduct on his part—

(i) is killed while on flying duty or parachute jumping duties in a service aircraft or while being carried on duty in a service aircraft, under proper authority, or dies of injuries sustained in such circumstances, or

(ii) though not serving in an operational area, dies of a cause attributable to circumstances which, in the opinion of the Central Government, are similar to those encountered on field service or in operations; or

(c) suffers a violent death while employed in aid of the civil power.

Explanation.—An officer employed on the work of disposal by demolition, burning, burial, breakdown or dumping of unserviceable stocks of explosives shall be deemed to be on field or operational service for the purpose of eligibility of the widow to death gratuity under clause (b)(ii).

(3) The rates of gratuity under this regulation shall be as follows:—

| Rank of officer | Gratuity |
|---|----------|
| | Rs. |
| (i) General List Officers: | |
| Sub-Lieutenant | 2,000 |
| Lieutenant | 2,670 |
| Lieutenant Commander | 4,000 |
| Commander | 6,000 |
| Captain (less than 5 years in the rank) | 8,000 |
| Captain (5 years or over in the rank) | 10,670 |
| Rear Admiral | 13,000 |
| Vice Admiral | 14,500 |
| Admiral | 16,000 |
| (ii) Branch List Officers | 1,000 |

52. Education allowance.—(1) Where the death of an officer occurred in the circumstances specified in regulation 50 and the officer is survived by a legitimate child or legitimate children eligible for children's allowance under that regulation, the Central Government may if, in their opinion, the pecuniary and other circumstances of the case so justify, grant an education allowance to the child or, as the case may be, to each of the children at the rates specified in sub-regulation (2):

Provided that the education allowance under this regulation shall be payable irrespective of whether the widow was or was not separated from her husband at the time of the officer's death and shall be admissible only to children above 3 years of age.

(2) The education allowance shall be granted—

- (a) where the deceased officer was on the branch list, at a rate not exceeding Rs. 360/- per annum per child;
- (b) in other cases, at a rate not exceeding Rs. 480/- per annum per child.

53. Ordinary family pension and children's allowance when admissible.—(1) An ordinary family pension to the widow of an officer who, while on the active list or on the retired list, dies on account of causes neither attributable to nor aggravated by service and a children's allowance to the officer's legitimate children under eighteen years of age may be granted if:—

- (i) the officer married before joining the service or while on the active list and before retirement;
- (ii) the officer was not over fifty years of age at the time of his marriage;
- (iii) the officer was not more than twenty five years older than his wife;
- (iv) the officer survived his marriage by at least one year, unless it can be shown that he was manifestly in good health at the time of his marriage and that his death was due to a disease or injury resulting from causes not within his control;
- (v) the officer, being liable to service, had not been excused, at his request, from serving, after being officially warned that his widow would thereby forfeit all claim to pension;
- (vi) the officer did not retire with a gratuity.
- (vii) the officer had not less than the following periods of service qualifying for pension as a commissioned officer—
 - (a) if he died whilst on the active list or after compulsory retirement on account of age or if he retired on account of ill health rendering him permanently unfit for further service—ten years;
 - (b) if he died after having retired voluntarily, or for inefficiency or in disreputable circumstances—twenty years;

and

- (viii) the widow was not separated from her husband at the time of his death:

Provided that where an officer who had been promoted from the lower deck had rendered qualifying service for a period less than that prescribed in clause

(vii). the Central Government may, if the officer had rendered a total service as officer and as sailor for 10 years or, as the case may be, 20 years, grant a pension or an allowance or both under this regulation at such rate as they consider reasonable.

(2) The pension and allowance referred to in sub-regulation (1) shall be granted in the first instance for a period of five years; at the end of the fifth year and thereafter at the end of every five years, the case shall be reviewed and the pension or the allowance or both shall be continued only if the pecuniary circumstances of the widow or children or both are such as in the opinion of the Central Government justify the continuance.

54. Continuance of children's allowance, and education allowance after 18 years.—Notwithstanding anything contained in regulations 50, 52 and 64, the children's allowance, whether special or ordinary and the education allowance to children may at the discretion of the Central Government be granted to a child over 18 years of age or be continued beyond the age of 18 years in the following circumstances, namely:—

- (a) in the case of all allowances, if the child is being educated at a secondary school, a technical school or a university; and
- (b) in the case of children's allowance special or ordinary, also if the child is an apprentice receiving not more than a normal wage or if the child is incapable of self-support by reason of mental or physical infirmity which arose before it attained the age of eighteen years and is in distressed circumstances.

55. Grant of childrens' and education allowance to validly adopted children.—Children's allowance and education allowance admissible under the regulations in this section may, in the absence of a legitimate child, be granted to one validly adopted child.

56. Exception in cases of separation of widow from her husband at the time of his death.—(1) The Central Government may at their discretion and subject to such conditions as they may determine grant a pension or gratuity or both to a widow who, by reason only of her having been separated from her husband at the time of his death, is not eligible for it under the regulations.

(2) When the widow is not granted a pension for the reason that she was separated from her husband at the time of his death, an allowance to the legitimate children under eighteen years of age may be granted at such rate within the scales (including scales for motherless children) laid down in these regulations as the Central Government may deem proper in the circumstances of the case.

57. Pension of a widow who dies before establishing her claim.—If the claim of a widow to a pension fails, through her negligence or omission, to be established before her death, the amount of pension to which she would have been entitled, if living, shall not be allowed to her representatives.

58. Rank on which pension is assessed.—(1) Except as provided in sub-regulation (2), family pension and gratuity to a widow and dependent's pension shall be assessed on the substantive rank held by an officer on the date of his death if the officer died whilst on the active list or on the date of retirement if death occurred after retirement:

Provided that—

- (i) the pension to the widow shall be assessed on the rank next below that in which an officer retired, in cases where an officer retired voluntarily or was compulsorily retired on account of misconduct or inefficiency before completing one year's service in the rank in which he retired;
 - (ii) the widow shall be allowed pension attached to any rank which was posthumously conferred on her husband under the normal promotion rules;
 - (iii) the Central Government may, in any other case of posthumous conferment of a higher rank, order the pension to be assessed on that rank;
- Explanation.—Any higher rank attained by the retired officer during re-employment shall not be taken into account for ordinary family pension.

(2) Paid acting rank held by an officer on any of the following dates whichever is the most favourable shall be taken into account for the purpose of assessment of special family pension and gratuity to the widow and dependents pension to parents, brothers and sisters, namely;

- (i) the date of death, if death occurs in service, or the date of invaliding if death takes place after invaliding; or
- (ii) the date on which the officer sustained wound or injury or was first removed from duty on account of a disease causing death; or
- (iii) if he rendered further service and suffered aggravation of the disability during and as a result of such service, the date of his later removal from duty on account of the disability;

Provided that paid acting rank shall not be taken into account if the crucial date mentioned above falls after the 31st May, 1963.

59. Rank for purposes of special family pension in respect of an officer suffering from pulmonary tuberculosis but retained in service.—(1) Except as provided in sub-regulations (2) and (3), special family pension in respect of an officer suffering from pulmonary tuberculosis attributable to or aggravated by service in the Indian Navy who on the expiry of leave granted to him had rejoined duty having been found fit for retention in service shall be assessed on the substantive rank held by him immediately prior to the date of rejoining duty if he died as a result of a relapse of the disability within five years from that date.

(2) Paid acting rank held by such an officer on any of the following dates, whichever is the most favourable, shall be taken into account for the purpose of assessment of special family pension:—

- (i) the date immediately preceding the date of resumption of duty; or
- (ii) the date on which the officer was first removed from duty on account of pulmonary tuberculosis; or
- (iii) if he rendered further service, and suffered aggravation of the disability during and as a result of such service, the date of his later removal from duty on account of the disability;

Provided that paid acting rank shall not be taken into account if the crucial date mentioned above falls after the 31st May, 1963.

(3) If death occurs as a result of relapse of the disability after a period of five years from the date of rejoining, the rank for assessment of special family pensionary awards shall be determined in accordance with regulation 52.

60. Rates of special family pension.—The rates of special family pension shall be as under:—

(a) Special family pension

| Rank of Officer | Special family pension |
|--|------------------------|
| (i) Officers other than those of the Branch List— | |
| Sub-Lieutenant | Rs. per mensem |
| Lieutenant | 150 |
| Lieutenant Commander | 160 |
| Commander | 180 |
| Captain (less than 5 years in the rank) | 220 |
| Captain (5 years or over in the rank) | 240 |
| Rear Admiral | 260 |
| Vice Admiral | 300 |
| Admiral | 350 |
| | 400 |
| (ii) Officer of the Branch List | 112.00 per mensem. |

(b) *Children's allowance (Special)*

Officers of the Branch List

Officers other than those of the Branch List

Rs. 450 per annum per child

Rs. 270 per annum per child

If motherless—Rs. 600 per annum per child

Otherwise—Rs. 360 per annum per child

Explanation.—Children's allowance at 'motherless' rate may be granted in cases where the child is in the legal custody of a person other than its mother or step mother, and is being maintained by such a person.

(c) *Dependants pension*

At the discretion of the Central Government depending on the circumstances of the case as may appear to the Central Government to be relevant to the case and subject to such conditions as they may prescribe, the maximum rate shall be—

(i) *Parents*Rate of pension per
mensem for two
parents

Rank of officer

A.—Officers other than those of the Branch List—

| | Rs. nP. |
|-------------------------------------|---------|
| Sub-Lieutenant | 112.50 |
| Lieutenant | 120.00 |
| Lieutenant Commander | 135.00 |
| Commander | 165.00 |
| Captain (less than 5 years in rank) | 180.00 |
| Captain (5 years or more in rank) | 195.00 |
| Rear Admiral | 225.00 |
| Vice Admiral | 262.50 |
| Admiral | 300.00 |

B.—Officers of the Branch List

84.00

(ii) *Brothers and Sisters*

Rupees thirty per mensem for each in the case of an officer other than that of the Branch List and Rupees twenty two and Naye Paise fifty per mensem in the case of the officer of the Branch List subject to the following further maximum in cases where an award is made to more than one brother or sister.

Rank of officer

Maximum rate of
pension per mensem.

A.—Officers other than those of Branch List—

| | Rs. |
|---|-----|
| Sub-Lieutenant | 75 |
| Lieutenant | 80 |
| Lieutenant Commander | 90 |
| Commander | 110 |
| Captain (less than 5 years in the rank) | 120 |
| Captain (5 years or more in the rank) | 130 |
| Rear Admiral | 150 |
| Vice Admiral | 175 |
| Admiral | 200 |

B.—Officers of the Branch List

56

61. **Rates of ordinary pension and children's allowance.**—(1) Ordinary family pension shall be at half the rate of special family pension laid down for the appropriate rank in regulation 60(a).

(2) The rates of children's allowance (ordinary) are as under:—

| Officers other than those of the Branch List | Officers of the Branch List |
|---|-----------------------------|
| (i) If motherless—Rs. 400 per annum per child | Rs. 300 per annum per child |
| (ii) Otherwise—Rs. 240 per annum per child | Rs. 180 per annum per child |

Explanation.—Children's allowance at 'motherless' rate may also be granted in cases where the child is in the legal custody of a person other than its mother, or step mother and is being maintained by such a person.

(3) If the deceased officer was placed on the retired list on account of inefficiency or in discreditable circumstances and was granted a reduced pension, the ordinary family pension to the widow shall be reduced by half the percentage by which the officer's service pension was reduced.

62. Division of family pension.—(1) If an officer leaves behind two or more widows who are eligible for special family pension or gratuity or an ordinary family pension, the pension or gratuity may, by order of the Central Government, be divided amongst them.

(2) If in a case where a family pension has been divided, one of the recipients dies or is disqualified, the share of the recipient may, in the circumstances of the case as may appear relevant to the Central Government, be paid to the other recipient or if there is more than one recipient, divided amongst them.

63. When payment of widow's pension ceases.—(1) Ordinary or special family pension granted to the widow of a deceased officer shall be discontinued—

- (i) if she proves unworthy of it; or
- (ii) if she remarries; or
- (iii) if her pecuniary circumstances become such as, in the opinion of the Central Government, not to justify the continuance of the pension.

Provided that a special family pension shall not be discontinued on the ground mentioned in clause (iii) except in case of restoration of such pension to her on second widowhood under regulation 67.

(2) In the case of remarriage, pension shall cease from the date following that of remarriage and in other cases, from such date as the Central Government may decide.

64. When payment of children's allowance ceases.—The payment of ordinary or special children's allowance shall cease—

- (i) when the child attains the age of 18 years; or
- (ii) at the expiration of the year commencing with April in which the child, if a boy, is otherwise provided for, or if a daughter, marries; or
- (iii) in the case of a child who has been granted the ordinary rate of allowance, when the pecuniary circumstances of the child become such as, in the opinion of the Central Government, not to justify the continuance of the allowance, whichever is earliest.

65. When payment of parent's pension ceases.—A special pension which may be granted to the parent or parents of a deceased officer shall be discontinued—

- (i) in the case of a female parent who remarries, from the date of remarriage; or
- (ii) if the pecuniary circumstances of the parent or parents become such as in the opinion of the Central Government not to justify the continuance of the pension.

66. When payment of brothers' and sisters' pension ceases.—Payment of special pension granted to the brothers and sisters of a deceased officer shall cease under the conditions laid down for the cessation of ordinary rate of children's allowance in regulation 64. It may be continued after the age of eighteen years

under the same conditions as for children if they are incapable of self-support by reason of a mental or physical infirmity.

67. Restoration of pension on second widowhood.—The family pension (ordinary or special) of a widow, which was discontinued on her remarriage may be restored in the event of her again becoming a widow, if she is otherwise qualified and if her pecuniary circumstances are such as, in the opinion of the Central Government to justify restoration of the pension; or if, on the death of her second husband she becomes eligible for a pension under these regulations at a different rate, she may be permitted to choose either of the two pensions.

CHAPTER III—SAILORS

SECTION I—GENERAL

68. Application.—Unless otherwise provided, the regulations in this chapter shall apply to sailors on continuous service terms.

69. Sailors dismissed or discharged.—(1) A sailor, who is dismissed under the Act, is ineligible for pension or gratuity in respect of the service rendered by him before his dismissal.

(2) Save as otherwise expressly provided, a sailor who is discharged under the Act and the regulations made thereunder remains eligible for pension or gratuity under these regulations.

70. Officer cadets and midshipmen.—A sailor shall continue to be entitled to pensionary benefits as a sailor while he is an officer cadet or a midshipman.

71. Only one pension is admissible.—Save as otherwise expressly provided, no person may draw more than one pension under this chapter, and in the case of any person who becomes eligible for more than one pension, the lesser pension shall lapse.

72. Sailors invalided on account of leprosy.—A sailor who is invalided on account of leprosy and is not otherwise entitled to a pension or gratuity under this chapter may be granted such amount as the competent authority may decide, not exceeding the minimum amount of gratuity admissible under these Regulations.

73. Sailors invalided on account of indulgence in drugs or drink.—A sailor invalided in consequence of any disorder (including insanity) resulting from indulgence in drugs or drink shall, unless such indulgence was for reasons beyond his control, be ineligible for pension irrespective of length of service, but may in the circumstances of the case to be considered by the competent authority, be granted—

(i) if he has rendered sufficient qualifying service to earn a service pension, the whole or part of the gratuity admissible under regulation 89.

(ii) if he has rendered sufficient qualifying service to earn a service gratuity only, the whole or part of the gratuity normally admissible according to the length of qualifying service under regulation 89.

74. Sailors who aggravate or retard the cure of a disability.—A sailor who intentionally aggravates his disability or retards its cure shall, on being discharged as medically unfit for further service on account of such disability, be ineligible for any pension or gratuity.

75. Pensioners convicted of crime or guilty of misconduct.—(1) The pension (service and disability pensions, family pension drawn by adult males only, and children's allowance) of a pensioner, who is convicted by a court of law of a crime of a political nature or is guilty of misconduct of a political nature shall be liable to be withheld in whole or in part.

(2) A pension which has been withheld in whole or in part under this regulation may be restored in full or in part.

(3) In applying the provisions of this regulation, the procedure laid down in regulations 195 to 197 of these Regulations shall be followed.

76. Pensioners re-employed in the Defence Services in an emergency.—(1) Pensioners re-employed on mobilisation in a naval or civil capacity in the Defence Services shall receive pension in addition to pay in the re-employed post.

(2) Pensioners who are re-employed in a naval or civil capacity in the Defence Services, in other emergencies in which the re-employment of a large number of pensioners is necessary may, at the discretion of the Central Government, be allowed the same benefit.

(3) Re-employed service under this regulation shall not count for pension or for gratuity.

Explanation.—The provisions of this regulation also apply to Naval pensioners re-employed in the Army and Air Force.

77. Pensioners re-employed in a service capacity otherwise than in an emergency.—(1) Where a pensioner is re-enrolled or is re-employed in an appointment the incumbent of which is normally required to be enrolled under the Act, the pension shall be held in abeyance, but the re-employed service shall also count for pension, if any, under the rules governing the re-employment. On release from re-employment either the pension which was held in abeyance or any higher pension earned by virtue of further service shall be payable.

(2) Where a pensioner is not re-enrolled or is re-employed in an appointment which does not require him to be enrolled, the pension shall be admissible in addition to the pay of the appointment. The re-employed service shall not count for pension or for gratuity.

Explanation.—The provisions of this regulation also apply to Naval pensioners re-engaged in Army and Air Force.

SECTION 2—SERVICE PENSION AND GRATUITY

78. Minimum qualifying service for pension.—Unless otherwise provided, the minimum service which qualifies for service pension is fifteen years.

79. Service qualifying for pension and gratuity.—(1) All service from the date of enrolment or advancement to the rank of ordinary sea-man or equivalent to the date of discharge shall qualify for pension or gratuity with the exception of—

- (i) any period of service on a temporary establishment or for which a special rate of pay is granted without pensionary benefits;
- (ii) any period of service rendered before reaching the age of seventeen years;
- (iii) any period of service rendered after the date on which the proceedings or the medical board which found the individual unfit for service were countersigned by the Director of Medical Services (Navy);
- (iv) any period of unauthorised absence for which pay and allowances have not been allowed;

Explanation.—Mulcts of pay and allowances awarded for absence without leave under the Act do not amount to disallowances for the purpose of this clause.

- (v) any period of absence as a prisoner of war unless pay and allowances are admitted for the period of absence;
- (vi) unless the Central Government, by order, otherwise directs, any period of detention in civil custody before being sentenced to imprisonment or fine;
- (vii) any period of imprisonment under the sentence of a civil court or of a court martial; and
- (viii) any period of absence without leave, as also any period intervening between the date of dismissal/discharge/release and that of its cancellation, to the extent it is regularised as extra-ordinary leave without pay and allowances.

80. Loss of benefit of service for certain offences and its restoration.—A person who has been convicted by court martial or summarily of an offence of—

- (i) desertion under section 49 of the Act, or

- (ii) fraudulent entry under section 70 of the Act, shall lose the benefit of the whole of his prior service for purposes of pension or gratuity.
- Provided that if such person has not been dismissed from service, he shall on completion of any consecutive period of three years of further service in the Navy or in the reserve or in both with very good conduct, be eligible to reckon the prior service towards pension or gratuity.

81. Condonation of an interruption of service.—In the case of a person whom an authority subordinate to the Central Government can sanction for pension, the competent authority may, upon such conditions as it may think fit to impose, condone interruptions of service as follows, namely:—

- (i) when the proposed pension exceeds rupees twenty five per mensem and interruptions not exceeding a total period of twelve months;
- (ii) when the proposed pension is rupees twenty five per mensem or less, all interruptions whatever their duration.

82. Condonation of deficiency in service for eligibility to service/reservist pension.—Except in the case of a sailor—

- (a) who is discharged at his own request, or
- (b) who is eligible for special pension or gratuity under regulation 95, or
- (c) who is invalided with less than fifteen years' service,

deficiency in the service qualifying for service pension or reservist pension or gratuity may be condoned by competent authority upto six months in each case.

83. Counting of former service for pension and gratuity.—(1) In the case of sailors who have to their credit former service of the nature specified in column 2 of the table below and who had not been dismissed from their former service a competent authority may, if they are re-employed, permit them to count the former service towards pension and gratuity to the extent specified in column 3 of that table, subject to the fulfilment of the conditions specified in column 4 thereof:—

Explanation.—Sailors who were in re-employment on the date of coming into force of these Regulations shall continue to be entitled to the benefit of counting of former service subject to the fulfilment of the conditions attached thereto under the regulations and orders applicable immediately before the above date.

TABLE

| Serial No. | Description of former service | Extent to which former service qualifies for pension or gratuity. | Conditions to be fulfilled |
|------------|---------------------------------------|---|---|
| 1 | 2 | 3 | 4 |
| 1 | Service as continuous service sailor. | Qualifies for pension or gratuity in full. | <p>(a) If discharged from former service voluntarily or on invalidation Conditions 1, 2 and 3.</p> <p>(b) If discharged from former service on public grounds or as re-organisation or reduction in Establishment—Conditions 1 and 2.</p> |

| 1 | 2 | 3 | 4 |
|---|---|--|---|
| 1 | Service as special service sailors. | <p>(a) <i>For service pension or gratuity.</i> All qualifying service as a Special Service Sailor in full and qualifying service in the reserve to the extent authorised under specific Government orders.</p> <p>(b) <i>For Reservist Pension.</i> All qualifying service as Special Service Sailor or Reserve Service in full.</p> | <p>(a) (i) If discharged from former service voluntarily or on invaliding; and</p> <p>(ii) Either, re-enrolled as Special Service Sailor within three years of the discharge;</p> <p>(iii) Or, if after leaving service as Special Service Sailor is transferred to the Reserve without a break and re-enrolled within five years of date of transfer to the reserve— Conditions 1, 2 and 3.</p> <p>(b) If discharged on former service on public grounds such as re-organisation or reduction in ship or establishment; and re-enrolled within three or five years as the case may be— Conditions 1 and 3.</p> |
| 3 | Service as a continuous service sailor and reserve service in the case of reservists (other than pensioner reservists) recalled to service in the Indian Navy and discharged therefrom. | <p>(a) <i>For service pension or gratuity</i> Qualifying service as continuous service sailor in full and qualifying service in the reserve to the extent authorised under specific Government orders.</p> <p>(b) <i>For reservist pension.</i> All qualifying service as continuous service sailor or reserve service in full.</p> | Conditions 1, 2 and 3. |
| 4 | Service in the Army or Air Force. | To the extent that such service qualifies for the grant of pension or gratuity under the Pension Regulations for the Army or Air Force, as the case may be. | Conditions 1, 2 and 3 but Condition 2 will not apply if it would not have applied, had the individuals been re-enrolled in the Army or Air Force. |

The conditions 1, 2 and 3 referred to in column 4 of the table are as follows:—

Condition 1—At the time of re-enrolment, the individual shall have declared the former service and cause of discharge therefrom and elected to count that service towards pension or gratuity. The election once made shall be final.

Condition 2—After re-enrolment, the sailor shall have completed any consecutive period of three years service within which his character has not been assessed at less than "Good" and he has not had a court martial conviction.

In the case of sailors transferred to the reserve before completing three years' service since re-enrolment, the period of three years for the purposes of this condition may be either wholly or partly with the reserve.

Condition 3—The sailor shall have refunded any gratuity, other than war gratuity, received in respect of his former service within a period of three years from the date of his re-enrolment in not more than thirty six monthly instalments from his pay. The first instalment of such refund shall be payable within three months from the date of re-enrolment.

(2) Notwithstanding anything in sub-regulation (1), in the case of a sailor invalidated from service, the competent authority may waive conditions 2 and 3.

84. Assessment of service pension.—Except as otherwise provided, service pension is assessed on the lowest substantive rank and the lowest group held by an individual during the last two years of his service qualifying for pension.

85. Condonation of deficiency of service in a particular rank.—A competent authority may, depending on the circumstances of the case, condone a deficiency of service in a particular rank not exceeding three months, except on voluntary retirement.

86. Rate of service pension.—The following are the rates of service pension.

Rates of Service Pensions—Sailors

| Rank | Completed years of service | Rate of service pension | | | |
|---|----------------------------|--|----------------|----------------|--|
| | | Group 'A' and Naval Aviation sailors on Group 'A' rates of pay | Group 'B' | Group 'C' | Naval Aviation sailors other than those on Group 'A' rate of Pay |
| | | Rs. per mensem | Rs. per mensem | Rs. per mensem | Rs. per mensem |
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1. Able seaman or equivalent | 15 | .. | 26 | 23 | 28 |
| | 16 | .. | 28 | 25 | 30 |
| | 17 | .. | 30 | 27 | 32 |
| | 18 | .. | 32 | 29 | 34 |
| | 19 | .. | 34 | 31 | 36 |
| | 20 | .. | 36 | 33 | 38 |
| | 21 | .. | 38 | 35 | 40 |
| 2. Leading seaman or equivalent | 15 | .. | 29 | 29 | 35 |
| | 16 | .. | 31 | 31 | 37.5 |
| | 17 | .. | 33 | 33 | 40 |
| | 18 | .. | 35 | 35 | 42.5 |
| | 19 | .. | 37 | 37 | 45 |
| | 20 | .. | 39 | 39 | 47.5 |
| | 21 | .. | 41 | 41 | 50 |
| | 22 | .. | 43 | 43 | 52.5 |
| | 23 | .. | 45 | 45 | 55 |
| | 24 | .. | 47 | 47 | 57.5 |
| 3. Petty Officer/Artificer IV Class/ Mechanician IV Class. | 25 | .. | 49 | 49 | 60 |
| | 15 | 40 | 38 | 38 | 45 |
| | 16 | 43 | 41 | 41 | 48 |
| | 17 | 46 | 44 | 44 | 51 |
| | 18 | 49 | 47 | 47 | 54 |
| | 19 | 52 | 50 | 50 | 57 |
| | 20 | 55 | 53 | 53 | 60 |
| | 21 | 58 | 56 | 56 | 63 |
| | 22 | .. | 59 | 59 | 66 |
| | 23 | .. | 62 | 62 | 69 |
| | 24 | .. | 65 | 65 | 72 |
| | 25 | .. | 68 | 68 | 75 |

| | 1 | 2 | 3 | 4 | 5 | 6 |
|--|----|-------|-------|-------|----|---|
| 4. Chief Petty Officer/ Artificer III Class/Mechanician III Class. | 15 | 46 | 46 | 46 | 56 | |
| | 16 | 49.25 | 49.25 | 49.25 | 60 | |
| | 17 | 52.50 | 52.50 | 52.50 | 64 | |
| | 18 | 55.75 | 55.75 | 55.75 | 68 | |
| | 19 | 59 | 59 | 59 | 72 | |
| | 20 | 62.25 | 62.25 | 62.25 | 76 | |
| | 21 | 65.50 | 65.50 | 65.50 | 80 | |
| | 22 | | 68.75 | 68.75 | 84 | |
| | 23 | .. | 72 | 72 | 88 | |
| | 24 | .. | 75.25 | 75.25 | 92 | |
| | 25 | .. | 78.50 | 78.50 | 96 | |
| 5. Artificer II Class/Mechanician II Class. | 15 | 54 | | | | |
| | 16 | 58 | | | | |
| | 17 | 62 | | | | |
| | 18 | 66 | | | | |
| | 19 | 70 | | | | |
| | 20 | 74 | | | | |
| | 21 | 78 | | | | |
| | 22 | 82 | | | | |
| | 23 | 86 | | | | |
| | 24 | 90 | | | | |
| | 25 | 94 | | | | |
| 6. Artificer I Class /Mechanician I Class. | 15 | 59 | | | | |
| | 16 | 63 | | | | |
| | 17 | 67 | | | | |
| | 18 | 71 | | | | |
| | 19 | 75 | | | | |
| | 20 | 79 | | | | |
| | 21 | 83 | | | | |
| | 22 | 87 | | | | |
| | 23 | 91 | | | | |
| | 24 | 95 | | | | |
| | 25 | 99 | | | | |
| 7. Chief Artificer/Chief Mechanician | 15 | 71 | | | | |
| | 16 | 77 | | | | |
| | 17 | 83 | | | | |
| | 18 | 88 | | | | |
| | 19 | 93 | | | | |
| | 20 | 98 | | | | |
| | 21 | 103 | | | | |
| | 22 | 108 | | | | |
| | 23 | 113 | | | | |
| | 24 | 118 | | | | |
| | 25 | 123 | | | | |

87. Sailors transferred to the reserve.—A sailor transferred to the reserve after earning a service pension shall be granted such pension from the date of his transfer.

88. Minimum qualifying service for gratuity.—Unless otherwise provided, the minimum service which qualifies for service gratuity is five years.

89. Rate of service gratuity.—(1) Service gratuity at the rate of two-thirds of a month's pay for each completed year of qualifying service may be granted to a sailor with less than fifteen years qualifying service, who is compulsorily discharged with eligibility to gratuity or who is discharged on the ground that his services are no longer required or who is discharged otherwise than at his own request having reached the stage at which discharge may be enforced:

Provided that the competent authority may, depending on the circumstances of the case, reduce the gratuity by an amount not exceeding one-fourth of the admissible gratuity.

(2) No gratuity shall be admissible to a sailor who is discharged at his own request.

90. Pay for assessment of service gratuity.—Pay for assessment of service gratuity shall include—

- (i) the pay last drawn (including deferred pay, if any) of the substantive rank last held;
- (ii) the good conduct pay;
- (iii) the parachute pay, if any; and
- (iv) the diving qualification retaining fee, if any.

91. Reservists in receipt of service pension.—(1) A reservist who is in receipt of a service pension shall continue to draw such pension in addition to the retaining fee admissible to him while he is in the reserve, or the normal pay and allowances admissible for the duration of the periodical training, as the case may be.

(2) Service in the reserve shall not qualify for any higher pension or for gratuity.

92. Reservist pension and gratuity.—(1) A reservist who is not in receipt of a service pension may be granted, on completion of the prescribed naval and reserve qualifying service of ten years each, a reservist pension of rupees eleven per mensem or a gratuity of rupees nine hundred in lieu of pension.

(2) A reservist who is not in receipt of a service pension and whose qualifying service is less than the period of engagement but not less than fifteen years may, on completion of the period of engagement or on earlier discharge from the reserve otherwise than at his own request, be granted a reservist pension at rupees ten per mensem or a gratuity of rupees seven hundred and fifty in lieu of pension.

(3) Where a reservist elects to receive a gratuity in lieu of pension under this regulation, the amount of gratuity shall, in no case, be less than the service gratuity that would have accrued to him under regulation 89 based on the qualifying service in the Indian Navy, had he been discharged from the active list.

Explanation.—The option to draw a gratuity in lieu of pension shall be exercised on discharge from the reserve, and the option once exercised shall be final; no pension or gratuity shall be paid until the option has been exercised.

93. Time spent outside the limits of India, Nepal, Sikkim, Bhutan or Ceylon.—Time spent by a reservist as a permanent resident beyond the limits of India, Nepal, Sikkim, Bhutan or Ceylon shall not reckon as service for pension or gratuity.

94. Sailors prematurely transferred to the reserve.—A sailor who is prematurely transferred to the reserve may be granted the reservist pension irrespective of the period of service rendered in the Indian Navy, provided he has completed, on discharge, the period of combined service in the Indian Navy and reserve service according to the terms of his engagement and the entire service qualifies for pension.

SECTION 3—SPECIAL PENSION AND GRATUITY.

95. Special pensions and gratuity to sailors—when admissible.—A special pension or gratuity may be granted, at the discretion of the Central Government, to sailors who are not transferred to the reserve and are discharged in large numbers in pursuance of Government's policy—

- (i) of reducing the strength of establishment of the Indian Navy; or
- (ii) of re-organisation, which results in paying off of any ships or establishments.

96. Rank for assessment of special pension.—Special pension shall be assessed on the substantive rank and the group held by the sailor on the date of discharge.

97. Pay for assessment of special gratuity.—Pay for assessment of special gratuity shall be the same as for service gratuity under regulation 90.

98. Scale of special pension and gratuity.—The scales of special pension and gratuity shall be:—

Qualifying Service

Scale

A—Special pension

| | |
|---|---|
| Fifteen years or more | Pension at the rates specified in regulation 86. |
| Ten years or more but less than fifteen years | The pension which bears the same ratio to the minimum service pension under regulation 86, as the completed years of qualifying service bears to fifteen. |

B—Special gratuity

| | |
|--|--|
| Five years or more but less than ten years | Gratuity at the rate of one and one-third month's pay for each completed year of qualifying service. |
| Less than five years | Gratuity equal to three months' pay. |

99. Sailors invalided out of service.—(1) A sailor who is invalided out of the service on account of a disability attributable to service but whose disability is assessed at less than twenty per cent shall be granted gratuity equal to two months' pay if:—

- (i) no pension or gratuity is admissible to him under any other regulation, or
- (ii) the gratuity admissible to him under any other regulation is less than the gratuity admissible under this regulation, in which case the former shall not be drawn.

(2) Pay for assessment of gratuity under this regulation shall be same as for service gratuity under regulation 90.

(3) The provisions of regulations 102 and 104, shall apply *mutatis mutandis* to the grant of gratuity under this regulation.

SECTION 4—DISABILITY PENSION

100. Eligibility.—Subject to the provisions hereinafter contained, the following persons shall be eligible for disability pension, namely:—

- (i) sailors on continuous service terms;
- (ii) boys and apprentices;
- (iii) reservists when called up for service or for training.

101. Conditions for the grant of disability pension.—Unless otherwise specially provided, a disability pension may be granted to a person who is invalided from service on account of a disability which is attributable to or aggravated by service and is assessed at twenty per cent or over.

Explanation (1).—The question whether a disability is attributable to or aggravated by service shall be determined in accordance with the rules contained in Appendix V to these regulations.

Explanation (2).—Service rendered in aid of the civil power shall be treated as service in the Indian Navy for the purpose of this regulation.

102. Serious negligence or misconduct.—If the disability of a person is wholly or partly due to his serious negligence or misconduct, the amount of disability pension otherwise admissible may be reduced by the competent authority to such extent as may appear to the authority to be reasonable in the circumstances of the case.

103. Reduction in pension when compensation for disability is paid from public revenues.—If any compensation is paid from public revenues for a disability incurred in circumstances in which a disability pension is admissible under these regulations, the Central Government may reduce the amount of the pension to such extent as they consider reasonable.

104. Refusal to undergo medical treatment.—If a sailor suffering from a disability accepted as attributable to or aggravated by service refuses to undergo an operation, or other medical treatment, which, in the opinion of the service medical authority, would cure the disability or reduce the degree of disablement, his case shall be dealt with as follows:—

- (a) If the refusal to undergo treatment or an operation is reasonable, the full disability pension normally admissible may be granted,
- (b) if the refusal to undergo treatment or an operation is un-reasonable,—
- (i) if the medical board certifies that an operation or medical treatment will cure the disability the disability pension shall be withheld by the normal service pension or gratuity, any, admissible under these regulations, the pension or gratuity if any admissible under regulation 110 may be granted;
- (ii) if the medical board certifies that an operation or medical treatment will reduce the disability to a lower percentage the disability element of pension shall be restricted to that appropriate to the lower percentage of disablement; if the lower percentage is less than twenty per cent the normal service pension or gratuity, any, admissible under these regulations, the pension or gratuity if any admissible under regulation 110 may be granted.

Explanation.—The question whether a refusal to undergo medical treatment or an operation is reasonable or un-reasonable shall be decided in accordance with the rules contained in Appendix VII to these regulations.

105. Manifestation of disability after discharge from service.—An individual who is discharged from service, otherwise than at his own request, with a pension or gratuity, but who, within a period of seven years from the date of discharge, is found to be suffering from a disease which is accepted as attributable to service may, at the discretion of the competent authority, be granted, in addition to his pension or gratuity, a disability element at the rate appropriate to the accepted degree of disablement and the substantive rank last held, with effect from such date as may be decided upon by the competent authority in the circumstances of the case.

106. Rank for assessment of disability pension.—(1) The rank for assessment of the service and disability elements of disability pension shall be the substantive rank held by an individual on the date of invaliding from service.

(2) For so long as promotions are made on paid acting basis, the service and disability elements shall be reckoned on the paid acting rank held by the individual on any of the following dates, whichever is the most favourable, namely:—

- (a) the date of invaliding from service; or
- (b) the date on which he sustained the wound or injury or was first removed from duty on account of the disease causing his disablement;
- (c) if he rendered further service and during and as a result of such service suffered aggravation of disability, the date of the later removal from duty on account of the disability.

Provided that the paid acting rank shall not be taken into account for assessment of disability pension if the crucial date mentioned above falls after the 30 May, 1963.

Explanation.—In the case of an individual who, on account of misconduct or inefficiency, is reverted to a lower rank subsequent to the date on which the wound or injury was sustained or disability contracted, the rank for assessment of service and disability elements of disability pension shall be the paid acting rank held on the date of invaliding from service.

107. Amount of disability pension.—In cases where the accepted degree of disablement is twenty percent or over, the monthly rates of disability pension consisting of service and disability elements, shall be as follows, namely:—

- (i) *Service element*
- (a) Where the individual has rendered sufficient service to qualify for a service pension. Service pension admissible in accordance with his rank and group last held, and length of service.

(b) Where the individual has not rendered sufficient service to qualify for service pension.

(i) If the disability was sustained while on flying or parachute jumping duty in a service aircraft or while being carried on duty in a service aircraft under proper authority, the minimum service pension appropriate to his rank and group.

(ii) In all other cases, that proportion of the minimum service pension appropriate to the individual's rank and group which the number of his completed years of qualifying service bears to fifteen but in no case less than two-thirds of the minimum service pension.

Provided that for the purpose of this clause, service rendered before the age of seventeen years shall be treated as qualifying service.

Explanation.—The service element shall be assessed—

(i) in the case of ordinary seaman or equivalent, on the basis of the minimum service pension laid down for able seaman or equivalent of the same group;

(ii) in the case of Artificers V Class on the basis of minimum service pension laid down for Leading Seaman or equivalent in Group B.

(iii) in the case of artificer acting IV Class, on the basis of the minimum service pension laid down for Group A.

(2) **Disability element.**—At the rate appropriate to the rank and the accepted degree of disablement in accordance with the following table:

Disability element as for

| Rank | 20% Rs.nP. per men- sem | 30% Rs.nP. per men- sem | 40% Rs.nP. per men- sem | 50% Rs.nP. per men- sem | 60% Rs.nP. per men- sem | 70% Rs.nP. per Men- sem | 80% Rs.nP. per Men- sem | 90% Rs.nP. per men sem | 100% Rs.nP. per Men- sem |
|---|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|------------------------------------|--------------------------------------|
| Chief Artificer /Chief Mechanician | 15 | 22.50 | 30 | 37.50 | 45 | 52.50 | 60 | 67.50 | |
| Artificer/Mechanician III, II, and I Classes and Chief Petty Officers | 10 | 15 | 20 | 25 | 30 | 35 | 40 | 45 | 50 |
| Artificer/Mechanician IV Class and below and Petty Officer | 7 | 10.50 | 14 | 17.50 | 21 | 24.50 | 28 | 31.50 | 35 |
| Leading Seaman and equivalent | 6 | 9 | 12 | 15 | 18 | 21 | 24 | 27 | 30 |
| Able Seaman and equivalent and below | 5 | 7.50 | 10 | 12.50 | 15 | 17.50 | 20 | 22.50 | 25 |

In the case of a re-employed pensioner who was in receipt of pension in addition to pay and allowance under regulation 76 or regulation 77 only disability element will be admissible in addition to service pension already in issue.

108. Boys and apprentices.—The rate of disability pension for boys and apprentices appropriate to the accepted degree of disablement shall be as follows:—

| 20% Rs. nP. per mensem | 30% Rs. nP. per mensem | 40% Rs. nP. per mensem | 50% Rs. nP. per mensem | 60% Rs. nP. per mensem | 70% Rs. nP. per mensem | 80% Rs. nP. per mensem | 90% Rs. nP. per mensem | 100% Rs. nP. per mensem |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|----------------------------------|
| 15 | 17.50 | 20 | 22.50 | 25 | 27.50 | 30 | 32.50 | 35 |

109. Duration of disability pension.—(1) If the disability is accepted as attributable to service and is regarded as incapable of improvement, the disability pension may be granted for life; if such disability is regarded as capable of improvement, pension shall normally be granted for a period of three years from the date from which the disability pension is admissible or, in cases where a disability pension has already been granted for a specified period, from the date of expiry of the previous grant.

Provided that, in cases where the duration of the disability at the accepted degree of disablement is considered to be less than three years, the period of the grant, calculated with reference to the date of assembly of the last medical board, shall not exceed the period of duration of the disability at that degree.

(2) Notwithstanding anything in sub-regulation (1), a grant may be made in any individual case for such longer or shorter period as may be decided by the Central Government either generally or in respect of any particular disability.

(3) If the disability is accepted as aggravated by service, the duration of an award shall be determined in accordance with the rules contained in Appendix V to these regulations.

110. Decreased disability on the assessment.—An individual who is in receipt of a disability pension may be granted pension or gratuity as under, when the accepted degree of his disablement is re-assessed at less than twenty per cent, namely:—

- (a) If his qualifying service on the date of discharge was ten years or over, he may, with effect from the date following that of termination of disability pension, and for so long as the accepted degree of disablement remains at less than twenty per cent, be granted special pension in accordance with regulation 98 read with regulation 96;
- (b) if he had not completed ten years of qualifying service on discharge, he may be granted the appropriate amount of special gratuity under regulation 98 read with regulation 96.

Provided that only one-half of the amount of the gratuity shall be payable in the first instance and the other half shall be paid only when the assessment of disability at less than twenty per cent is regarded as permanent.

111. Increased disability on re-assessment.—(1) If, at any time, an increase which is attributable to service occurs in the degree of disablement of a person, a disability pension may be granted, or as the case may be, the pension already granted may be increased to the appropriate rate, with effect from the date of the assembly of the medical board on the basis of whose findings the competent authority accepts the higher degree of disablement.

(2) When a disability pension is granted under sub-regulation (1), any service gratuity or special gratuity paid shall be adjusted against the service element of disability pension which shall be held in abeyance till the entire gratuity has been recovered.

112. Readjustment of disability pension for life.—(1) If a competent authority decides, as a result of further medical examination of a pensioner for any purpose by a properly constituted medical board, that the disability has disappeared, or has been reduced, or has become capable of improvement, the original life pension may be modified accordingly with effect from the date of the medical examination.

(2) In case a pensioner who is asked to appear before the medical board refuses to do so, the disability pension shall be suspended from the date of such refusal. If, however, he had rendered ten years or more of qualifying service, the special pension admissible under regulation 98 read with regulation 96 shall be granted from that date.

113. Constant attendant allowance.—(1) A sailor who has been granted a disability pension for hundred per cent disablement may also be granted a constant attendant allowance at the rate of Rupees twenty-five per mensem;

Provided that no allowance shall be payable for any period during which he is an inmate or inpatient in a Government institution or hospital.

(2) The provisions of sub-regulations (2), (3) and (4) of regulation 44 shall mutatis mutandis apply to the grant of an allowance under this regulation.

SECTION 5—FAMILY PENSION, GRATUITY, CHILDREN ALLOWANCE ETC.

SUB-SECTION I—GENERAL

114. **Application.**—(1) Subject to the provisions hereinafter contained the regulations in this section shall apply to:—

- (i) sailors on continuous service terms;
- (ii) boys and apprentices; and
- (iii) reservists when called up for service or for training.

(2) They shall also apply to personnel of the above categories who became non-effective during the period from the 27th October 1947 to 31st May 1953 (both days inclusive), but died on or after the date of commencement of these Regulations:

Provided that a pensionary award under this section in respect of individuals of the categories mentioned in sub-regulation (2) shall be made only in cases where the cause of death is attributable to or aggravated by service in the Indian Navy.

115. **Serious negligence or misconduct.**—Where the death of an individual is wholly or partly due to his serious negligence or misconduct, the amount of special family pension or children allowance or gratuity otherwise admissible may be reduced by the competent authority to such extent as may appear to that authority to be reasonable in the circumstances of the case:

Provided that no such reduction shall be made in a case where family gratuity under regulation 133 has been withheld on grounds of serious negligence or misconduct.

116. **Reduction in pension in cases where compensation for death is paid from public revenues.**—If any compensation is paid from public revenues for death in circumstances in which a special family pension is admissible under these regulations, the Central Government may, at their discretion, reduce the amount of pension.

SUB-SECTION II—SPECIAL FAMILY PENSION AND GRATUITY

117. **Special family pension.**—A special family pension may be granted to the family of an individual if his death was due to or hastened by—

- (a) a wound, injury or disease which was attributable to service,
- (b) the aggravation by service of a wound, injury or disease which existed before or arose during such service:

Provided that no pensionary award in respect of the death of an individual who is in receipt of a constant attendance allowance shall be admissible unless it is proved to the satisfaction of the sanctioning authority that although the disabled sailor had relatives, they were unable to look after him properly:

Provided further that where such authority is not so satisfied, it shall refer the case to the Central Government to be considered on merits.

118. **Service rendered in aid of the civil power.**—Service rendered in aid of the civil power shall be treated as service in the Indian Navy for the purpose of the grant of special family pension, gratuity and children allowance.

119. **Pension intended for the whole family.**—A special family pension is intended for the support of all the eligible members of a family, irrespective of in whose name it stands.

120. **Eligible members of the family.**—The following members of the family of a deceased individual shall be considered as eligible for the grant of a special family pension, provided that they are otherwise qualified:—

- 1. Widow, lawfully married.
- 2. Father.
- 3. Mother.
- 4. Legitimate son.
- 5. Legitimate daughter

Explanation.—The term "father" and "mother" or "parents" used in this or in any other regulation in this sub-section shall be deemed to include such

putative parents (or surviving parents as the case may be) as had not contracted a lawful marriage, but were living as husband and wife at the time of, or got lawfully married subsequent to, the conception of the deceased member, of the forces.

121. *Ex-gratia* awards to other relatives.—An *ex-gratia* award, at the discretion of the Central Government, may be made subject to the conditions mentioned below, to a foster parent, or an adopted or step child or a minor brother or sister of an individual whose death takes place in the circumstances mentioned in regulation 117, namely—

- (a) the claimant has been left destitute; and
- (b) he was dependent on the deceased:

Provided that an award under this regulation shall not be made if a special family pension is admitted to a member of the family specified in regulation 120.

122. *Nomination of an heir to family pension.*—(a) An individual may nominate any, but only one, of the relatives specified in regulation 120 as heir to the special family pension.

(b) A Gorkha recruited from, or whose family resides in Nepal, may, however, nominate in addition, another relative from amongst those specified in regulation 120 as an alternative heir to special family pension. The second heir will, however, be treated as a nominated heir only if the first is dead or disqualified on the date on which the sanctioning authority decides that the claim to special family pension is admissible.

123. *Conditions of eligibility for a special family pension.*—(1) A relative specified in regulation 120 shall be eligible for the grant of a special family person, provided:—

- (i) *General.*—Subject to the provision of regulation 126 he or she is not in receipt of another pension from the Central Government or any State Government.
- (ii) Subject to the provisions of regulation 126 he or she is not employed under the Central Government or any State Government.
- (iii) *Widow.*—the widow has not remarried:

Provided that the condition shall not apply to a widow who has re-married the deceased sailor's brother, and continues to live a communal life with, or contributes to the support of, the other living eligible heirs.

- (iv) *Father.*—the father is above fifty years of age:

Provided that if the father is below fifty years of age, he shall be eligible for a family pension, only—

- (a) if he is incapable of self-support by reason of a physical or a mental infirmity; or
- (b) for so long as any of the following are being supported by him:—
the deceased's widow if not re-married, any sons of the deceased under eighteen years of age or eighteen years and over if incapable of self-support by reason of a physical or a mental infirmity; any unmarried daughters of the deceased.

- (v) *Mother.*—the mother, who is a widow at the time of her son's death or who becomes a widow thereafter, has not remarried:

Provided that if she had remarried before her son's death, she shall remain eligible for a special family pension, unless and until she again becomes a widow and remarries.

- (vi) *Son.*—the son is below the age of eighteen years:

Provided that a son above the age of eighteen years shall be eligible for pension only if he is incapable of self-support by reason of a physical or mental infirmity, which arose before he attained the age of eighteen years.

- (vii) *Daughter.*—the daughter has not married.

(2) A child who has been granted a children allowance under these regulations shall not be eligible for any special family pension.

124. To whom the original grant of family pension is made.—(a) Where there is a nomination—

- (i) if on the date, on which the sanctioning authority decides that the claim to special family pension is admissible, the nominated heir is alive and eligible, the pension shall be granted to him or her;
- (ii) if on the date referred to above the nominated heir is dead or disqualified, the pension shall be granted to the heir who stands highest in the list of living heirs specified in regulation 120 and is eligible under regulation 123;
- (iii) if the heir (other than the widow) who is nominated for the special family pension waives his or her claim in favour of the widow, the pension shall be granted to the widow, provided she is eligible on the date referred to in sub-clause (i);
- (iv) if the father has been nominated for a special family pension and he cannot draw it solely on account of being under fifty years of age, the pension shall be granted to the heir who stands highest in the list of living and eligible heirs (or the alternative nominated heir, if eligible, in the case of Gorkhas) on the date referred to in sub-clause (i) until the father attains the age of fifty, when it shall be transferred to him.
- (v) if the heir, who is nominated for a special family pension is employed under the Central Government or any State Government and is thereby disqualified for the grant of a special family pension either in whole or in part under regulation 126 then, the pension or the part thereof, which is held in abeyance for the duration of his employment, shall be granted to the heir who stands highest in the list of living heirs specified in regulation 120 and is eligible under regulation 123 and if there are no such heirs, such pension or the part thereof, shall be granted to him from the date of termination of such employment.

(b) Where there is no nomination the pension shall be granted to the living heir who stands highest in the list of heirs in regulation 120 and who is eligible under regulation 123 on the date on which the sanctioning authority decides that the claim to pension is admissible.

125. Date from which a grant of special family pension takes effect.—(a) Subject to the regulations in Part II, a special family pension may be granted as such as the admissibility of the claim can be verified and with effect from the date immediately following the date of death of the deceased sailor.

(b) Where a claimant was eligible for a special family pension on the date immediately following the date of death of the deceased sailor but dies or becomes disqualified before the date on which the sanctioning authority decides that the claim is admissible and the grant is made to another eligible heir in consequence, the grant shall take effect from the date immediately following the date of death or from the date of disqualification of such claimant. The arrears prior to this date shall, in the event of the claim being established and subject to the regulations in Part II, be granted to such claimant and in cases where the said claimant has died such arrears shall be paid to his legal heirs.

Illustration:

| | | | |
|--|-----|-----|-----|
| A sailor dies on | 31. | 12. | 53. |
| He left a Widow, father and mother all of whom were eligible for family pension on | 1. | 1. | 54. |
| The widow remarried and disqualified on | 1. | 6. | 54. |
| The pension sanctioning authority admitted the claim for pension on | 1. | 7. | 54. |
| The grant of pension to the father (if eligible) will take effect from | 1. | 6. | 54. |

The arrears for the period from 1st January 1954 to 31st May 1954 will be paid to the widow subject to the usual conditions regarding payment of arrears.

(c) If on the date on which the sanctioning authority decides that the claim is admissible, all the eligible heirs are dead or disqualified, the arrears of pension if any, may be paid to the other heirs of the deceased on the production of a succession certificate.

(d) In no case shall claims preferred after the incurring of disqualification by any claimant be entertained.

(e) No special family pension shall be granted to any other heir after the death of the heir who has been granted a special family pension under clause (b) consequent on the death or disqualification of the first claimant.

126. Grant of special family pension to an individual in receipt of another pension from Government or in Government employment.—(a) A special family pension will not normally be granted, if and so long as an individual is in the employment of the Central Government or any State Government, or is in receipt of another pension from such Government, except as provided for in clause (c). If, however, the pay in such employment or the pension is less favourable than the special family pension admissible under these regulations, the following provisions shall apply:—

- (i) Where the individual is in the employment of such Government he shall be granted the special family pension normally admissible under these regulations. His emoluments shall be paid subject to the provisions of clause (c). The special family pension shall be payable from the date of termination of such employment.
- (ii) Where the individual is in receipt of a pension under these regulations it shall be held in abeyance for so long as any special family pension is paid to him either under these regulations or under the Army or Air Force pension regulations.
- (iii) Where the individual is in receipt of any pension under the civil rules the amount of special family pension admissible under these regulations shall be reduced by the amount of such pension.

(b) Where, however, the pecuniary circumstances of a claimant in receipt of another pension are such that the operation of clause (a) is likely to cause undue hardship, the case shall be considered by the Central Government on merits whose decision thereon shall be final.

(c) The provisions of this regulation shall also be applicable when the recipient of a special family pension is, subsequently, employed under the Central Government or any State Government or granted another pension from such Government.

(d) Family pension granted under these regulations shall remain unaffected in cases where the claimant is in receipt of another pension under the Central Government or State Extraordinary pension rules.

127. Rank and group on which special family pension and gratuity is assessed.—Special family pension and gratuity shall be assessed on the substantive rank and the group held by an individual on the date of his death if death occurs in service, or on the date of discharge if death takes place after discharge:

Provided that the paid acting rank held by an individual on any of the following dates, whichever is the most favourable, shall be taken into account for the purpose of assessment of special family pension and gratuity, namely:—

- (a) the date of death if death occurs in service, or the date of invaliding if death takes place after invaliding; or
- (b) the date on which the individual sustained the wound or injury which was first removed from duty on account of the disease causing his death; or
- (c) if he rendered further service, and during and as a result of such service suffered aggravation of the disability, the date of his last removal from duty on account of the disability:

Provided that the paid acting rank shall not be taken into account for assessment of special family pension and gratuity if the crucial date mentioned above falls after the 31st May, 1963.

Explanation.—In the case of an individual who, on account of misconduct or inefficiency, is reverted to a lower rank subsequent to the date on which the cause of death originated, the rank for assessment of special family pension and gratuity shall be the paid acting rank held on the date mentioned in clause (c) above.

128. Rates of special family pension.—The rates of special family pension are:—

| Rank | Group | | | Naval Aviation |
|-----------------------------------|----------|----------|----------|----------------|
| | A | B | C | |
| | Rs. p.m. | Rs. p.m. | Rs. p.m. | Rs. p.m. |
| Ordinary Seaman | | | | |
| Able Seaman | | 29 | 23.50 | 31 |
| Leading Seaman | | 32 | 28.50 | 33 |
| Petty Officer | | 36 | 35 | 38.50 |
| Chief Petty Officer | | 43 | 43 | 49 |
| Artificer V Class | | 50 | 50 | 62 |
| Artificer Acting IV Class | 33 | | | |
| Artificer/Mechanician IV Class | 40 | | | |
| III Class | 45 | | | |
| II Class | 50 | | | |
| I Class | 59 | | | |
| Chief Artificer/Chief Mechanician | 64 | | | |
| | 72 | | | |

Boys and Apprentices Rupees Twenty per mensem.

129. Division of special family pension between eligible heirs.—(a) If the recipient of a special family pension refuses to contribute proportionately towards the support of other eligible heirs in the family who were dependent upon the deceased sailor, or if the pension is in the name of a child but is not devoted to the interests of the family generally, the competent authority may, on the advice and recommendations of the deputy commissioner or collector of the district, divide, at his discretion, for reasons to be recorded in writing the special family pension among the eligible heirs of the deceased sailor.

(b) This division shall hold good only for the period during which the pension is payable to the original recipient. If during this period any of the parties to the division (other than the original recipient) is disqualified or dies his share shall be restored to the original recipient if he is the only one living or shall be divided among the remaining recipients, if there are more than one:

Provided that the fact that an adult recipient of a special family pension refuses to contribute towards the children's support shall not ordinarily justify the pension being divided.

130. Transfer of special family pension.—(1) When for any cause a special family pension ceases to be payable to any heir other than the widow, it shall be transferred to the widow provided she is not disqualified under regulation 123.

(2) Except as provided for in this regulation and regulation 124(a)(iv), a special family pension shall not be transferred and shall cease altogether on the death or disqualification of the original recipient.

131. Continuance of special family pension.—(a) The whole or a portion of special family pension which ceased on the death or disqualification of the previous recipient may be continued to the father or the mother if he or she or both are eligible provided that, the pension to be continued, plus

(i) the average monthly income of the father or mother or both from permanent sources, and

(ii) the average monthly contribution which any son, whether willing or unwilling to support, is in a position to make towards his and/or her support,

does not exceed the full special family pension admissible under these regulations.

(b) The maximum amount of special family pension which can be continued under clause (a) shall be rupees fifty per mensem in the case of parents of Chief Petty Officers and rupees thirty five per mensem in the case of parents of Petty Officers and below.

(c) Continuance of a special family pension beyond the second life shall not be permissible.

(d) The continuance of a family pension (or the rectification of the rate where the continuance of such pension has already been sanctioned but at a lower rate through error of facts) shall be sanctioned from the date of application, subject to the grant of a maximum of five years' arrears preceding the date of the pension payment order notifying the award or increase. In a case, where no action has been taken on a previous application, or it has been turned down in error and the applicant has not re-submitted the claim for more than a year after wards, arrears shall be allowed, subject to the above maximum from the date of the application which is pursued to a finality and leads to the award or increase of pension.

132. When payment of special family pension ceases.—The payment of special family pension shall cease when the recipient ceases to fulfil the conditions of eligibility under regulation 123 or on his death, whichever is earlier.

133. Family gratuity.—(a) Family gratuity at the rates laid down in clause (c) may be granted in addition to special family pension to the family of an individual who—

- (i) is killed in action or dies from wounds sustained in action; or
- (ii) is killed, otherwise than through his own serious negligence or misconduct, while on flying duty or parachute jumping duties in a service aircraft or while being carried on duty in a service aircraft under proper authority, or dies of injuries sustained in such circumstances; or
- (iii) dies, otherwise than through his own serious negligence or misconduct of a cause attributable to circumstances which, in the opinion of the local administrative authorities, are similar to those encountered on field service or in operations; or
- (iv) suffers a violent death while employed in aid of civil power.

Provided that in cases under clause (iii), the circumstances of death are accepted by the Central Government as similar to those encountered on field service or in operations.

Explanation.—An individual employed on the work of disposal by demolition, burning, burial, breakdown or dumping of unserviceable stocks of explosives shall be deemed to be on field or operational service for the purpose of eligibility of the heirs to death gratuity under clause (iii).

(b) (i) Except as provided for in regulation 166 family gratuity shall be payable to the recipient of the special family pension.

(ii) If, on the date on which the sanctioning authority decides that the claim to a special family pension is admissible, all the members in the list of eligible heirs have died or become disqualified, the gratuity shall be payable only under the orders of the Central Government to the other heirs of the deceased sailor on production of a succession certificate.

(c) The rates of family gratuity are:—

| | |
|---|-----|
| Chief Artificer/Chief Mechanician | 900 |
| Chief Petty Officer/Artificer III, II & I Classes/Mechanician III, II & I Classes | 600 |
| Petty Officer/Artificer IV Class/Mechanician IV Class | 400 |
| Leading Seaman and equivalent/Artificer V Class/Artificer Acting IV Class | 300 |
| Able Seaman and equivalent | 250 |
| Ordinary Seaman and equivalent | 250 |
| Boys and Apprentices | 250 |

SUB-SECTION III—CHILDREN'S ALLOWANCE

134. Conditions for grant of children's allowance.—(1) Subject to the provisions of regulations 135 and 139 children's allowance may be granted to each natural child of an individual if his death was due to, or hastened by, either a wound, injury or disease which was attributable to service in the Indian Navy or the aggravation by service in the Indian Navy of a wound, injury or disease which existed before or arose during the service provided that:—

- (i) the child is not in receipt of special family pension.

(ii) in the case of a son, he was below the age of eighteen on the date immediately following the date of death of the deceased sailor which created the claim;

(iii) in the case of a daughter, she is unmarried or if married, below the age of sixteen on the date aforesaid.

(2) Subject to the fulfilment of the conditions in sub-regulation (1) children's allowance may also be granted to one adopted child of the deceased in the absence of any natural child.

135. Payment of children's allowance to a child in Government Employment.—Children's allowance shall not be granted to a child who is in the employment of the Central Government or any State Government. If, however, the children's allowance exceeds the pay of appointment, half the children's allowance shall be paid in addition to pay. Full children's allowance shall be payable on termination of such employment.

136. Rates of children's allowance.—The rates of children's allowance for each eligible child shall be,

| | Rs. per mensem |
|--|-------------------|
| (a) in the case of children of Chief Petty Officer | 7 |
| (b) in the case of children of Petty Officer and below | 5 |

137. Increased rates of children's allowance when special family pension ceases.—When for any cause the special family pension ceases to be payable to any eligible heir, the children's allowance shall be increased by fifty per cent.

138. When the payment of children's allowance ceases.—(1) The payment of children's allowance shall cease—

(a) subject to the provisions of regulation 139 in the case of a son, on attaining the age of eighteen years and

(b) in the case of a daughter, on her attaining the age of sixteen years or on marriage, whichever is later.

(2) A married daughter in receipt of children's allowance shall surrender such allowance if she becomes eligible for a special family pension under these Regulations in respect of the death of her husband.

139. Grant or continuance of children's allowance to a son after the normal age limit.—The children's allowance may be granted to or continued in respect of a son over the age of eighteen years, if he is incapable of self support by reason of a physical or mental infirmity which arose before he attained the age of eighteen years.

140. When children's allowance is admissible in conjunction with special family pension.—In cases where a child is the nominated heir and has been granted a special family pension, the children's allowance may be granted to him in addition if and for so long as either of the parents of the deceased or the widow is alive and is otherwise eligible for special family pension.

SUB-SECTION IV

Awards in respect of deaths not due to service

PART A: FAMILY PENSION AND GRATUITY—SAILORS

141. Extent of application.—The pensionary benefits in this part shall be admissible to the widows of sailors who died or die on or after 1st October, 1957, if causes neither attributable to nor aggravated by service in the Indian Navy.

142. Pension/Gratuity in cases of death in service.—The widow of a sailor who dies in service, may be granted the following pensionary benefits, namely—

(a) If the deceased had died in the first year A gratuity equal to six month's pay of his service.

(b) If the deceased had rendered one year A gratuity equal to six months pay or over but less than five year of qualifying service for pension.

✓(c) If the deceased had rendered five years A gratuity equal to twelve month's pay or over but less than fifteen years of qualifying service for pension.

- (d) If the deceased had rendered fifteen years or over of qualifying service for pension. A pension at half the rate of the service pension for which the deceased had qualified on the date of his death, for a period of five years from the date following that death.

Explanation.—Pay for the purpose of determining the amount of gratuity shall be calculated in accordance with regulation 90.

143. Pension in cases of death after discharge.—The widow of a sailor who had rendered fifteen years or over of qualifying service in the Indian Navy was granted a pension, and who dies within five years of discharge or invaliding, may be granted a pension at half the rate of the service pension which was granted to the deceased or to which he was entitled, as the case may be. The pension shall be payable from the date following that of the death of the deceased till the expiry of a period of five years from the date of his discharge or invaliding, as the case may be.

144. When payment of pension ceases.—The payment of pension shall cease on re-marriage of the widow to a person, other than the brother of the deceased sailor, before the expiry of the period specified in clause (d) of regulation 142 or regulation 143.

PART B: GRATUITY IN RESPECT OF RESERVISTS

145. Gratuity to the widow of a reservist who dies due to causes not attributable to service before completion of his combined Naval and Fleet Reserve Service.—(1) The widow of a person in the Indian Naval Reserve Forces (other than an officer) who dies while in the Indian Naval Reserve Forces due to causes neither attributable to nor aggravated by service in the said Forces, before completion of his combined Naval and Fleet reserve service shall be granted a gratuity that would have been paid had he been discharged at the end of his service in the Indian Navy.

(2) The grant of the above gratuity shall be subject to the conditions prescribed in regulations 4, 8 and 75 and also to the following conditions:—

- (i) the widow has not remarried a person other than the brother of the deceased.
- (ii) the deceased had not elected to be governed by the Pension Regulations, 1943.
- (iii) the widow is not in receipt of any pension or has not received any gratuity from the Central Government or any State Government or from any undertaking of such Government in which the deceased was an employee at the time of his death.

CHAPTER IV

Commissioned Officers—Commutation of Pension

146. Conditions and limits of commutation.—(1) A permanent commissioned officer who is in receipt of a service pension or a permanent disability pension and who had attained the age of forty years or who has been certified as permanently incapable, through disability, of further service may be permitted, subject to the report of a medical board as to his physical fitness and to a decision taken in the exercise of the discretion provided in regulation 8, to commute a portion not exceeding one half of his pension or pensions (less any amount previously commuted), provided that the amount left uncommuted is not less than Rupees two thousand a year in the case of officers of the general list and Rupees twelve hundred in the case of officers of the branch list.

(2) Notwithstanding anything contained in sub-regulation (1) where the total amount of pension or pensions of an officer (other than an officer of the Branch List) is less than Rupees Two Thousand and Four Hundred a year, a portion of the pension not exceeding Rupees Four Hundred may be commuted, provided that not less than Rupees One Thousand and Six Hundred a year remains uncommuted.

(3) In calculating the amount of pension for the purposes of this regulation there may be added to it the uncommuted portion of any other permanent pension or pensions payable to the applicant by the Central Government or any State Government.

147. When commutation of pension is permissible.—Pension may be commuted at the time of retirement, or at any time subsequent thereto; but an officer who

is re-employed in an emergency and whose pension is held in abeyance under regulation 16, shall not be permitted to commute any portion of his pension during such re-employment.

148. Calculation of commuted value.—(1) The commutation values expressed in terms of number of years' purchase shall be as specified in the following table:—

COMMUTATION TABLE

| Age next birth day | Commutation value expressed as number of years purchase | Age next birth day | Commutation value expressed as number of years purchase |
|-----------------------------|--|-----------------------------|--|
| 17 | 21.19 | 52 | 13.05 |
| 18 | 21.07 | 53 | 12.70 |
| 19 | 20.95 | 54 | 12.36 |
| 20 | 20.82 | 55 | 12.01 |
| 21 | 20.68 | 56 | 11.65 |
| 22 | 20.54 | 57 | 11.30 |
| 23 | 20.40 | 58 | 10.95 |
| 24 | 20.24 | 59 | 10.59 |
| 25 | 20.08 | 60 | 10.23 |
| 26 | 19.92 | 61 | 9.88 |
| 27 | 19.75 | 62 | 9.52 |
| 28 | 19.57 | 63 | 9.17 |
| 29 | 19.38 | 64 | 8.82 |
| 30 | 19.18 | 65 | 8.47 |
| 31 | 18.98 | 66 | 8.12 |
| 32 | 18.77 | 67 | 7.72 |
| 33 | 18.55 | 68 | 7.40 |
| 34 | 18.33 | 69 | 7.11 |
| 35 | 18.09 | 70 | 6.70 |
| 36 | 17.85 | 71 | 6.47 |
| 37 | 17.60 | 72 | 6.16 |
| 38 | 17.34 | 73 | 5.86 |
| 39 | 17.08 | 74 | 5.57 |
| 40 | 16.80 | 75 | 5.28 |
| 41 | 16.52 | 76 | 5.01 |
| 42 | 16.23 | 77 | 4.74 |
| 43 | 15.94 | 78 | 4.48 |
| 44 | 15.64 | 79 | 4.24 |
| 45 | 15.33 | 80 | 4.00 |
| 46 | 15.02 | 81 | 3.78 |
| 47 | 14.70 | 82 | 3.57 |
| 48 | 14.38 | 83 | 3.36 |
| 49 | 14.05 | 84 | 3.17 |
| 50 | 13.72 | 85 | 2.99 |
| 51 | 13.39 | | |

(2) The age of the officer shall be taken as being the age he will attain on the next birthday following the date on which the commutation shall become absolute, subject to such addition of years of age in the case of an impaired life, as may be recommended by the medical board.

(3) In the event of the table of values applicable to an officer being modified at any time by the Central Government between the date of sanction for commutation and the date on which commutation is due to become absolute, the commuted value shall be calculated in accordance with the modified table.

149. When commutation becomes absolute.—Unless the application for commutation is withdrawn under regulation 150, commutation shall become absolute, i.e. the title to receive the commuted portion of the pension shall cease and the title to receive the commuted value thereof shall accrue on the date on which the medical board signs the medical certificate, irrespective of whether the commuted value was actually paid on that date or not.

- (d) If the deceased had rendered fifteen years or over of qualifying service for pension. A pension at half the rate of the service pension for which the deceased had qualified on the date of his death, for a period of five years from the date following that of death.

Explanation.—Pay for the purpose of determining the amount of gratuity shall be calculated in accordance with regulation 90.

143. Pension in cases of death after discharge.—The widow of a sailor who had rendered fifteen years or over of qualifying service in the Indian Navy for pension, and who dies within five years of discharge or invaliding, may be granted a pension at half the rate of the service pension which was granted to the deceased or to which he was entitled, as the case may be. The pension shall be payable from the date following that of the death of the deceased till the expiry of a period of five years from the date of his discharge or invaliding, as the case may be.

144. When payment of pension ceases.—The payment of pension shall cease on re-marriage of the widow to a person, other than the brother of the deceased sailor, before the expiry of the period specified in clause (d) of regulation 142 or regulation 143.

PART B: GRATUITY IN RESPECT OF RESERVISTS

145. Gratuity to the widow of a reservist who dies due to causes not attributable to service before completion of his combined Naval and Fleet Reserve Service.—(1) The widow of a person in the Indian Naval Reserve Forces (other than an officer) who dies while in the Indian Naval Reserve Forces due to causes neither attributable to nor aggravated by service in the said Forces, before completion of his combined Naval and Fleet reserve service shall be granted a gratuity that would have been paid had he been discharged at the end of his service in the Indian Navy.

(2) The grant of the above gratuity shall be subject to the conditions prescribed in regulations 4, 8 and 75 and also to the following conditions:—

- (i) the widow has not remarried a person other than the brother of the deceased,
- (ii) the deceased had not elected to be governed by the Pension Regulations, 1943.

(iii) the widow is not in receipt of any pension or has not received any gratuity from the Central Government or any State Government or from any undertaking of such Government in which the deceased was an employee at the time of his death.

CHAPTER IV

Commissioned Officers—Commutation of Pension

146. Conditions and limits of commutation.—(1) A permanent commissioned officer who is in receipt of a service pension or a permanent disability pension and who had attained the age of forty years or who has been certified as permanently incapable, through disability, of further service may be permitted subject to the report of a medical board as to his physical fitness and to any decision taken in the exercise of the discretion provided in regulation 8, to commute a portion not exceeding one half of his pension or pensions (less any amount previously commuted), provided that the amount left uncommuted is not less than Rupees two thousand a year in the case of officers of the general list and Rupees twelve hundred in the case of officers of the branch list.

(2) Notwithstanding anything contained in sub-regulation (1) where the total amount of pension or pensions of an officer (other than an officer of the Branch List) is less than Rupees Two Thousand and Four Hundred a year, a portion of the pension not exceeding Rupees Four Hundred may be commuted, provided that not less than Rupees One Thousand and Six Hundred a year remains uncommuted.

(3) In calculating the amount of pension for the purposes of this regulation there may be added to it the uncommuted portion of any other permanent pension or pensions payable to the applicant by the Central Government or any State Government.

147. When commutation of pension is permissible.—Pension may be commuted at the time of retirement, or at any time subsequent thereto; but an officer who

is re-employed in an emergency and whose pension is held in abeyance under regulation 16, shall not be permitted to commute any portion of his pension during such re-employment.

148. Calculation of commuted value.—(1) The commutation values expressed in terms of number of years' purchase shall be as specified in the following table:—

COMMUTATION TABLE

| Age next birth day | Commutation value expressed as number of years purchase | Age next birth day | Commutation value expressed as number of years purchase |
|-----------------------------|--|-----------------------------|--|
| 17 | 21.19 | 52 | 13.05 |
| 18 | 21.07 | 53 | 12.70 |
| 19 | 20.95 | 54 | 12.36 |
| 20 | 20.82 | 55 | 12.01 |
| 21 | 20.68 | 56 | 11.65 |
| 22 | 20.54 | 57 | 11.30 |
| 23 | 20.40 | 58 | 10.95 |
| 24 | 20.24 | 59 | 10.59 |
| 25 | 20.08 | 60 | 10.23 |
| 26 | 19.92 | 61 | 9.88 |
| 27 | 19.75 | 62 | 9.52 |
| 28 | 19.57 | 63 | 9.17 |
| 29 | 19.38 | 64 | 8.82 |
| 30 | 19.18 | 65 | 8.47 |
| 31 | 18.98 | 66 | 8.12 |
| 32 | 18.77 | 67 | 7.78 |
| 33 | 18.55 | 68 | 7.45 |
| 34 | 18.33 | 69 | 7.11 |
| 35 | 18.09 | 70 | 6.79 |
| 36 | 17.85 | 71 | 6.47 |
| 37 | 17.60 | 72 | 6.16 |
| 38 | 17.34 | 73 | 5.86 |
| 39 | 17.08 | 74 | 5.57 |
| 40 | 16.80 | 75 | 5.28 |
| 41 | 16.52 | 76 | 5.01 |
| 42 | 16.23 | 77 | 4.74 |
| 43 | 15.94 | 78 | 4.48 |
| 44 | 15.64 | 79 | 4.24 |
| 45 | 15.33 | 80 | 4.00 |
| 46 | 15.02 | 81 | 3.78 |
| 47 | 14.70 | 82 | 3.57 |
| 48 | 14.38 | 83 | 3.36 |
| 49 | 14.05 | 84 | 3.17 |
| 50 | 13.72 | 85 | 2.99 |
| 51 | 13.39 | | |

(2) The age of the officer shall be taken as being the age he will attain on the next birthday following the date on which the commutation shall become absolute, subject to such addition of years of age in the case of an impaired life, as may be recommended by the medical board.

(3) In the event of the table of values applicable to an officer being modified at any time by the Central Government between the date of sanction for commutation and the date on which commutation is due to become absolute, the commuted value shall be calculated in accordance with the modified table.

149. When commutation becomes absolute.—Unless the application for commutation is withdrawn under regulation 150, commutation shall become absolute, i.e. the title to receive the commuted portion of the pension shall cease and the title to receive the commuted value thereof shall accrue on the date on which the medical board signs the medical certificate, irrespective of whether the commuted value was actually paid on that date or not.

150. Withdrawal of application.—(1) An officer may withdraw his application for commutation—

- (i) at any time before the date fixed for his appearance before the medical board;
- (ii) when the table of values applicable to him is modified between the date of sanction to the commutation and the date on which the commutation becomes absolute, and the modified table is less favourable to him than that previously in force; or
- (iii) when, in the case of an impaired life, the medical board recommends an addition of years to age to the actual age.

(2) In a case falling under clause (ii) or clause (iii) of sub-regulation (1), the withdrawal of application shall be made by written notice, despatched within fourteen days of the date on which the officer receives intimation of the modified table or of the recommendation of the medical board and of the commuted value payable in view thereof, as the case may be.

151. Incidental expenses incurred.—No reimbursement of any travelling or other expenses incurred by an officer in connection with commutation of a portion of his pension shall be admissible.

152. Commutation of anticipatory or provisional pension.—If some delay is likely to arise in the finalisation of pension of an officer, commutation may be allowed on the anticipatory or provisional pension, if any, in issue under Part II of these Regulations subject to necessary adjustments when the final pension is sanctioned. The anticipatory or provisional pension will be commuted under the same general conditions as apply to commutation of final pension.

CHAPTER V—POWER OF RELAXATION

153. Relaxation.—Where the Central Government is of the opinion that it is necessary or expedient so to do, it may by order, for reasons to be recorded in writing, relax any of the provisions of these regulations with respect to any class or category of persons.

PART II

CHAPTER I—GENERAL

154. Delay in settlement and payment of pension to be avoided.—All officers dealing with pension claims shall bear in mind that delay in the payment of pension may involve great hardship and shall do everything in their power to prevent or shorten to the utmost such delays.

155. Consideration of questions affecting pensionary entitlement of an individual.—Questions affecting the pension or pensionable service of an individual shall be considered as soon as they arise, provided a decision can be arrived at on the actual circumstances of the case known at the time.

156. Cases not covered by regulation.—Cases not covered by these regulations but deserving special consideration may be submitted by the Naval Headquarters to the Central Government along with the audit report with reference to that case.

CHAPTER II—APPLICATIONS AND GRANT OF PENSIONS AND GRATUITIES

SECTION I—GENERAL

157. Application for pension etc.—(1) An application for pension or gratuity shall be submitted as soon as possible after the occurrence of the casualty which gives rise to the claim.

(2) An application for service pension or gratuity (disability pension in the case of T.B. patients), accompanied by necessary documents, may be submitted to the accounts officer concerned prior to the anticipated date of transfer of the individual to the pension establishment.

(3) In the cases referred to in sub-regulation (2), the sanctioning authority may sanction the pension not more than two months before the date from which it has to take effect.

158. Verification of service.—In cases where a pension or gratuity is dependent on the length of an individual's qualifying service, the Controller of Defence Accounts (Pensions) or the Controller of Defence Accounts (Navy), as the case

may be, shall, before reporting on the claim for pension or gratuity or sanctioning the pension or gratuity, verify the service

- (i) in the case of commissioned officers (including Branch List Officers), with reference to the audited Navy List; or
- (ii) in the case of sailors, with reference to their service certificates.

159. Audit report on applications for pension and gratuity.—The Controller of Defence Accounts (Pensions) or the Controller of Defence Accounts (Navy) as the case may be, receiving the application, after satisfying himself that it is complete in all respects shall, in cases where he is not himself the sanctioning authority, submit it to the sanctioning authority with an audit report upon the claim for pension, gratuity or allowance and the regulations applicable to the case.

160. Rounding off of pensions and gratuities.—Pensions and gratuities shall be calculated to the nearest multiple of five naye paise, amounts of 2.5 naye paise and below being disregarded.

The above provisions also apply to the calculations of portion of pension to be commuted and payment of capitalised value of commuted portion of pension.

161. Communication of sanction to the Controller of Defence Accounts (Pensions).—Every sanction of a pension, allowance or gratuity sanctioned by any authority other than the Controller of Defence Accounts (Pensions) or the Controller of Defence Accounts (Navy) shall be communicated to the Controller of Defence Accounts (Pensions), who shall arrange for its payment.

SECTION II—APPLICATIONS FOR PENSION ETC. AND THEIR DISPOSAL

162. Applications and procedure.—The forms of applications for grant of different kinds of benefits under these regulations including commutation of pension shall be as specified in Appendix VIII, the procedure to be followed in the submission and disposal of such applications shall be as specified in Appendix IX.

CHAPTER III—ANTICIPATORY PENSIONS, ADVANCES OF PENSIONS, PROVISIONAL PAYMENT OF FAMILY GRATUITY AND PENDING ENQUIRY AWARDS

SECTION I—ANTICIPATORY PENSIONS

163. Anticipatory pensions.—(1) Subject to the provisions of sub-regulation (3) when delay is anticipated in reporting on the claim to pension of a commissioned officer or in the final sanction of a pension to a sailor, the Controller of Defence Accounts (Pensions) may, upon a declaration by the individual concerned in the form set out below, sanction the immediate disbursement of the service pension to which, after the most careful summary investigation that he can make without delay, he believes the individual to be entitled:—

Declaration

Whereas the Controller of Defence Accounts (Pensions) has consented, provisionally to advance to me the sum of Rupees per month in anticipation of the completion of the enquiries necessary to enable the pension sanctioning authority to fix the amount of my pension, I hereby acknowledge that, in accepting this advance, I fully understand that my pension is subject to revision on the completion of the necessary enquiries, and I promise to raise no objection to such revision on the ground that the provisional pension paid to me exceeds the pension to which I may be eventually found entitled. I further promise to repay any amount advanced to me in excess of the pension to which I may be eventually found entitled.

Explanation.—In the case of Gorkha sailor domiciled/residing in Nepal, the anticipatory pension may be sanctioned without prior production of the declaration form. However, the pension disbursing officer shall invariably obtain this declaration form from the pensioner before making the first payment of anticipatory pension and forward it to the Controller of Defence Accounts (Pensions).

(2) If, upon the completion of the necessary investigation, it is found that the pension thus summarily assigned differs from the pension finally settled, the difference shall be adjusted in the first subsequent payment.

(3) No anticipatory pension shall, however, be sanctioned to an individual when intimation is received that he was involved, whilst in service, in a loss or irregularity relating to public fund, which is under investigation.

SECTION 2—PROCEDURE FOR SPEEDY PAYMENT OF FAMILY GRATUITY AND FINALISATION OF FAMILY PENSION CLAIMS IN CASES OF DEATHS DUE TO FLYING ACCIDENTS OR PARACHUTE JUMPING.

164. Speedy payment of family gratuity and finalisation of family pension claims.—In cases of death of naval personnel due to flying accidents or parachute jumping, the highest priority shall be given to the completion of a court of enquiry, which have a vital bearing on the finalisation of the pensionary awards in this type of cases. It shall be ensured that no delay occurs at any stage in forwarding the proceedings with the necessary remarks to the Government through the prescribed channels. Claimants shall be assisted in filling up the details in the prescribed forms. The officers of the recruiting organisation shall take action personally to reduce to the minimum the time necessary for the verification of the details of the claims by the civil authorities.

165. Provisional payment of family gratuity.—(1) The competent authority may pay an amount equivalent to seventy five per cent of the family gratuity (subject to eventual adjustment against the family pensionary awards) immediately on receipt of the prescribed report accompanied by the relevant documents, to the widow of an officer or to the family of a sailor who is killed while on flying duty in a service aircraft or while being carried on duty in a service aircraft under proper authority.

(2) The provisional payment of family gratuity will be adjusted in accordance with regulation 167.

(3) The gratuity shall be calculated with reference to the paid acting rank held in respect of casualties on or before 31st May 1963, or if no such rank was held, with reference to the substantive rank of the deceased individual.

166. Procedure for payment.—(1) Where the deceased individual was an officer—

- (i) The Controller of Defence Accounts (Navy) shall authorise the treasury from which the widow desires payment, to make payment of the appropriate amount. Where payment is desired through a Branch of the State Bank of India, a crossed cheque will be issued in favour of the widow for the appropriate amount.

Payment shall be subject to the widow signing the following declaration:—

"Whereas the Controller of Defence Accounts (Navy), has consented provisionally to advance to me a sum of Rupees _____ in anticipation of the completion of the enquiries and further investigation necessary to enable the Government to determine my entitlement to special family pensionary award in respect of late _____ I hereby acknowledge that, in accepting this advance, I fully understand that it is subject to adjustment on the completion of the necessary enquiries and further investigation, and promise to raise no objection to such re-adjustment, including the recovery of any amount advanced to me in excess of the pensionary award to which I may be eventually found entitled."

- (ii) The Controller of Defence Accounts (Navy) will inform the Ministry of Defence, Naval Headquarters and the Controller of Defence Accounts (Pensions), of the action taken under clause (i). He will also indicate the amount of family gratuity if any, paid, on the last pay certificate of the deceased officer issued to the Controller of Defence Accounts (Pensions), for eventual adjustment.

(2) Where the deceased individual was a sailor—

- (i) The Controller of Defence Accounts (Pensions) shall sanction the payment of the appropriate amount and intimate the particulars to the Base Supply Officer, Bombay.
- (ii) The Base Supply Officer, Bombay shall remit the amount through ordinary money order to the heir nominated for special family pension, or if the nominated heir is dead or there is no nomination, to the living heir standing highest among the eligible heir without verification in either case as to his or her eligibility for special family pension, apart from those which can be checked from the latest entries in the service records.

Intimation as under shall be included in the foot-note of the money order form:—

"The sum of Rupees _____ as family gratuity, consequent on the death of your _____ (here insert relationship, rank and name or the deceased individual) is sent herewith as provisional payment till the necessary enquiries and investigations are completed and your correct entitlement to the pensionary award, in respect of the late _____ is determined. The amount now advanced will be adjusted against the family pensionary awards which are finally found to be admissible."

Money order charges incurred on such remittances shall be borne by the Central Government.

- (iii) The Base Supply Officer, Bombay, shall inform the Ministry of Defence, Naval Headquarters, Captain Naval Barracks, Bombay, and the Controller of Defence Accounts (Pensions), of the particulars of the remittance, as also its actual payment when made, to the heir of the deceased to whom the family pension is due. The Captain Naval Barracks shall indicate the amount of family gratuity if any, paid on the family pension claim form as also on the last pay certificate, for eventual adjustment.

167. Adjustment of provisional payment.—(1) Where the deceased individual was an officer the Controller of Defence Accounts (Pensions) shall specify the provisional payment made being seventy five per cent of family gratuity, in his audit report, when he submits the claims to special family pensionary awards with the prescribed documents, for orders of the Central Government. Those orders will provide for the proper adjustment of the provisional payment against the final awards admissible to the family under these regulations.

(2) Where the deceased individual was a sailor the provisional payment being seventy five per cent of the family gratuity shall be adjusted in accordance with the procedure in force for adjustment of payments of Pending Enquiry Award against the final awards admissible to the family under these regulations.

SECTION 3—SAILORS AND THEIR FAMILIES

Sub-Section I—Advance of pension

168. Advances of service/invalid/special pensions.—An advance of service or invalid or special pension not exceeding six months' pension (exclusive of allowance attached to decorations etc.) may be paid by the Controller of Defence Accounts (Pensions) to a sailor who is discharged or invalided from service after having earned a pension.

The amount of advance paid shall be recovered in full as pension falls due.

169. Advance of pension to destitute pensioners.—An advance of pension or arrears of pension may be sanctioned by the Controller of Defence Accounts (Pensions) to pensioners other than officers and their families, subject to the following conditions:—

- (a) The advance will be sanctioned in cases in which arrears of pension for over twelve months are clearly payable to the pensioners and after the individual's identity and bonafides have been clearly established.
- (b) The advance will be sanctioned only to those pensioner's who are, in the opinion of the Controller of Defence Accounts (Pensions) or Joint Controller of Defence Accounts (Pensions), in a destitute condition and in immediate need of financial help.
- (c) The advance will be sanctioned under the orders of the Controller of Defence Accounts (Pensions) or Joint Controller of Defence Accounts (Pensions) in each case and will be an amount, which is considered absolutely essential for immediate relief of the pensioner and will in no case exceed Rupees one hundred.
- (d) The advance will be recovered from pension or arrears of pension.

Sub-Section 2—Pending enquiry awards

170. Object and nature of pending enquiry awards.—(1) The pending enquiry award is intended to relieve the financial difficulties of personnel below officer rank and their dependants when such personnel are invalided out of the service

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or die and the invaliding disability or the cause of death is considered *prima facie* due to service or is accepted as such, by the competent authority with reference to the applicable entitlement rules. Provisional awards may be made pending completion of the enquiries and other steps which may be necessary before a pension claim can be finally admitted.

(2) The award does not affect the payment of anticipatory pension or provisional payment of family gratuity.

171. Circumstances in which pending enquiry award may be made.—In the following cases Pending Enquiry Awards may be made:—

(a) Disability pension claims

Cases in which the Controller of Defence Accounts (Pensions) is unable to sanction a disability pension within a month of the receipt of the claim in his office; and

(i) the Controller of Defence Accounts (Pensions) is satisfied that *prima facie* the disability is attributable to or aggravated by the individual's service or when this is not the case, entitlement is conceded by the competent authority, or in the opinion of the local administrative authorities, in injury cases, and of medical boards in disease cases, the disability is attributable to or aggravated by the individual's service before 1st April 1948, and

(ii) the disability is assessed at twenty per cent or above.

(b) Special family pension and children's allowance claims

Cases of the following types in which the Controller of Defence Accounts (Pensions) is unable to sanction a special family pension or children's allowance within a month of the receipt of the claim in his office:—

- (i) cases of death in action and battle accident cases;
- (ii) cases where the Controller of Defence Accounts (Pensions) is satisfied that *prima facie* the cause of death is attributable to or aggravated by the individual's service, or when this is not the case, as soon as entitlement is conceded by the competent authority;
- (iii) injury and disease cases where, in the opinion of the administrative authorities and the medical authorities respectively, the cause of death is due to individual's service before 1st April 1948; and
- (iv) cases where the deceased sailor was in receipt of a disability pension or was admitted to such pension posthumously and the cause of death is accepted by the competent authority as attributable to or aggravated by his service.

172. Amount and date of effect.

(a) Disability pension claims.—(1) A pending enquiry award shall be made at a monthly rate equal to the appropriate rate of disability pension based on the degree of disablement assessed by the medical board or the medical adviser (Pensions), where the case is referred to him:

Provided that where the individual has been granted anticipatory pension, the award shall be at the rate equal to the disability element of disability pension.

(2) The award shall be made with effect from the date following that of discharge from the service.

(b) Family pension and Children's allowance claims

(1) A pending enquiry award shall be made at a monthly rate equal to:—

- (i) the appropriate amount of family pension, plus
- (ii) the appropriate amount of children's allowance according to the number of living minor children, if any, shown in the service records.

(2) The award shall be made with effect from the date following that of the death of the individual but in a case where family allotment has been paid and the allottee is the recipient of the award, the award shall commence from the date following that upto and for which family allotment has been paid.

Explanation.—In this sub-regulation and sub-regulation (2) of regulation 174 "family allotment" means the amount allotted to be sent to the family of the individual and "allottee" means the person who receives the amount allotted.

(3) In a case where, the documents necessary to determine entitlement to family pension are received in the office of the Controller of Defence Accounts (Pensions) after a period of twelve months from the date of death or the date specified in sub-regulation (4) of regulation 205, as the case may be, the grant of arrears of pending enquiry award shall be regulated by regulation 205.

173. To whom payable.—(1) An award of disability pension shall be made to the individual invalidated out of the service.

(2) An award of family pension and children allowance shall be made to the heir nominated for family pension as shown in service records or if the nominated heir is dead or if there is no nomination, to the living heir standing highest among the eligible relatives without verification in either case as to his or her eligibility for family pension and children allowance under these regulations except to the extent that such verification can be made on the basis of entries in the service records.

Any case of doubt shall be submitted for orders of the Central Government.

174. Procedure.—(1) The Captain Naval Barracks shall submit to the Controller of Defence Accounts (Pensions), disability pension claims as soon as the medical board proceedings have been approved, and family pension claims as soon as possible after the receipt of the casualty report.

(2) In case of family pension claims, the Captain Naval Barracks, while forwarding the claim, shall state in each case whether family allotment was being paid and if so, the name and relationship of the allottee and the date up to and for which it was paid.

175. Payments.—(1) Intimation of the grant of a pending enquiry award and its particulars shall be sent by the Controller of Defence Accounts (Pensions) by express letter to the Base Supply Officer, Bombay, who shall arrange payment of the award through ordinary money order.

The money order charges shall be borne by the Central Government.

(2) In remitting the pending enquiry award to the claimant, the Base Supply Officer, Bombay shall explain to the payee the object and the nature of the award and make it clear that the award is provisional only and shall cease if and when the pension is sanctioned or the claim to pension is rejected.

(3) In a case where a pending enquiry award is sanctioned to a claimant to disability pension who lives in Nepal, the award, instead of being remitted by money order, shall be paid to the claimant in lump sum when he visits the Recruiting Office, Kunraghat or Ghoom or the Indian Embassy, Nepal, as the case may be, provided that during the time that lapses between the sanctioning of the pending enquiry award and the claimant's visit, the claim is not finally rejected or sanctioned.

(4) In the case of claimants to family pension, who live in Nepal, the Recruiting Officers for Gorkhas at Kunraghat and Ghoom or the Indian Embassy, Nepal, as the case may be, shall disburse pending enquiry awards at their discretion in lump sum for the period during which, in their opinion, the individuals remained eligible for special family pension. All payments of pending enquiry awards and also all amounts which have been sanctioned and which are not paid, shall be notified to the Base Supply Officer, Bombay. The amount of pending enquiry award and the period for which payment has been made, shall also be recorded in Part II of the Pension claim Form 22 (RIN 239) and Form 23 (RIN 240) specified in Appendix VIII; in cases where no payment has been made, a note to that effect shall be made in the form.

176. Termination of pending enquiry award.—(1) In all cases the pending enquiry award shall be stopped on receipt of intimation by the Base Supply Officer, Bombay, from the Controller of Defence Accounts (Pensions) regarding the acceptance or rejection of the claim.

(2) Intimation of rejection of the claim shall be sent by the Controller of Defence Accounts (Pensions) to the Base Supply Officer, Bombay, by telegram (with a post copy) to avoid further payment. A copy of the intimation will also be sent by the Controller of Defence Accounts (Pensions) to the Captain, Naval Barracks.

(3) The Base Supply Officer, Bombay, shall also stop further payment of pending enquiry award,

- (a) on receipt of orders of the Central Government regarding acceptance or rejection of the claim, or
- (b) if definite information, duly verified, is received through service sources, the local civil authorities or Sailors', Soldiers' and Airmen's Board or officers of recruiting organisation, regarding the ineligibility of the recipient for special family pension.

In all such cases, the Base Supply Officer, Bombay, shall inform the Controller of Defence Accounts (Pensions) as to the month up to and for which the pending enquiry award has been paid.

177. Adjustment of pending enquiry awards—(a) Disability pension claims.—

(i) If the claim is rejected, no recovery of the amount paid as pending enquiry award shall be made.

(ii) If the claim is accepted, the amount paid as pending enquiry award shall be adjusted by the Controller of Defence Accounts (Pensions) against the award of disability pension.

(b) Family pension and Children's allowance claims—(i) If the claim is rejected, the amount paid as pending enquiry award shall not be recovered.

(ii) If the claim is accepted the amount paid as pending enquiry award shall be adjusted as indicated below:—

(A) When the recipient of the pending enquiry award and the family pension and children's allowance finally sanctioned is the same, the amount paid as pending enquiry award shall be adjusted against the award of family pension and children's allowance.

(B) In cases where:—

- (1) the recipients of the pending enquiry award and the family pension and children's allowance finally sanctioned are husband and wife (or vice versa), or
- (2) the recipient of the pending enquiry award is the father of the deceased and family pension and children's allowance are sanctioned to the widow or the child of the deceased, or
- (3) the recipient of the pending enquiry award waives his or her claim in favour of the widow and the family pension and children's allowance are sanctioned to the latter,

the amount paid as pending enquiry award shall be adjusted against the arrears of family pension and children's allowance due under these regulations and the balance, if any, recovered from the pension sanctioned in instalments not exceeding one third of the pension.

(C) All other cases shall be submitted for orders of the Central Government. Pending such orders, the arrears of family pension and children's allowance to the extent of the amount paid as pending enquiry award shall be withheld from the recipient of the family pension and children's allowance. If the amount paid as pending enquiry award exceeds the arrears of family pension and children's allowance admissible, the balance shall be recovered from the family pension and children's allowance in instalments not exceeding one-third of the pension. Final adjustment, shall be made on receipt of orders of the Central Government.

178. Review of cases.—The Controller of Defence Accounts (Pensions) shall review every four months all cases of pending enquiry awards to ensure that there has been no avoidable delay in sanctioning pensions.

CHAPTER IV—PAYMENT OF PENSION AND CHILDREN ALLOWANCE

SECTION 1—GENERAL

179. Agencies for payment of pension.—(1) A pension or children's allowance granted under these regulations shall, if drawn in India, be paid through one of the agencies specified in Appendix X.

(2) The payment of pension and children's allowance outside India shall be regulated by the orders of the Central Government for the time being in force.

180. Drawal of pensions through agents.—(1) A recipient of pension or children's allowance resident in India may draw his or her pension or allowance through a duly authorised agent approved by the Central Government. The agent shall execute a bond to refund over-payments and produce at least once a year a life certificate in respect of the recipient signed by any of the persons authorised by regulations 189 and 194 to sign such certificates.

(2) Any such recipient not resident in India may draw his or her pension or allowance in India through a duly authorised agent, who shall either produce a certificate by a magistrate, a notary, a banker or a diplomatic representative of the Central Government on each occasion, that he or she was alive on the date up to which his or her pension or allowance is claimed, or execute a bond in favour of the Central Government to refund overpayments and produce such a certificate as aforesaid at least once a year.

(3) The pension of an individual drawing pension through an agent who has executed a bond to refund overpayments shall not be paid in respect of a period of more than a year after the date of the life certificate last received, and the Controller of Defence Accounts (Pensions) and pension disbursing officers shall promptly stop further payments on receipt of authentic information of the death of any such pensioner.

181. Pensioners employed or re-employed under Government.—(1) A pensioner drawing pension in India shall be required to furnish a certificate showing whether or not during the period for which pension is claimed, he or she was employed or re-employed under the Central Government or any State Government. In cases where pension is not permitted to be drawn during employment or re-employment under these regulations, the payment of pension shall be suspended.

(2) Where the salary of the pensioner is payable from the Defence Services Estimates, the Captain Naval Barracks or the Head of the office concerned shall report the pensioner's employment or re-employment or re-enrolment to the Controller of Defence Accounts (Pensions) and shall also take the following further action in respect of the specified categories of pensioners:—

(i) Pensioners re-enrolled/re-employed otherwise than in a civil capacity

(i) In cases where pension is to be suspended, the individual's pension certificate shall be withdrawn and forwarded to the Controller of Defence Accounts (Pensions) along with his service certificate noting therein the date of re-enrolment or re-employment for necessary endorsement and return.

(ii) Pensioners re-employed in a civil capacity

(ii) A report shall be made to the Controller of Defence Accounts responsible for auditing the pensioner's pay and allowance.

182. Re-employed disabled pensioners.—A pensioner in receipt of a permanent award of disability pension, who is re-employed under the Central Government or any State Government in a civil capacity, shall be brought before a resurvey medical board, in cases where the competent authority has reason to believe that his disablement is reduced or removed. Such action shall be taken as soon as the fact of re-employment becomes known, even though the individual might have been medically examined at the time of his re-employment.

183. Payment in respect of insane pensioners.—When a person who is in receipt of pension or children's allowance is certified by a magistrate to be insane, the payment of such pension or allowance shall be regulated by the competent authority as under:—

(a) such portion of the pension or allowance as is necessary for the recipient's maintenance shall be paid to the asylum in which he is lodged, or to the individual in whose charge he is, on the production of the pension certificate and the life certificate,

- (b) the balance of the pension or allowance, if any, or a sufficient portion thereof, shall be paid to such members of the recipient's family as are dependent on him for their maintenance;
- (c) the balance, if any, shall be paid to the recipient on his regaining sanity and on production of a certificate by a magistrate to that effect. In the event of his dying while insane, the balance shall be credited to his estate.

184. **Payment of pension by money orders.**—Payment of pensions up to Rupees one hundred per mensem through treasuries or Pension Paymasters may be made by money order at the option of the pensioner, the money order commission being deducted from the amount of pension.

185. **Transfer of payment of pension in India.**—The Controller of Defence Accounts (Pensions) or the pension disbursing officer concerned may, on application and on sufficient cause being shown, permit the transfer of payment of a pension from one station to another in India.

186. **Issue of supplementary instructions.**—(1) Supplementary instructions for payment of pensions by pension disbursing officers on matters of detail not provided for in these regulations may be issued by the Controller of Defence Accounts (Pensions) with the concurrence of the Controller General of Defence Accounts.

(2) In regard to pensions paid through post offices, such supplementary instructions may be issued by the Director General, Posts and Telegraphs; with the concurrence of the Controller of Defence Accounts (Pensions).

SECTION 2—OFFICERS AND THEIR FAMILIES

187. **Mode of payment.**—(1) Except as provided in sub-regulation (2), a pension is payable monthly and children's allowance at motherless rate is payable half-yearly on or after the first day of the following month or half year as the case may be.

(2) Pension may be paid before the end of the month in the following cases:—

- (i) When a pension drawn in India is transferred to be paid by a pension paying officer outside India, payment shall be made up to and for the day preceding the day of departure from India.
- (ii) When there is a variation in the rate of a pension consequent on the commutation of a portion of it, payment at the original rate may be made up to and for the day preceding that from which the commutation takes effect.
- (iii) When a pensioner dies or ceases to be eligible for pension.
- (iv) When the first four days of a month are public holidays on which pensions are not disbursed by treasuries in India, the head of local administration may, if he thinks fit, direct the payment, on the last working day before the holidays, of pension bills of pensioners drawing pensions of Rupees one hundred or less.

(3) Subject to the limitations prescribed in these regulations, a children's allowance (other than allowance at motherless rate) shall be paid from the date following that of the officer's death to the 31st March next ensuing, and subsequent payment shall be made yearly in advance from the 1st April in each year.

188. **How and by whom arrangements for payment are made.**—When an individual who has been granted a pension desires that it should be paid at one of the stations in India specified in Appendix X, the Controller of Defence Accounts (Pensions) shall forward the original copy of the pension payment order notifying the grant of pension and the conditions to which it is subject, to the prescribed pension disbursing officer and authorise him to pay pension from a date which should be specified. On receipt of the pension payment order, the pension disbursing officer shall make the payment.

189. **Identification of pensioners.**—(1) Except as provided in regulation 180 and sub-regulations (2) to (4), a pensioner shall take payment in person after the pension disbursing officer has satisfied himself as to his identity.

(2) A pensioner specially exempted by any State Government or Administration from appearing in person, a female pensioner not accustomed to appear in public or a pensioner who is unable to appear in consequence of bodily illness or infirmity may receive his or her pension through a representative upon the

production of a life certificate signed by a Gazetted Officer of the Central Government or any State Government or by some other respectable person.

(3) A pensioner who produces a life certificate signed by any person exercising the powers of a magistrate under the Code of Criminal Procedure, 1898 (5 of 1898), or by any Registrar or Sub-Registrar under the Indian Registration Act, 1908 (16 of 1908), or by any pensioned officer who before retirement exercised the powers of a magistrate or any gazetted officer of the Central Government or any State Government or by a munsiff or by a police officer not below the rank of a Sub-Inspector or a Post Master, Departmental Sub-Post Master, or an Inspector of Post Offices, or by a Class I Officer of the Reserve Bank of India, or a Staff Officer or Staff Assistant of the State Bank of India is also exempted from personal appearance.

(4) In the cases referred to in Sub-regulations (2) and (3) the pension disbursing officer shall take precautions to prevent impersonation, and shall, at least once a year, require proof independent of that furnished by the life certificate, of the continued existence of the pensioner. For this purpose, he shall (save in cases of pensioners who are exempted from personal appearance by any State Government or Administration and female pensioner not accustomed to appear in public) require the personal attendance and the due identification of all pensioners who are not incapacitated by bodily illness or infirmity from so attending and in all cases where such inability is alleged, he shall require proof thereof in addition to the proof submitted of the pensioner's existence. A pensioner of commissioned rank may be privately identified by the pension disbursing officer and need not be required to appear at a public office.

(5) The pension disbursing officer shall be personally responsible for any payment wrongly made. In cases of doubt he shall consult the Controller of Defence Accounts (Pensions).

190. Certificate regarding employment under a Government outside India or in a commercial firm.—(1) A retired officer whether drawing pension in India or outside, shall be required to furnish a certificate showing whether or not during the period for which pension is claimed, he or she was employed—

(a) under a Government outside India, and

(b) in the case of an officer of the rank of Captain or above, in a commercial firm, within two years of retirement.

(2) In cases where prior permission of the Central Government to such employment had not been obtained, the payment of pension shall be suspended from the date of employment and the case reported for orders of the Central Government.

191. Payment of pension in respect of deceased pensioners.—(1) Subject to the provisions of sub-regulation (2), arrears of pension or gratuity due to the estate of a deceased pensioner may be paid to the legal heir on production of a certified copy of the probate of the will, if any, left by the deceased, or letters of administration granted by a court of law or an indemnity certificate signed by two respectable persons that the claimant is the legal heir and that they hold themselves responsible for the refund of the amount paid, in the event of any future claim being preferred. If the legal heir is a minor, payment shall be made to the legal guardian or when there is none, to the person appointed by a court of law.

(2) Claims to arrears of pension preferred after the expiration of one year from the pensioner's death may be admitted in full by the Controller of Defence Accounts (Pensions), if he is satisfied with the claimant's explanation for the delay; if he is not satisfied with the explanation, he shall obtain the orders of the Central Government for disbursement of pension.

SECTION 3—SAILORS AND THEIR FAMILIES

192. Mode of payment.—(1) Subject to the provisions of sub-regulation (2), a pension to any sailor or to any of his legal heir, payable under these Regulations shall be paid only after it has become due. In the State or Union territory specified in column 1 of Appendix XI such pension shall be payable as specified against that State or Union territory in column 2 thereof.

(2) The provisions of clauses (i), (iii) and (iv) of sub-regulation (2) of regulation 187 shall apply in relation to pension payable to sailors and their families as they apply in relation to pension payable to officers and their families.

month or year of death is not known the payment of arrears shall be limited to a period of one month.

(5) In the case of Gorkha pensioners, the certificates of death and heirship granted by the mukhia of the Government of Nepal shall be countersigned by the Military Attache or Assistant Military Attache to the Indian Embassy, Nepal or the Recruiting Officer, the Deputy Recruiting Officer and the Record Officer, the Assistant Recruiting Officer for the Gorkhas, Kunraghat or Ghoom, as the case may be.

(6) In the case of a claim to gratuity already admitted but the payment whereof has not been made, the Controller of Defence Accounts (Pensions) or the Controller of Defence Accounts (Navy) as the case may be, may sanction its payment, depending on the circumstances of the case if an application therefor is submitted by the claimant within five years from the date on which the claim originally fell due.

Cases where the application for the payment of gratuity is submitted by the claimant after the expiry of five years from the date on which the claim originally fell due shall be submitted for orders of the Central Government.

200. **Payment of life-time arrears of pension by money orders.**—Subject to the provisions of regulation 184, the payment of arrears of pension of deceased pensioners who were drawing their pensions through treasuries and pension paymasters may be made to their heirs by postal money order provided the amount of arrears does not exceed Rupees one hundred in cases where the pension is payable monthly, and Rupees three hundred in other cases.

The money order commission shall be deducted from the arrears of pension remitted.

CHAPTER V—LIMITATION OF CLAIMS

SECTION 1—GENERAL

201. **Definition of "claimant".**—For the purpose of regulations 202, 205 and 206 the term "claimant" shall mean the Captain Naval Barracks.

202. **Claims for the initial grant of pension or allowance or for gratuity.**—Save as otherwise provided in sections 2 and 3 of this chapter:—

- (a) first claims for pension or allowance or gratuity, under these regulations, preferred within twelve months of the date on which they fall due shall be entertained and paid with full arrears, if such claims are otherwise in order;
- (b) such claims which are not preferred within that period may be admitted with full arrears, if the pension sanctioning authority concerned is satisfied with the claimant's explanation for the delay in their submission; if he is not satisfied with the explanation, such claims shall be submitted for orders of the Central Government who shall give the decision depending on the circumstances of the case.

SECTION 2—OFFICERS AND THEIR FAMILIES

203. **Special provisions for claims to pensions in respect of widows.**—In the case of widows of commissioned officers, pension shall normally be awarded from the date of application. Arrears prior to that date shall be paid as follows:—

- (a) if application for pension is made within six months of the officer's death, full arrears shall be paid;
- (b) if failure to apply for pension within six months of the officer's death is, in the opinion of the pension sanctioning authority, due to satisfactory cause (such as serious illness of the widow), payment of arrears prior to the date of application shall ordinarily be limited to a period of six months;
- (c) if the widow is unable to furnish a statement or a reasonable estimate of her income in cases where such estimate or statement is necessary, within six months of her husband's death but she completes and submits her application for pension within that period, full arrears shall be paid, if she is subsequently found eligible for pension;
- (d) in the case of death of an officer prior to the settlement of his disability pension claim, the time-limit of six months shall be reckoned from

the date of orders of the Central Government sanctioning the
of disability pension.

204. Claims to arrears of pension by pensioners who fail to draw their pension
(1) Unless otherwise provided in these Regulations, a pensioner who fails to draw
his pension for a period of twelve months shall be struck off the pension establishment.

(2) If he thereafter prefers a claim to draw his pension, he may be re-entitled to the pension establishment, if he accounts for such failure to the satisfaction of the competent authority which may depending on the circumstances of the case, grant or withhold the arrears of pension or any portion thereof.

SECTION 3—SAILORS AND THEIR FAMILIES

205. Claims for initial grant, revision and re-assessment of pension or allowance or for gratuity.—(1) Subject to the provisions of sub-regulation (2), claims for first grant, revision and re-assessment of pension or allowance or gratuity shall be dealt with as follows:—

Claims preferred after twelve months from the date on which they became due shall be entertained, if otherwise such claims are in order, and the arrears as specified below:—

(i) Where arrears are due to rectification of a mistake in assessing or reassessing a pension, etc., or to revision of a pension, etc., which is not revised through inadvertence at the time of a general revision.

Full arrears subject to the maximum of arrears for five years preceding the date of the pension payment order in which the correct or revised rate is notified.

(ii) Claims to first grant of a pension, etc., or to revision of a pension, etc., in cases where re-assessment is to be made only on the submission of a claim:

(a) Where explanation for the delay is considered by the pension sanctioning authority to be satisfactory.

Full arrears subject to the maximum of arrears for five years preceding the date of the pension payment order in which the award is notified.

(b) Where no action is taken on a petition or the petition is rejected on account of any error on the part of the pension sanctioning authority or competent authority and the applicant does not represent the case again for more than a year after the first rejection.

Up to three years preceding the date of the application which is pursued to a finality and leads to the grant of a pension, etc., subject to a maximum of arrears for five years preceding the date of the pension payment order in which the award is notified.

(c) Where explanation for the delay is considered by the pension sanctioning authority to be unsatisfactory.

From the date of the application subject to a maximum of arrears for three years preceding the date of the pension payment order in which the award is notified.

Provided that where a pending enquiry award is under issue, the date of commencement of pension shall be the date from which the pending enquiry award was sanctioned.

Explanation.—Doubtful cases, as also cases in which the grant of arrears for periods in excess of the periods referred to above is considered to be justified in the special circumstances of the case shall be referred by the pension sanctioning authority to the Central Government for orders.

(2) Claims for family pension preferred by claimants who are disqualified under these regulations shall not be entertained.

(3) The provision of this regulation shall apply to claims for transfer of family pension and increase of children's allowance.

Explanation.—In regard to claim for transfer of family pension to the widow under regulation 130, the period of twelve months shall reckon from the date on which intimation regarding the death or disqualification of the recipient of the family pension is received by the Captain Naval Barracks, Bombay from the Controller of Defence Accounts (Pensions) or from any other source.

(4) In cases of death of individuals who are invalided out of service and who die prior to the settlement of their disability pension claims, the time-limit of twelve months under regulation 202 and sub-regulation (1) of this regulation for the purpose of special family pension claims shall be reckoned from the date of the pension payment order in which the award of disability pension is notified.

(5) (i) Claims to gratuity preferred after twelve months but within three years of the date on which they fall due shall be admitted in full by the Controller of Defence Accounts (Pensions) or Controller of Defence Accounts (Navy), as the case may be:

Provided that claims preferred after three years but within five years of such date may, where the explanation for the delay is satisfactory be admitted in full by the said authority.

(ii) Claims not covered by clause (i) shall be submitted for orders of the Central Government.

206. Claims for counting former service for pension and gratuity.—All claims for counting former service for pension submitted by the Captain, Naval Barracks, if otherwise in order, shall be admitted by the Controller of Defence Accounts (Navy). In cases, however, where the delay in preferring a claim exceeds twelve months from the date when the pension fell due, the claim shall be admitted in full by the Controller of Defence Accounts (Navy) and a report of the late submission of the claim shall be made by him to his next superior authority for such action as may be deemed necessary by the latter.

207. Claims to arrears of pension or gratuity.—(1) Claims to arrears of pension preferred within a period of twelve months of the date from which it became due and payable shall be entertained and may be paid by the pension disbursing officer, if such claims are otherwise in order. Such claims preferred after twelve months but within three years of such date shall be entertained and may be paid by the competent authority if it is satisfied with the claimant's explanation for the delay in drawing the pension.

(2) If after the expiry of three years no explanation has been received of the cause of a pensioner failing to draw his pension, his name shall be struck off the pension establishment. If he thereafter prefers a claim to draw his pension he may be readmitted to the pension establishment if he accounts for his failure to draw the pension, to the satisfaction of the competent authority. That authority shall, depending on the circumstances of the case grant or withhold the arrears of the pension or any portion thereof.

(3) In case of claims to gratuity already admitted but where the payment thereof has not been made, the Controller of Defence Accounts (Pensions) or the Controller of Defence Accounts (Navy), as the case may be, may sanction its payment depending on the circumstances of the case, if an application therefor is submitted by the claimant within five years from the date on which the claim originally fell due.

Cases where the application for the payment of gratuity is submitted by the claimant after the expiry of five years from the date on which the claim originally fell due shall be submitted by the said Controller for orders of the Central Government.

CHAPTER VI—RECOVERIES AND OVERPAYMENTS

208. Recovery of public claim, non-public fund debts or claims against a pensioner.—(1) Subject to the provisions of sub-regulation (2), a public claim against a pensioner, a non-public fund debt due from him or a non-public claim which the Central Government may direct him to pay, shall be recovered from his pension, gratuity or commuted value of pension.

(2) A public claim or non-public fund debt, shall not be recovered from disability pension of an officer or sailor, except under the special orders of Central Government.

209. Mode of recovery of public claims (other than over-payments of pensions), non-public fund debts or claims.—Public claims, other than those on account of overpayment of pensions, non-public fund debts and non-public claims which the Central Government directs any person to pay, shall be adjusted as under—

- (i) Retrenchments on account of excess issues of pay and unauthorised expenditure, stoppages other than those awarded under the Act, value of losses and all other claims for which Central Government holds any person liable, shall be recovered in monthly instalments of one-third of pension until the full claim is satisfied. The competent authority may, if it is satisfied that there are reasonable grounds for such a course, which must be recorded in writing, relax this regulation and order recoveries to be made in smaller amounts which in no case shall exceed twelve instalments in number.
- (ii) In the case of public claims other than those specified in clause (i) and non-public fund debts which are not disputed, the Commanding Officer/Captain Naval Barracks of the person against whom the claim is made or from whom the debt is due may order the recovery of the amount from his pension in such instalments as the Commanding Officer/Captain Naval Barracks considers reasonable.
- (iii) In the case of a non-public fund debt where the person from whom it is due disputes the correctness of the amount or repudiates liability, such debt becomes a non-public fund claim and shall be recovered only under the orders of the Central Government.

Explanation.—Non-public fund debt means any debt arising out of a claim recoverable from the person towards:—

- (a) Loan granted from any Non-Public Funds (viz. I.N.B.A./Commune Benevolent Funds).
- (b) Subscription and other dues in respect of any Non-Public Fund (viz. I.N. Amenities Fund/Contributory Education Scheme).
- (c) Purchases made on credit from Canteens.
- (d) Mess/Wine Bills.
- (e) Loss incurred by the person of any money or stores, belonging to any Non-Public Fund entrusted to him (viz. Library Books/Sports equipments etc.).
- (f) Deficiency or irregular expenditure of Non-Public Fund money or stores of which, after due investigation, no explanation satisfactory to the Chief of Naval Staff, is given by the person who is responsible for the same.

(iv) The mode of recovery from disability pension shall be determined by Central Government in each individual case.

(v) If any person is eligible for a gratuity in lieu of pension or if he has commuted a portion of his pension, the whole amount of the claim shall be recovered in one instalment from the gratuity or commuted value of the pension, as the case may be.

210. Overpayments of pension.—(1) Overpayment of pension in India due to an error in law (including those due to misinterpretation of any of these regulations) shall not be recovered, but shall be reported by the Controller of Defence Accounts (Pensions) to the Central Government through the Controller General of Defence Accounts.

Any case in which there is a doubt or a difference of opinion between the Controller of Defence Accounts (Pensions) and the competent authority as to whether the overpayment was due to an error in law, or due to misinterpretation

of any of these regulations, shall be submitted to the Central Government through the Controller General of Defence Accounts for orders.

Cases of overpayment in such circumstances outside India shall be reported by the Controller of Defence Accounts (Pensions) to the Central Government through the Controller General of Defence Accounts for orders.

(2) Overpayment of pension due to any other reason (including those involving fraud) shall be dealt with as follows:—

- (i) *Those challenged in audit within twelve months from the date of payment.*—If a pension is payable, further payments shall be made at the correct rate and the overpayment recovered in instalments of one-third of the pension.

If the circumstances leading to overpayment disclose fraud on the part of the recipient, and in the opinion of the Controller of Defence Accounts (Pensions) warrant the stoppage of the pension in full or recovery of overpayments in instalments of more than one-third of the pension, a report shall be submitted (through the Controller General of Defence Accounts in cases of pensions drawn outside India) to the competent authority, who shall decide each case on its merits and communicate their decision to the Controller of Defence Accounts (Pensions). Further adjustment as may be necessary shall be carried out by the Controller of Defence Accounts (Pensions) on receipt of such orders.

If no pension is admissible, payment shall cease immediately the error is detected and a report of the circumstances leading to the overpayment shall be submitted (through the Controller General of Defence Accounts in cases of pensions drawn outside India) to the competent authority.

- (ii) *Those not challenged in audit within twelve months from the date of payment (including those where payments were made partly within twelve months and partly on a date or dates more than twelve months anterior to the date of challenge).*—If a pension is payable, further payments shall be made at the correct rate and a report of the circumstances leading to the overpayment shall be submitted by the Controller of Defence Accounts (Pensions) (through the Controller General of Defence Accounts in cases of pensions drawn outside India) to the competent authority. Pending the orders of that authority, no recovery of the overpayment shall be made.

If no pension is payable, payment shall cease immediately the error is detected and a report of the circumstances leading to the overpayment shall be submitted by the Controller of Defence Accounts (Pensions) (through the Controller General of Defence Accounts in cases of pensions drawn outside India) to the competent authority.

(3) *Action to be taken by the competent authority.*—(i) On receipt of the reports specified in clauses (i) and (ii) of sub-regulation (2) the competent authority shall for reasons to be recorded in writing decide, subject to the provisions of clause (ii), whether the whole or any portion of the overpayment shall be recovered or written off or in cases involving fraud or misconduct whether the pension shall be withheld wholly or reduced, and if so, permanently or temporarily, as the case may be, and communicate his decision to the Controller of Defence Accounts (Pensions).

Any amount withheld under this regulation shall be adjusted against the overpayment to the extent necessary.

(ii) In cases of pensions drawn in India, overpayments made during the twelve months preceding the date of challenge in audit shall not be written off unless it is impossible to effect recovery.

(4) *How recovery is made.*—If the competent authority decides that the overpayment should be recovered, recovery shall normally be effected in instalments of one-third of the pension unless otherwise specified in the orders. If no pension is payable the method of recovery shall be decided by the competent authority [in consultation with the Controller of Defence Accounts (Pensions) in the cases of pensions drawn in India].

211 Powers of the Controller of Defence Accounts (Pensions) to write off over-payments of pensions.—Overpayments of pension not due to an error in law (including a misinterpretation of regulations and orders) which are, from

any cause, irrecoverable may be written off by the Controller of Defence Accounts (Pensions) upto an amount not exceeding Rupees two hundred and fifty in each case and by the Central Government in other cases.

212. Overpayments indicating defective system or serious failure of audit.—Should the circumstances in which overpayment has been made in any case reveal any serious irregularity or defect in procedure or serious failure of audit for which the staff of the Defence Accounts Department is responsible, a full report of the case shall be made by the Controller of Defence Accounts (Pensions) to the Controller General of Defence Accounts who shall take such further action as may be necessary.

213. Overpayments in India on account of erroneous grant of more than one family pension.—Overpayments made consequent on the erroneous grant of more than one family pension to the same pensioner may be written off by the competent authority provided that it is established that the overpayments were made in good faith and that there has been no attempt to defraud.

214. Overpayments resulting from false certificates of widowhood or non-marriage—recovery from pension.—(1) Overpayments of pension obtained by female pensioners on presentation of false certificates of continued widowhood shall, irrespective of the amount involved be referred by the Controller of Defence Accounts (Pensions) to the competent authority for orders as to the manner in which the sum fraudulently drawn by the alleged widow shall be recovered, where the false certificate has been signed by any person receiving pension under these regulations, from such pension, unless that pensioner can offer a satisfactory explanation provided that the sum so recovered every month shall not exceed 1/3 of the monthly pension of that pensioner.

(2) The provisions of sub-regulation (1) shall also apply *mutatis mutandis* to overpayments of pension made to female pensioners who submit false non-marriage certificates.

Explanation.—Signing the certificate in ignorance of the widow's remarriage shall not be accepted as satisfactory explanation for the purpose of this regulation.

CHAPTER VII—PROCEDURE FOR COMMUTATION OF PENSIONS—OFFICERS

215. Age of commutation.—The age for the purpose of commutation shall be calculated on the basis of the date of birth indicated in the audited Navy Lists. Where, however, the date of birth has not been verified in audit, the case shall be submitted by the Naval Headquarters for orders of the Central Government.

216. Submission of application and arrangement for medical examination.—(1) An application for commutation of a portion of pension shall be in the prescribed form (see Appendix VIII) and be made—

(i) if in India, to the Chief of the Naval Staff through the Controller of Defence Accounts (Pensions); and

(ii) if outside India, to the Secretary to the Government of India, Ministry of Defence through the official who pays the pension and the Controller of Defence Accounts (Pensions).

(2) The application shall be made so as to reach the Chief of the Naval Staff at least one month before the date on which the applicant will attain the age specified in the application. Such applications from officers residing outside India should reach the Central Government at least three months before the date at which the applicant will attain such age.

(3) The commuted value payable shall be assessed by the Controller of Defence Accounts (Pensions) and intimated to the Chief of the Naval Staff or to the Secretary to the Government of India, Ministry of Defence, as the case may be, when forwarding the application, for communication to the applicant.

(4) If the applicant is residing in India, the Chief of the Naval Staff shall arrange a medical board at any station in India that may be convenient to him, such board being assembled under the orders of the State Government or Administration and presided over, when practicable, by the chief civil administrative medical officer of the State or Administration. In cases where difficulty may arise in the assembly of a civil medical board, the Chief of the Naval Staff may convene a suitable service medical board for the purpose.

(5) The pensioner shall at the same time be informed of the date on which he should present himself for examination by a medical board, which in no case, shall

be earlier than the actual date of retirement. The pensioner shall have the option of withdrawing his application at any time before the date fixed for examination by the medical board.

217. Medical board's fees—By whom borne in India.—(1) *Civil medical board.*—(i) If the examination is conducted by a civil medical board in India, the pensioner shall pay a fee of Rupees sixteen one fourth of which, shall be credited to the Central Government as revenue of the civil department concerned and the balance shall be paid by the pensioner in cash to the Board at the time of the medical examination to be retained and divided by the members of the board among themselves.

(ii) The authority competent to convene the civil medical board shall, when sending intimation to the pensioner, direct him to deposit Rupees four, into the civil treasury or the Reserve Bank of India, or its agencies carrying on treasury functions for the time being on behalf of the Central Government and to hand over the receipt along with the balance of Rupees twelve, in cash to the board at the time of examination. The above authority shall also direct the board to forward the receipt and the medical certificate to the civil audit officer concerned and the Controller of Defence Accounts (Pensions) respectively.

(2) *Services medical board.*—No fee shall be payable by the pensioner in respect of his first examination when he is examined by the services medical board.

218. Form of medical board report.—(a) The medical board shall report in the following form:—

"We have carefully examined and are of the opinion that he is/ he is not in good bodily health and has/has not the prospect of an average duration of life. We therefore (or do not) recommend him to be allowed to commute a portion of his pension.

Form of declaration in respect of health and fitness etc of the individual duly completed in our presence is also attached;"

(b) In the case of impaired lives in which officer's application is recommended, but with an addition of years of age, the following form shall be used by the Medical Board:—

"We have carefully examined and are of the opinion that he is not in good bodily health and has not the prospect of an average duration of life. We, however, recommend him to be allowed to commute a portion of his pension, but as he is suffering from his age for the purposes of commutation i.e. his age next birthday, should be taken to be years more than his actual age.

Form of declaration in respect of health and fitness etc. of the individual duly completed in our presence is also attached;"

219. Payment of commuted value.—(1) (i) If the board reports that the pensioner has an average expectation of life, the commuted value already notified to the officer shall be paid in the manner indicated by him on his form of application.

(ii) In cases where an addition to his age is recommended, the pensioner shall be informed by the Controller of Defence Accounts (Pensions) by registered post and with acknowledgment due of the board's recommendation and of the commuted value payable in view thereof.

(iii) The applicant may withdraw his application by written notice to the Controller of Defence Accounts (Pensions) despatched within two weeks from the date on which he receives intimation of the revised sum payable on commutation. If the applicant does not withdraw in writing his application within the said period, he shall be presumed to have accepted the sum offered.

(2) The commuted value shall be payable in India.

(3) Payment of commuted value shall be made as expeditiously as possible but in the case of an impaired life, no payment shall be made until either the period within which the application for commutation may be withdrawn has expired, or a written acceptance of commutation is received.

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(4) If any commuted portion of pension has been drawn after the date on which the commutation became absolute, the amount drawn shall be deducted from the amount payable on commutation.

(5) If the pensioner dies on or after the day on which commutation became absolute, but before receiving the commuted value, the value shall be paid to his legal heirs.

220. Reopening of rejected applications for commutation and payment of fee for the medical examination by a second medical board.—(1) A pensioner whose application to commute a portion of his pension has been rejected on the recommendation of a medical board, or who has once declined to accept commutation on the basis of an addition of years to his actual age recommended by a medical board, may prefer an appeal to the Naval Headquarters and that authority may if it thinks fit, permit him to appear for a re-examination by a medical board, provided that a period of not less than one year has elapsed since the date on which he was examined by the first medical board. In such cases the provisions of clause (1) of regulation 217 shall be followed irrespective of whether the re-examination is conducted by a civil or a services medical board, except that when the examination is conducted by the services medical board, the Government share of the fee, shall be credited as receipt of the Defence Services and the receipt together with the medical certificate shall be forwarded to the Controller of Defence Accounts (Pensions).

(2) If in the opinion of the medical board some special examination is necessary which it is not in a position to carry out itself, it may require the pensioner to undergo such examination at his expense.

221. Recovery of public claims from the commuted value.—Before the commuted value is paid, the Controller of Defence Accounts (Pensions) shall ascertain whether any public claim is outstanding against the applicant and deduct the amount of any such claim from the sum which would, but for the claim, be payable to him.

222. Commutation of anticipatory or provisional pension.—(1) To ensure payment of the commuted value of the portion of an anticipatory or provisional pension paid in excess, the Controller of Defence Accounts (Pensions), Allahabad shall obtain from the pensioner a declaration in the following form along with his application for commutation:—

"FORM OF DECLARATION"

Whereas the (here state the designation of the officer sanctioning the commutation), has consented, provisionally, to advance to me the sum of Rupees.....

..... being the commuted value of a part of the anticipatory pension in anticipation of the completion of the enquiries necessary to enable the Government to fix the amount of my pension and subsequently the part of pension that may be commuted. I hereby acknowledge that in accepting the advance, I fully understand that the commuted value now paid to me is subject to revision on the completion of the necessary formal enquiries and I promise to have no objection to such revision on the ground that the provisional amount now to be paid to me as the commuted value of the part of anticipatory pension exceeds the amount to which I may eventually be found entitled. I further promise to re-pay either in cash or by deduction from subsequent payments of pension any amount advanced to me in excess of the amount to which I may be eventually found entitled."

(2) A pensioner who applies for the commutation of a portion of his pension and such portion is expressed as a percentage or fraction of the total pension admissible to him and is allowed in the first instance to commute such percentage or fraction of his anticipatory or provisional pension shall in the event of his final pension being more than his anticipatory or provisional pension be allowed to commute a further sum without appearing before a fresh medical board, so as to make the commuted amount equal to the specified percentage or fraction of the amount of pension as finally sanctioned. In such cases, commutation as finally sanctioned shall take effect from the date of the original commutation of the anticipatory or provisional pension and the amount of residual pension shall be readjusted from the same date.

H. C. SARIN.

Additional Secretary to the Government of India

APPENDIX I

[See Regulation 2(e)]

| Item No. | Reference to Regulations | Categories of personnel in respect of whom competent authority shall exercise its powers | Competent authority | Remarks |
|-------------------------------------|--------------------------|--|--|--|
| 1 | 2 | 3 | 4 | 5 |
| OFFICERS | | | | |
| <i>Part I of these regulations</i> | | | | |
| 1 | 5 | Commissioned officers | Ministry of Defence | |
| 2 | 15 | Do. | Do. | In case where an officer is dismissed with or without disgrace the competent authority will be the Central Government. |
| 3 | 31 | Do. | Do. | |
| 4 | 35 | Do. | The Central Government. | |
| 5 | 49 | Family Pensioners | Ministry of Defence. | |
| 6 | 62 | Do. | Do. | |
| 7 | 146 | Commissioned officers | <i>In India</i> Chief of the Naval Staff. <i>Outside India</i> The Central Government. | |
| <i>Part II of these regulations</i> | | | | |
| 8 | 165 | Commissioned officers | The Controller of Defence Accounts (Navy). | |
| 9 | 182 | Commissioned officers | The Central Government. | |
| 10 | 183 | Commissioned officers and their families. | Controller of Defence Accounts (Pensions). | |
| 11 | 204 | Do. | The Central Government. <i>Exception. —</i> The Controller of Defence Accounts (Pensions) shall be competent to re-admit a pensioner to pension establishment and pay him full arrears if he is satisfied with the explanation of the pensioner. | |
| 12 | 209 | Commissioned officers | Chief of the Naval Staff. | |
| 13 | 210 | Commissioned Officers | <i>In India</i> Chief of Personnel. <i>Outside India</i> The Central Government. | |
| 14 | 220 | Commissioned Officers | <i>In India</i> Chief of the Naval Staff. <i>Outside India</i> The Central Government. | |

SAILORS

Part I of these regulations

| | | | | | | |
|----|--------|-------------------|---|---|---|--|
| 1 | 5 | Sailors | . | . | . | Captain Naval Barracks. |
| 2 | 72 | Do. | . | . | . | Captain Naval Barracks. |
| 3 | 73 | Do. | . | . | . | Do. |
| 4 | 74 | Do. | . | . | . | Captain Naval Barracks after considering the advice of the Senior Medical Officer, Bombay shall decide whether an individual is guilty of aggravating or retarding the cure of his disability. |
| 5 | 81 | Do. | . | . | . | Chief of Personnel. |
| 6 | 82 | Do. | . | . | . | Chief of Personnel. |
| 7 | 83(1) | Do. | . | . | . | Captain Naval Barracks in consultation with the Controller of Defence Accounts (Navy). N.B.—If the payment of non-payment of gratuity in respect of former service cannot be proved owing to loss or destruction of official records, it shall be assumed that the gratuity, if it was admissible under the rules extant at the time of discharge from former service, was paid. Permission to count former service shall be granted only after an amount equal to the sum so admissible is refunded in full. |
| 8 | 83(2) | Do. | . | . | . | Captain Naval Barracks for condition 2, and Controller of Defence Accounts (Navy) for condition 3. |
| 9 | 85 | Sailors | . | . | . | Chief of Personnel. |
| 10 | 89 | Do. | . | . | . | Captain, Naval Barracks. |
| 11 | 102 | Do. | . | . | . | Ministry of Defence. |
| 12 | 105 | Do. | . | . | . | The Central Government. |
| 13 | 111 | Do. | . | . | . | Controller of Defence Accounts (Pensions). |
| 14 | 112 | Do. | . | . | . | Do. |
| 15 | 115 | Family Pensioners | . | . | . | Ministry of Defence. |
| 16 | 129(a) | Do. | . | . | . | Controller of Defence Accounts (Pensions). |
| 17 | 129(b) | Do. | . | . | . | Ministry of Defence. |

Part II of these regulations

| | | | | | | |
|----|-----|---------|---|---|---|--|
| 18 | 165 | Sailors | . | . | . | Controller of Defence Accounts (Pensions). |
|----|-----|---------|---|---|---|--|

| 1 | 2 | 3 | 4 | 5 |
|---|-----|--|---|---|
| 19 | 182 | Sailors | Controller of Defence Accounts (Pensions). | |
| 20 | 183 | Sailors and their families. | Do. | |
| 21 | 195 | Do. . . . | Captain Naval Barracks. | |
| 22 | 196 | Do. . . . | Do. | |
| 23 | 197 | Do. . . . | Do. | |
| 24 | 207 | (i) Sailors and reservists and their families other than those drawing pension at treasuries specified below. (ii) Pensioners of the above categories drawing pensions at the following treasuries :— Kathmandu Gorakhpur Darjeeling Darbhanga and Purnea . Bahraich and Gonda . | Controller of Defence Accounts (Pensions). Indian Embassy, Nepal. Recruiting officer or Deputy recruiting officer and Record Officer or Assistant Recruiting officer for Gorkhas, Kunraghat. Deputy Recruiting officer and Record Officer or Assistant Recruiting officer, Ghoom, Darjeeling. Deputy Recruiting Officer and Record Officer or Assistant Recruiting officer, Ghoom, or Collectors Darbhanga and Purnea, as the case may be. Recruiting officer, Deputy Recruiting officer and Record Officer or Assistant Recruiting officer for Gorkhas Kunraghat (Gorakhpur) or the Deputy Commissioners, Bahraich and Gonda, as the case may be. | |
| <i>Explanation</i> | | | | |
| Whenever a competent authority specified in this clause admits to pension establishment a pensioner, his sanction, together with pensioner's explanation for non-drawal of pension shall be submitted in support of the first payment to Controller of Defence Accounts (Pensions). | | | | |
| 25 | 209 | Sailors : . . . | Chief of Personnel. | |
| 26 | 210 | Sailors and their families | <i>In India including Nepal</i> Captain, Naval Barracks. <i>Outside India</i> The Central Government. | |
| 27 | 213 | Family pensioners . | Captain Naval Barracks. | |
| 28 | 214 | Do. . . . | Do. | |

APPENDIX II [See Regulation 2(k)]

| Item No. | Reference to Regulations | Nature of award and categories of personnel in respect of whom the authorities specified in column 4 are competent to sanction pension etc. | Authority competent to sanction the grant of pension etc. |
|----------|--------------------------|---|---|
| 1 | 2 | 3 | 4 |

OFFICERS

Chapter II . Commissioned Officers including Branch List Officers
(a) Retiring pension

(a) Ministry of Defence provide an award is made in accordance with the audit report of the Controller of Defence Accounts (Pensions) excepting where an officer is dismissed with or without disgrace by sentence of court martial.

(b) Disability pension

(b) (i) Ministry of Defence provide the Central Government decide that disability is attributable to or aggravated by service in the Indian Navy an award is made in accordance with the audit report of Controller of Defence Accounts (Pensions).
(ii) Controller of Defence Accounts (Pensions) as regard continuance of disability Pension.

(c) (i) Special family pension and children's allowance to children below the age of eighteen.

(c) Ministry of Defence provide the Central Government decide that the cause of death of the officer was due to or aggravated by service in the Indian Navy and an award is made in accordance with the audit report of the Controller of Defence Accounts (Pensions).

(ii) Gratuity to the widow where an officer is killed in action or dies of wounds received in action.

(d) Ordinary family pension and children's allowance to children below the age of eighteen.

(d) Ministry of Defence provide an award is made in accordance with the audit report of the Controller of Defence Accounts (Pensions).

In circumstances not covered by the above, the competent authority will be the Central Government.

Explanation

In the case of the widows and children, the Controller of Defence Accounts (Pensions) shall have the power to pay gratuity authorised in the regulations when they are clearly admitted and admit pensions under regulation provisionally, in anticipation of the sanction of the competent authority.

| | | | |
|---|---|---|---|
| 1 | 2 | 3 | 4 |
|---|---|---|---|

SAILORS

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|---------------------------|------------|--|
| 1 Chapter—III— Part I. | All awards | Controller of Defence Accounts (Pensions); and Controller of Defence Accounts (Navy) in the case of service gratuity other than in invaliding cases. |
|---------------------------|------------|--|
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APPENDIX III

(See Regulation 20)

QUALIFYING SERVICE FOR PENSION—OFFICERS OF THE GENERAL LIST

The following periods of service qualify for pension:—

(1) **Commissioned service.**—Period of service as a permanent commissioned officer and, if it is preceded without a break, by service of one or more of the following categories subject to the refund to Government of the gratuity, if any, other than war gratuity, received in respect of such service namely:—

- (a) Service as commissioned officer in the Army, Indian Navy or Air Force, irrespective of the type of commission;
- (b) Mobilised commissioned service in the Indian Naval Reserve/Indian Naval Volunteer Reserve or called up service as an officer of the late Army in India Reserve of officers or called up commissioned service in the Indian Air Force Volunteer Reserve;
- (c) Embodied or called out commissioned service as an officer of the late Indian Territorial Force or of the late Auxillary Force (India) or of the Territorial Army;

Provided that—

- (a) any service which was forfeited for seniority, and
- (b) any period of unauthorised absence unless pay and allowances are admitted for the period of absence shall not be regarded as qualifying service;

(2) **Service as Branch List Officer and precommissioned service.**—(a) All the periods of qualifying service as:—

- (i) An officer of the Branch List in the regular cadre including such service as Warrant Officer or Commissioned Warrant Officer, mobilised service in the reserve (including service rendered on T-124 X agreement), or service as a short service commissioned officer of the Branch List, if followed by permanent commissioned service without a break;
- (ii) Junior Commissioned Officer or Warrant Officer, Class I, of the Army or Warrant Officer or Master Warrant Officer of the Air Force (including service rendered during World War II and continuously thereafter), immediately followed by commissioned service;

(b) One half of the period of qualifying service, including the period of service rendered during World War II and continuously thereafter, in any ranks below that of:—

- (i) Branch List Officer of the Indian Navy;
- (ii) Junior Commissioned Officer or Warrant Officer Class I of the Army or Warrant Officer of the Air Force;

immediately followed by commissioned service direct or service as a Junior Commissioned Officer or Warrant Officer Class I of the Army or Branch List Officer of the Indian Navy or Warrant Officer of the Indian Navy or Warrant Officer of the Air Force which in turn is immediately followed by commissioned service;

Explanation.—The provisions of this clause are applicable subject to the gratuity, if any, other than war gratuity, received in respect of such service being refunded to the government;

(3) All periods of leave, excluding, in the absence of specific authorization by the Central Government, the period of leave without pay;

(4) (a) In the case of an officer who is not brought to trial or who emerges from a court martial with results favourable to him, the whole period of suspension, and

(b) in other cases, such period of suspension, if any, as is ordered by the Central Government to so qualify;

(5) (a) Service under the Central Government or a State Government,

(b) Service under a foreign Government or a local body or an autonomous Corporation or a Municipality or other Institution, provided that a pension contribution is paid to the Central Government by the officer or, if under the general or special arrangement the borrowing authority is to bear the contribution then by such authority;

(6) Any period of pensionable civilian service or Non-Combatant (Enrolled) service to the extent to which it permitted to qualify for pension as a commissioned officer under any general or special orders of the Central Government; and

(7) Any other period of service to the extent and subject to the conditions specified in this behalf by the Central Government.

QUALIFYING SERVICE FOR PENSION—OFFICERS OF THE BRANCH LIST

The following periods of service qualify for pension:—

(1) Period of service as an officer of the Branch List in a regular cadre including such service as a Warrant Officer or Commissioned Warrant Officer, and full pay mobilised service in the reserve (including service rendered on T-124 X agreement), or service as a short service commissioned officer of the Branch List, if followed by permanent commissioned service in the Branch List without a break. Provided that—

(a) (i) any service which was forfeited for eniority; and

(ii) any period of unauthorised absence unless pay and allowances are admitted for the period of absence, shall not be regarded as qualifying service; and

(b) any gratuity, other than war gratuity received in respect of such service is refunded to the Government;

(2) **Precommissioned service.**—(a) Period of service as a Junior Commissioned Officer or Warrant Officer Class I of the Army or Warrant Officer/Master Warrant Officer of the Air Force.

All qualifying service as a Junior Commissioned Officer or Warrant Officer, Class I of the Army, or Warrant Officer or Master Warrant Officer of the Air Force (including service rendered continuously during World War II, and thereafter) immediately followed by commissioned service as a Branch List Officer;

(b) One half of the period of qualifying service including service rendered continuously during World War II and thereafter, in the ranks below that of—

(i) Branch List Officer of the Indian Navy;

(ii) Junior Commissioned Officer/Warrant Officer Class I of the Army or Warrant Officer of the Air Force, immediately followed by commissioned service as a Branch List Officer or by service as a Junior Commissioned Officer, Warrant Officer Class I of the Army or Warrant Officer of the Air Force;

(3) All periods of leave, excluding in the absence of specific authorization by the Central Government, the period of leave without pay;

(4) (a) In the case of an officer who is not brought to trial or, who emerges from court martial with results favourable to him, the whole period of suspension;

(b) In all other cases such period of suspension, if any, as is decided by the Central Government to so qualify;

(5) (a) Period of service under the Central Government or a State Government;

(b) Period of service under a foreign state or a local body or an autonomous Corporation or a Municipality or other institution, provided that a pension contribution is paid to the Central Government by the Officer himself or under general or special arrangement the borrowing authority is to bear contribution by such authority;

(6) Any period of pensionable civilian service to the extent to which it is permitted to qualify for pension as a commissioned officer of the Branch List under any general or specific orders of the Central Government;

(7) Any other period of service to the extent and subject to the conditions specified in this behalf by the Central Government.

APPENDIX IV

(See Regulation 22)

RECKONING OF PAID ACTING RANK FOR PURPOSES OF RETIRING PENSION

(1) An officer holding permanent commission who retires from service and becomes eligible for a pension, shall have his pension assessed with reference to a standard rate of retiring pension of Rupees Six hundred and twenty only per mensem for a standard period of qualifying service for 24 years, provided—

- (a) he has held the substantive rank of Lieut-Commander for at least two years more than the minimum period of service required to be served in that substantive rank in order to be eligible for promotion to the substantive rank of Commander under the promotion rules in force at the time of his retirement;
- (b) he has been found fit in all respects for promotion to the substantive rank of Commander; and
- (c) he retires with the paid acting rank of Commander after holding that rank for an aggregate period of not less than four years, of which not less than three years shall be continuous.

Explanation (1).—For purposes of clause (a) the required period of service in the substantive rank of Lieut-Commander will commence from the effective date from which substantive promotion to such rank has been notified in the gazette.

Explanation (2).—For purposes of clause (c)—

- (i) an officer will be deemed to have retired with the paid acting rank of Commander if his reversion to substantive rank immediately prior to retirement is solely on account of the commencement of the furlough portion of his leave pending retirement or his invalidation out of service. The period subsequent to reversion to substantive rank will not, however, be taken into account in reckoning the necessary service limits.
- (ii) Any paid acting rank held by the officer *higher than* that of Commander will be equated to that paid acting rank.
- (iii) An officer will be deemed to have held paid acting rank *continuously* in cases where an interruption of continuity is after-wards cancelled by a retrospective restoration of the paid acting rank by competent authority in accordance with the rules regulating retention of such rank.

(2) An officer who retires in the substantive rank of Commander but has held that rank substantively for less than two years will also be eligible for the pensionary benefit mentioned above subject to the fulfilment of conditions (a) and (c) above. For the purpose of calculating the necessary service-limits under clause (c) of para 1 above, the period during which the officer held the rank of Commander in a substantive capacity will also be taken into account.

(3) In all other respects, the pensionary entitlement of an officer to whom this Appendix applies, will be regulated by these Regulations.

APPENDIX V

(See Regulations 43, 101, 109)

NATURE, ASSESSMENT AND ATTRIBUTABILITY OF DISABILITY AND ENTITLEMENT TO DISABILITY PENSION

ENTITLEMENT RULES

1. (a) The entitlement rules set out below apply in cases where the disablement or death, on which the claim to casualty pensionary award is based, takes place on or after the 1st April, 1948. These rules apply to all personnel who are governed by these Regulations for the Indian Navy.

(b) These rules do not apply to an individual whose continuous service commenced from a date prior to the 1st April, 1948, in so far as his disablement or the cause of his death, can be regarded as attributable to or aggravated by his service during the period 3rd September 1939 to the 31st March, 1948.

2. Invalidment from service is a necessary condition for the grant of disability pension. An individual who at the time of his release under the Release Regulations is in a lower medical category than that in which he was recruited will be treated as invalided from service. Sailors who are placed permanently in a medical category other than 'A' and are discharged because no alternative employment suitable to their low medical category can be provided as well as those who having been retained in alternative employment but are discharged before the completion of their engagement will be deemed to have been invalided out of service.

3. Disablement or death shall be accepted as due to naval service provided it is certified that:—

(a) the disablement is due to a wound, injury or disease which—

(i) is attributable to Naval service;

(ii) existed before or arose during naval service and has been and remains aggravated thereby;

(b) the death was due to or hastened by:

(i) a wound, injury or disease which was attributable to naval service; or

(ii) the aggravation by naval service of a wound, injury or disease which existed before or arose during naval service.

4. There must be a causal connection between disablement and naval service for attributability or aggravation to be conceded.

5. In deciding on the issue of entitlement all the evidence, both direct and circumstantial, will be taken into account and the benefit of reasonable doubt will be given to the claimant. This benefit will be given more liberally to the claimant in field service cases.

6. Post-discharge claims—Cases in which a disease did not actually lead to the member's discharge from service but arose within seven years thereafter, may be recognised as attributable to service if it can be established medically that the disability is a delayed manifestation of a pathological process set in motion by service conditions obtaining prior to discharge and that if the disability had been manifest at the time of discharge the individual would have been invalided out of service on this account. In cases where an individual in receipt of disability pension dies at home and it cannot, from a strictly medical point of view, be definitely established that the death was solely due to the disablement in respect of which the disability pension was granted:—

(a) the benefit of the doubt in determining attributability would go to the family of the deceased if death occurs within seven years from the date of his invalidment from service, unless there are other facts adversely affecting the claim; and

(b) if death takes place more than seven years after the date of his invalidment from service, the benefit of doubt will go to the State.

In cases where an individual outlives a normal span of life, that is, where death takes place at the age of sixty or above, the death should be held to be due to normal causes and not to naval service.

7. In respect of accidents the following rules will be observed :—

- (a) Injuries sustained when the man is on duty will be deemed to have arisen in or resulted from Navy service unless they were self-inflicted or due to serious negligence or misconduct in which cases the question of withholding the pension in full/in part will be considered.
- (b) A person subject to the disciplinary Code of the Armed Forces is "on duty" during the period of time when he is in the course of performance of an official task the failure to do which would constitute an offence triable under the Disciplinary Code applicable to him. The course of performance of a task includes the journey or transport by a reasonable route from one's quarters to and back from the appointed place of duty under organised arrangements.
- (c) A person is also deemed to be "on duty" during the period of participation in recreation, organised or permitted by Service authorities and of travelling in a body or singly under organised arrangements. A person is also considered to be "on duty" when proceeding to his leave station or returning from his leave station at public expense.
- (d) An accident which occurs when a man is not strictly "on duty" as defined may also be attributable to Service, provided that it is not an accident which can be attributed to risk common to human existence in modern conditions in India, unless such risk is definitely enhanced in kind or degree by the nature, conditions, obligations or incidents of the person's service. Thus, for instance, where a person is killed or injured by another party by reason of belonging to the Armed Forces, he shall be deemed "on duty" at the relevant time.

This benefit will be given more liberally to the claimant in cases occurring during the time when the person, subject to the Navy Law,—

- (i) is attached to, or forms part of a force which is engaged in operations against an enemy, or
- (ii) is engaged in naval operations in, or is proceeding to, the seas in the neighbourhood of a country or place wholly or partly occupied by an enemy, or
- (iii) is attached to or forms part of a force which is in military occupation of a foreign country.

Explanation 1.—(a) Personnel of the Armed Forces participating in—

- (i) local/national/international sports tournaments as members of Service teams, or
- (ii) mountaineering expeditions/gliding organised by the Service authorities, with the approval of Government will be deemed to be "on duty" for purposes of these regulations.

(b) personnel of the Armed Forces participating in the above-mentioned sports tournaments or in privately organised mountaineering expeditions or indulging in gliding as a hobby, in their individual capacity, will not be deemed to be "on duty" for purposes of these regulations, even though prior permission of the competent Service authorities may have been obtained by them;

(c) injuries sustained by personnel of the Armed Forces in impromptu games and sports outside parade hours, which are organised by, or with the approval of, the local Service authority and deaths arising from such injuries, will continue to be regarded as having occurred while "on duty" for purposes of these regulations.

Explanation 2.—The personnel of the Armed Forces deputed for training at courses conducted by the Himalayan Mountaineering Institute, Darjeeling, shall be treated on par with personnel attending other authorised professional courses or exercises for the Defence Services for the purpose of the grant of disability/family pensions on account of disability/death sustained during the courses.

8. In respect of diseases, the following rules will be observed:

- (a) Cases, in which it is established that conditions of naval service did not determine or contribute to the onset of the disease but influenced the subsequent course of the disease, will fall for acceptance on the basis of aggravation.
- (b) A disease which has led to an individual's discharge or death will ordinarily be deemed to have arisen in service if no note of it was

made at the time of the individual's acceptance for naval service. However, if medical opinion holds, for reasons to be stated, that the disease could not have been detected on medical examination prior to acceptance for service the disease will not be deemed to have arisen during service.

(c) If a disease is accepted as having arisen in service, it must also be established that the conditions of naval service determined or contributed to the onset of the disease and that the conditions were due to the circumstances of duty in naval service.

(d) In considering whether a particular disease is due to naval service, it is necessary to relate the established facts, in the aetiology of the disease, and of its normal development, to the effect that conditions of service, for example, exposure, stress, climate, etc., may have had on its manifestation. Regard must also be had to the time factor. (Also see classification of diseases at the end of this Appendix).

(i) *Common diseases known to be affected by exposure to weather.*—Diseases such as Bronchitis, Rheumatism and Nephritis indeed most diseases of the respiratory system, joints and kidneys are affected by climatic conditions. The period and the conditions of service at any particular place should be taken into account in determining causal connection with service.

(ii) *Common diseases known to be affected by stress and strain.*—This should be decided with due reference to the nature of the duties an individual has had to perform in naval service. It may be that in some cases the individual had been engaged on sedentary duties when they will normally not qualify.

(iii) *Diseases endemic to certain areas.*—Diseases such as Malaria, Kalazar, Filariasis, Dysentery, Cholera, etc., are endemic in certain areas. These diseases may also be introduced by movements of infected persons. In determining causal connection with service it will have to be established that the conditions of naval service exposed the individual to the infection as a result of which he contracted the disease. Where there is medical evidence of the contraction of the diseases either prior to entry into service, or while off duty or on leave or desertion or unauthorised absence, etc., attributability should not be accepted unless the disease occurs within the incubation period.

(iv) *Diseases due to infections in service.*—Entitlement to pension will be admitted if the exposure to infection arose from the circumstances of the member's service.

(v) *Diseases known to be affected by dietary compulsions.*—The compulsions of service would also cover such cases as gastric disorders, for example, gastritis, gastric and duodenal ulcers, where it is established that the member was unable to follow a dietary regime required for his condition. The effect of service in such cases will be limited essentially to the question of aggravation of a pre-existing constitutional condition. This will not normally apply to individuals in sedentary occupation.

(vi) *Diseases which run their course independently of external circumstances.*—There are certain diseases which would have run the same course whether the individual had been in the Forces or not, for example, Leukaemia, Hodgkin's disease, etc. [see classification of diseases, sub-paragraph (E) at the end of this Appendix]. Such cases will not be accepted as aggravated by service unless it is clear that owing to exigencies of service the man did not receive treatment of a satisfactory character and standard or such treatment was so delayed as to be less effective than it would have been.

(vii) *Veneral diseases.*—

(1) Venereal disease will normally be rejected but a sequela of the disease may sometimes be accepted as aggravated by service. In the case of such disease contracted during service, grounds for acceptance will rarely be found unless the member after treatment had returned to full duty and had been subjected to such strain as would produce one of the after effects of the disease.

sooner than would have normally been the case. The strain must have been of an exceptional nature.

- (2) In the case of disease contracted before service if the member had reached an age when such a manifestation could be accepted, entitlement will not be conceded. On the other hand, if the later manifestation had been produced or hastened by the strain of service in which case there should be evidence that the strain was of an exceptional nature, entitlement may be considered on the basis of aggravation.
- (3) In the case of disease due to heredity, entitlement must be determined as in para (2) above.
- (4) The above refers only to late manifestations or sequela of venereal disease as Neuro-Syphilis or Cardio-vascular Syphilis.
- (viii) Invalidation on account of indulgence in drugs or drinks.—Entitlement shall not be conceded if the disability or death on which the claim is based, resulted from indulgence in drugs or drinks which was within one's own control.

9. *Unforeseen effects of service medical treatment.*—

- (a) Where unforeseen complications arise as a result of treatment (including operative treatment) given for the purpose of rendering a member fit for service duties, any disablement resulting will normally be accepted as attributable to service.
- (b) Where the treatment is given for other reasons, the position regarding any unforeseen complications differs according as the condition which necessitated treatment was or was not, either attributable to or aggravated by service. If it was so attributable or aggravated, any disablement resulting from the treatment will normally be accepted as attributable to service. If it was not, no responsibility will be accepted for the additional disablement unless neglect, delay, faulty technique or lack of reasonable skill can be held responsible for the untoward outcome, or the exigencies of service before, during or after the treatment can be held to have caused or aggravated the condition.
- (c) The above considerations apply whether the treatment is given in a service hospital or under service arrangements in any other hospital but will not apply if the treatment is undertaken under private arrangement by an individual.

10. *Assessment.*—

- (a) The assessment of a disability is the estimate of the degree of disablement it causes, which can properly be ascribed to service as defined below.
- (b) The disablement properly referable to service will be assessed as under:—
 - (i) *At the time of discharge from the forces.**—Normally the whole of the disablement then caused by the disability. This rule will apply irrespective of whether the disability is actually attributable to service, or is merely aggravated thereby. In the latter event, part of the disablement on discharge may have been present before service and/or may have been brought about by the natural progress of the disability during service. But as it is impossible, for so long as the strain and stress of service continues, to apportion quantitatively the effects of service and non-service factors, the entire disablement at the time of discharge will be taken into account. For example:
 - (1) Where a person who had a partially disabled hand sustains injury to the same hand which renders it less useful than before or a person with an impaired foot injures the other as a result of service thus increasing his defect in locomotion, or
 - (2) Where a person gives history of cough and cold prior to enrolment and is invalided out of service for Chronic Bronchitis held to be aggravated by service, pension will be admissible for the total disablement.

*Special consideration should be given to cases in which the disablement has been or may have been worsened by the improper or excessive use of alcohol, tobacco or drugs or by venereal disease. In such cases, the effects of such will be excluded in assessing disablement ascribable to service.

(ii) on resurvey of disability after discharge from the service.—The whole of the disablement then caused by the disability, less the following:—

(1) The part due to non-service factors, such as individual habits, occupation in civil life, accident after discharge, climatic environment after discharge.

(2) Any worsening due to the natural progress of the disability since discharge apart from the effects of service.

Deduction (1) will be made in all cases; while deduction (2) above will apply only in cases where the disability is accepted as aggravated by, but not attributable to service.

(c) In cases accepted as aggravated by service, although a percentage of disablement, equal to more than twenty per cent may be assessed on medical resurvey, after discharge from service, in accordance with sub-paragraph (b)(ii)(2) above, disability pension will cease to be payable as soon as the effects of the aggravation by service have passed away, for example, where a person with disease, for example Fibrositis, Bronchitis, Eczema, etc., held to be aggravated by service is invalided out and on resurvey is found by the Medical Board to have been restored (a) to his pre-service condition or (b) the condition in which he may have been normally at that time even if he had not joined the forces, aggravation by service will be deemed to have passed away.

(d) Paired organs as eyes, ears will be considered together. Where disablement due to service occurs in one or a pair of organs, assessment on discharge will be made with reference to the diminution of the functional capacity of the organs working together. Therefore the assessment will include for pension purposes any non-service disablement present in either organ on the view that service disablement has aggravated the pre-existing functional defect of the pair of organs.

(e) Composite assessments.—Where there are two or more disabilities due to service, compensation will be based on the composite assessment of the degree of disablement. Generally speaking, where separate disabilities have entirely different functional effects, the composite assessment will be the arithmetical sum of their separate assessments. But where the functional effects of the disabilities overlap, the composite assessment will be reduced in proportion to the degree of overlapping.

(f) Nil disablement.—Where although a definite disability is or has been in evidence, the Medical Board consider that any disablement resulting therefrom has ceased or has become so small as not to admit of assessable compensation, the assessment will be expressed as "nil disablement".

(g) Where the disability due to service has no connection with the pre-existing disability, as for example, a person who had lost a finger prior to enlistment, loses a great toe by service, compensation will be restricted to the loss of the great toe only.

Classification of Diseases referred to in paragraph 8 of Appendix V

A. Diseases affected by climatic conditions.

Pulmonary Tuberculosis.
Pulmonary tuberculosis with pleural effusion.
Tuberculosis—Non-pulmonary.
Bronchitis.
Pleurisy, empyema, lung abscess, and Bronchiectasis.
Lobar pneumonia.
Nephritis (acute and chronic).