

**DEFENCE SERVICE REGULATIONS**  
**PENSION REGULATIONS**  
**FOR**  
**THE AIR FORCE**

**1961**

**PART I**

**GOVT. OF INDIA**  
**MINISTRY OF DEFENCE**

(Orders issued up to and for 31-8-1960 have been incorporated in this Book)

\* **Note:** **Not to be quoted as authority**

## PREFACE

The Pension Regulations for the Air Force are divided into two parts as under:--

Part I— Containing regulations regulating the pensionary awards of personnel of the Air Force

Part II—Containing regulations relating to delegation of powers and pension procedure affecting the personnel whose pensions are regulated by the regulations in Part I.

2., The regulations in this Part supersede the rules in Pay and allowance Regulations for the Air Force in India (1942) and Air Force Instructions 21/42 and 92/42 as amended from time to time and have been issued under the authority of the Government of India.

3. Except as otherwise provided in these Regulations or elsewhere, the regulations contained in this Part apply to personnel governed by the New Pension Code. Those who are not so governed or for whom no provisions is made in these regulations will continue to be governed by the Pay and Allowances Regulations for the Air Force in India (1942) and Air Force Instructions 21/42, 92/42 and 166/43 as amended from time to time and other supplementary orders thereto.

4. No deviation from the regulations in this part is permissible without the prior sanction of the Government of India.

5. Permanent orders of only general application have been incorporated in these Regulations. Sanctions having a purely transitory interest have, however, not been included, and where such sanctions are at variance with these Regulations, the sanctions should be viewed as operative for only so long as they remain in force.

6. The disposal of the rules in Pay and Allowances Regulations for the Air Force (1942) and Air Force Instructions 21/42 and 92/42 as amended from time to time and authority each regulation in these Regulations is shown in two explanatory memoranda at the end of this Part.

**NEW DELHI**  
**The 4<sup>th</sup> April, 1961**

**O. PULLA REDDI,**  
**Secretary to the Government of India,**  
**Ministry of Defence.**

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## **ABBREVIATIONS**

<b>AIRO</b>	-	<b>Army in India Reserve of Officers</b>
<b>IAFVR</b>	-	<b>Indian Air Force Volunteer Reserve</b>
<b>INR</b>	-	<b>Indian Naval Reserve</b>
<b>INVR</b>	-	<b>Indian Naval Volunteer Reserve</b>
<b>JCO</b>	-	<b>Junior Commissioned Officer</b>
<b>AC</b>	-	<b>Aircraftman</b>
<b>LAC</b>	-	<b>Leading Aircraftman</b>
<b>Cpl</b>	-	<b>Corporal</b>
<b>Sgt</b>	-	<b>Sergeant</b>
<b>F/Sgt</b>	-	<b>Flight Sergeant</b>
<b>WO</b>	-	<b>Warrant Officer</b>
<b>MWO</b>	-	<b>Master Warrant Officer</b>
<b>Fg. Offr</b>	-	<b>Flying Officer</b>
<b>Flt. Lt.</b>	-	<b>Flight Lieutenant</b>
<b>Sqn. Ldr</b>	-	<b>Squadron Leader</b>
<b>Wg. Cdr</b>	-	<b>Wing Commander</b>

## **CHAPTER I-GENERAL**

### **Extent of application**

1. Unless otherwise provided, these Regulations shall apply to personnel of the Air Force and all claims to pension, gratuity or allowance shall be regulated by the regulations in force at the time of an individual's retirement, release, resignation, discharge, death, etc., as the case may be.

Note:--These Regulations do not apply to pre-1935 commissioned officers.

### **Interpretation of regulations**

2. Any doubt of difference of opinion regarding interpretation of these regulations or any particular regulation shall be referred to the Central Government whose decision thereon shall be final.

### **Definitions**

2A. Unless there be something repugnant in the subject or context, the terms defined in this chapter are used in the regulations in the sense here explained:--

- |                      |  |
|----------------------|--|
| (1) Accounts Officer | The term denotes the Controller of Defence Accounts (Pensions) or the Controller of Defence Accounts (Air Force), as the case may be.  |
| (2) Active list      | An officer of the regular Air Force is said to be on the active list when he is subject to the Air Force Act, But unless otherwise provided for, his service when recalled or re-employed will not be deemed to be on the active list.   |
| (3) Airman           | Means a person subject to the Air Force Act, 1950, other than an officer and includes a Warrant Officer and a Master Warrant Officer but does not include an apprentice.   |
| (4) Pension          | Shall include gratuity except when it is used in contradistinction to the term gratuity.   |
| (5) Public claim     | Shall be held to mean any public debt or disallowance, including any over-issue made through an error as to the facts ; or a deficiency or irregular expenditure public money or stores of which after due investigation, no explanation satisfactory to the President is given by the person who is responsible for the same. |

- (6) Qualifying regular service Means all service including any former service as a combatant which qualifies for pension of a Combatant.
- (7) Retired list An officer is said to be on the retired list if he has served in the regular Air Force as a permanent commissioned officer, and has retired there from or otherwise placed on the retired list according to the regulations in force from time to time, and an officer is deemed to be on the retired list even if he has been recalled or re-employed in the Air Force.

### **Full rate of pension or gratuity not invariably admissible**

3. The full rate of pension or gratuity provided for in these Regulations shall not be granted unless the service rendered has been satisfactory. If the service has not been satisfactory, the competent authority may make such reduction in the amount of pension or gratuity as it thinks proper.

### **Grant of pension is subject to future good conduct**

4. Future good conduct shall be an implied condition of every grant of a pension or allowance.

### **Pension may be withheld, suspended or discontinued or paid to wife of other dependent**

5. In special circumstances to be determined by the President or as may be specified in these Regulations, the pension (service, disability or family), children's allowance or gratuity to be granted or granted to an individual, or any portion of it, may be withheld, suspended, or discontinued. In exceptional cases, payment of part or whole of the pension allowance or gratuity suspended, withheld, may, by order of the President, be made to the wife of other dependant (s) of the pensioner.

### **Personnel in civil government employment**

6. An individual in civil government employment shall be governed by the relevant civil extraordinary pension rules except where he is in receipt of air force rates of pay, in which case he and his family shall continue to be governed by these Regulations.

Note:- This regulation does not preclude the grant to an individual of any service award for which he qualifies under these Regulations : or in the event of an award not being admissible to his family under the relevant civil extraordinary pension rules, the grant of his family of an award, other than a special family pensionary award, admissible under these Regulations.

**Pensioners re-employed or continuing to be employed in a civil capacity**

7. An individual in receipt of a pension under these Regulations in respect of his service in the Defence Services, who is re-employed in a civil capacity under any Office/Department/Ministry of the Central Government, including the Ministry of Defence, or under a State Government or Administration, or who is granted such pension under these regulations while serving in such civil capacity shall, in respect of his pension under these Regulations, be subject to the provisions of Article 510-B or 526 of the Civil Service Regulations, or corresponding rules of the State Government/Administrations, as the case may be (But see regulation 109)

**Continuance or discontinuance of pension when nationality is changed**

8. When a pensioner becomes a naturalized citizen of a foreign State, the President may decide, after consideration of the circumstances of the case, whether the whole or part of the pension or allowance shall be discontinued.

**Additional benefit at half a year's pension or gratuity in cases where the total period of qualifying service exceeds completed years by six months of more**

9. If the total period of qualifying service of an individual exceeds completed years by six months (180 days) or more, the amount of his pension/gratuity will be increased by half the difference between the pension/gratuity admissible for the completed years of his qualifying service and the one admissible for the next consecutive number of complete years.

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## **CHAPTER II—COMMISSIONED OFFICERS**

### **SECTION I—GENERAL**

#### **Extent of application**

**14.** The regulations in this chapter shall apply to all permanent commissioned officers.

Provided that an officer of the category mentioned above, who was in service on the 1<sup>st</sup> June 1953, as a permanent commissioned officer, shall on retirement/invaliding have the option of taking in lieu of the award admissible under these Regulations, the service award that may be admissible under the orders applicable as on the 31<sup>st</sup> May 1953, calculated on the basis of the substantive rank held on that date; service rendered up to the date preceding that of retirement/invaliding shall, however, be regarded as qualifying service.

The option once exercised shall be final.

#### **Late entrants**

**15.** For purposes of the regulation in this chapter, a 'late entrant' is an officer who is retired on reaching the prescribed age limit for compulsory retirement with at least 15 years' commissioned service qualifying for pension but whose total qualifying service is less than 20 years.

#### **Officers cashiered, dismissed, removed or called upon to retire**

**16. (a)** When an officer who has to his credit the minimum period of qualifying service required to earn a pension, is cashiered or dismissed or removed from the service, his pension may, at the discretion of the President, be either forfeited or be granted at a rate not exceeding that for which he would have otherwise qualified, had he retired on the same date.

**(b)** When an officer who has to his credit the minimum period of qualifying service required to earn a pension is called upon to retire or to resign, or in the event of his refusing to do so is retired from or gazetted out of service, he may at the discretion of the President be granted a pension at a rate not exceeding that for which he would have otherwise qualified, had he retired on the same date in the normal manner.

#### **Retired officers re-employed in an emergency and officers of the regular air force reserve re-called to service**

**17. (a)** The pension of a retired officer who is re-employed in an emergency in an air force capacity and of an officer of the regular air force reserve re-called to service shall be held in abeyance during the period of re-employed/re-called service.

(b) The re-employed/re-called service shall not earn either an increase in pension or any gratuity ; nor shall it be counted towards the service limits prescribed in regulation 75 for ordinary family pension.

(c) Disability element of pension, constant attendance allowance and special family pensionary awards on account of disablement or death due to re-employed/re-called service will be at the same rates and subject to the same general conditions as are applicable to other officers on the active list.

**Pensioners who accept employment under a Government outside India or commercial employment after retirement**

18. (a) An officer who is granted any pension, gratuity or other benefit in respect of his air force service or who is likely to receive any pension, gratuity or other benefit under these Regulations shall obtain the permission of the President before accepting an employment under a Government outside India at any time after his air force service has ceased. An officer of the rank of Group Captain or above whether held in substantive capacity or otherwise, who is granted a pension, gratuity, or other benefit in respect of his air force service or who is likely to receive any pension, gratuity or other benefit under these Regulations, shall also obtain such permission prior to acceptance of any commercial employment before the expiry of two years from the date his air force service ceases.

(b) An officer permitted by the President, before his air force service ceases, to take up a particular employment under a Government outside India, or commercial employment, shall not however be required to obtain subsequent permission for his continuance in that employment.

(c) No service or disability pension or other recurring benefits shall be payable to an officer who accepts an employment in contravention of the provisions of this regulation in respect of any period for which he is so employed or for such a longer period as the President may direct. Gratuity where due, but not already paid, shall also be liable to be forfeited in part or in full as the President may, at his discretion, decide.

Notes:-- (1) The term "employment under a Government outside India", shall include employment under a local authority or corporation or any other institution or organization which functions under the supervision or control of a Government outside India.

(2) The term "commercial employment" shall mean employment in any capacity including that of an agent under a company, firm or individual engaged in trading, commercial, industrial, financial or professional business, and shall also include a directorship of such a company and a partnership of such a firm.

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**SECTION II-RETIRING PENSION AND GRATUITY**

**Retiring pension and gratuity—when admissible**

**24.** An officer permitted to retire from service may be granted a retiring pension or gratuity in accordance with the regulations in this Chapter, provided that a retiring gratuity may be granted at the discretion of the President only in an exceptional case to an officer, who is permitted to retire or whose services are otherwise terminated after completing the minimum qualifying service; see regulation 25.

#### **Minimum qualifying service**

**25. (a)** The minimum period of qualifying service required for a retiring pension is 20 years (15 years in case of a 'late entrant'—see regulation 15). Only completed years of qualifying service shall count.

**(b)** The minimum period of qualifying service for a retiring gratuity shall be 10 years.

#### **Qualifying service for pension**

**26.** The following periods of service qualify for pension:-

**(a) Commissioned service:--**Service as a permanent commissioned officer and, if it is preceded without a break, service of the following categories jointly or severally subject to the refund in the prescribed manner to Government of the gratuity



if any, other than war gratuity, received in respect of such service :-

- (i) Service as commissioned officer in the Army, Indian Navy and Air Force, irrespective of the type of commission;
- (ii) Embodied or called out commissioned service as an officer of the late Indian Territorial Force or the late Auxiliary Force (India) or of the Territorial Army;
- (iii) Called up service as an officer of the late AIRO or called up commissioned service in the IAFVR or mobilized commissioned service in the INR/INVR,

provided that---

- (1) any service forfeited for the purpose of pension, and
- (2) any period of unauthorized absence unless pay and allowances are admitted for the period of absence,

shall not be regarded as qualifying service, nor any period of ante-date of commission.

**(b) Service as Branch List Officer of the Indian Navy and pre-commissioned service---** (i) All qualifying service as :--

- (1) an officer of the Branch List of the Indian Navy in the regular cadre including such service as Warrant Officer or Commissioned Warrant Officer or mobilized 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.
  - (2) JCO 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 (including service as a Branch List Officer of the Indian Navy).
- (ii) One half of the qualifying service, including service rendered during World War II and continuously thereafter, in the ranks below that of :--
- (1) Branch List Officer of the Indian Navy;
  - (2) JCO or WO Class I of the Army or WO of the Air Force, immediately followed by commissioned service direct or service as a JCO or Warrant Officer Class I of the Army or Branch List Officer of the Indian Navy or Warrant Officer of the Air Force which in turn is immediately followed by commissioned service.

Note:--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 in the prescribed manner.

**(c) Periods of leave.** All leave. Any period of leave without pay shall not, however, qualify unless specifically authorized by Government ;

**(d) Periods of suspension from duty by order of a competent authority:--** The period of suspension in the case of an officer who is not brought to trial or who emerges from a summary trial or court martial with results

favorable to him. In all other cases, the period passed under suspension shall count for pension only under the orders of President ;

**(e) Service on deputation under civil department of State government or a municipality or a foreign government.--**

**(i)** Service under an office/department/ministry of the central government or under a State government;

**(ii)** 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 himself or by the borrowing authority, if the contribution is under general or special arrangement to be borne by the latter.

**(f) Previous pensionable civilian service.--** Any period of pensionable civilian service/non-combatants (enrolled) service to the extent to which it is permitted to qualify for pension as a commissioned officer under any general or special orders.

Note:-- Any period of service not covered by the preceding clauses also qualify for pension as a commissioned officer to the extent and subject to the conditions under which it has been or may be permitted for purposes of these Regulations by specific Government orders.

**Qualifying service for gratuity**

**27.** All service which qualifies in full for retiring pension also qualifies for gratuity and on the same conditions. Service below the rank of a warrant officer and any other service which does not qualify in full for retiring pension shall not qualify for gratuity.

**Rank for assessment of retiring pension**

**28. (a)** Retiring pension shall be assessed on the substantive rank held by an officer on his retirement, provided it has been held on the active list for the following minimum periods:--

Air Chief Marshal : 01 year

Air Marshal and below : 02 years

**(b)** If the substantive rank has been held for less than the period specified, retiring pension shall be assessed on the next lower substantive rank.

**Standard rates of retiring pensions and standard service periods**

**29.** If an officer's qualifying service is not less than the standard service period for his rank as indicated below, he may be granted a retiring pension at the standard rate for that rank, as follows:--

Rank for retiring pension	Standard service period	Standard retiring pension
	Years	Rs. p.m.
Pilot Officer/Flying Officer	20	275
Flight Lieutenant	20	350
*Squadron Leader	22	475
Wing Commander	24	625
Group Captain	26	675
Air Commodore	28	725
Air Vice Marshal	30	800
Air Marshal	30	900
Air Chief Marshal	30	1000

**\*As regards Squadron Leaders holding higher acting ranks see Appendix I**

#### Rates of deduction from the standard rates of pension

**30.** Where an officer's qualifying service is less than the standard service period for his rank, the amount of retiring pension is the standard rate for that rank reduced by one deduction according to the table below for each year or part of year of the deficiency.

Retiring pension	Rate of Deduction
Rs. p.m.	Rs. p.m
1000 to 751	30.00
750 to 601	20.00
600 to 401	15.00
400 to 301	10.00
300 to 201	5.00
200 and below	2.50

Deductions shall be made successively until the number of deductions due to be made has been completed, and each deduction in turn shall be at the rate of appropriate to the amount remaining after the preceding deduction.

#### Assessment of pension of "late entrants"

**31.** An officer who is a 'late entrant' (see regulation 15) may be granted a proportionate pension assessed as under:--

$\frac{\text{Number of years of qualifying service}}{\text{Standard service period for the rank qualifying for retiring pension.}}$	X	Standard rate of retiring pension of the rank qualifying for retiring pension.
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#### Rate of retiring gratuity

**32.** The maximum amount of gratuity that may be granted is assessed as under:--

Completed years of qualifying service	Amount (Rs.)
Ten	10,000
Each additional year	1,000

**33.**

34.

35.

### **SECTION III-DIABILITY PENSIONARY AWARDS**

#### **Extent of application**

36. The regulations in this section shall apply to:--

- (a) The officers referred to in regulation 14, and
- (b) Officers holding permanent commission who became non-effective during the period from the 27<sup>th</sup> October 1947 to the 31<sup>st</sup> May 1953 (both days inclusive).

Provided that an award in respect of an officer of the category mentioned in clause (b) shall be made from the 1<sup>st</sup> June 1953 or the date from which it is admissible, whichever is later, and only if the beneficiary was alive on the 28<sup>th</sup> December 1954.

#### **Disability pension-when admissible**

37. (a) An officer who is retired from air force service on account of a disability which is attributable to or aggravated by such service and is assessed at 20 percent 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.

**(b)** The question whether a disability is attributable to or aggravated by air force service shall be determined under the regulations in Appendix II.

#### **Late entrants**

**38.** For purposes of the regulations in this section "late entrant" is an officer who, but for his retirement on account of disability attributable to or aggravated by air force service, would have fulfilled the requirement of regulation 15.

#### **Officers who retire voluntarily**

**39.** An officer who retires voluntarily shall not be eligible for an award on account of any disability.

#### **Serious negligence or misconduct**

**40.** If the disability of an officer is wholly or partly due to his serious negligence or misconduct, the amount of pension or gratuity otherwise admissible may be reduced at the discretion of the competent authority.

#### **Unreasonable refusal to undergo medical treatment**

**41. (a)** An award of disability element of pension otherwise admissible may be withheld or be granted at a reduced rate, at the discretion of the President, if an officer suffering from a disability, accepted as attributable to or aggravated by air force service, unreasonably refuses 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.

**(b)** The refusal will 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.

#### **Officers compulsorily retired on account of age or on completion of tenure**

**42.** An officer compulsorily retired on account of age or on completion of tenure, if suffering on retirement from a disability attributable to or aggravated by air force service and recorded by service medical authority, may, at the discretion of the President, be granted in addition to the retiring pension admissible, a disability element as if he had been retired on account of the disability, according to the accepted degree of the disablement at the time of retirement.

#### **Manifestation of a disability after retirement**

**43.** An officer, who had retired (otherwise than at his own request or in any of the circumstances specified in regulation 16) on a retiring pension/gratuity, but who within a period of seven years from the date of retirement is found to be suffering from a disease which is accepted as attributable to his air force service, may, at the discretion of President, be granted, in addition to his retiring pension/gratuity, a disability element at the appropriate rate with effect from such date, as the President may decide in the circumstances of the case.

**44.**

### **Re-adjustment of disability pension granted for life, when the disability is subsequently reduced or removed**

**45. (a)** The award of disability pension granted for life to an officer may be modified by the competent authority if, as a result of further medical examination for any purpose, it decides that the disability on the basis of which the life award was made, has disappeared, is reduced or has become capable of improvement.

**(b)** Where an award is modified under clause (a) on the basis of the findings of a medical board, the modified rate of pension shall have effect from the date of assembly of the board.

**(c)** In case a pensioner who has been asked to appear before a medical board in accordance with clause (a) refused to do so, the disability element of pension shall be suspended from the date of such refusal. If however, the pensioner has rendered less than five years qualifying service, the disability pension as a whole shall be suspended.

### **Officers who have suffered from pulmonary tuberculosis but are retained in service**

**46.** An officer suffering from pulmonary tuberculosis attributable to or aggravated by air force service, who rejoins duty having been found fit for retention in service on completion of leave, but is retired therefrom on account of a relapse of the disability during a period of five years from the date of rejoining, 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, in addition to--

- (a)** the service element of disability pension admissible if he had been invalided on the date immediately prior to that of rejoining duty or, if more favourable,
- (b)** the service pension based on the total length of qualifying service rendered up to the date of retirement.

If however, 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 the normal regulations.

### **Definition of service and qualifying service**

**47. (a)** The qualifying service of an officer is assessed in accordance with regulation 26 for the purpose of service element of disability pension ; and in accordance with regulation 27 for the purpose of final gratuity.

**(b)** Service rendered in aid of the civil power shall be treated as air force service for the purpose of disability pension and final gratuity.

### **Rank for assessment of service element of disability pension**

**48.** The service element of disability pension is assessed on the substantive rank held by an officer on the date of retirement from air force service on account of a disability attributable to or aggravated by such service. In no case, however,

shall the service element be assessed on a rank lower than that of a Flight Lieutenant.

Provided that the service element shall be assessed on the paid acting rank held by an officer on any one of the following dates, whichever is most favourable:--

- (a) the date of retirement from service ; or
- (b) the date 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.

Note:-- Paid acting rank shall not be taken into account for the assessment of service element of disability pension if the crucial date mentioned above falls after 31<sup>st</sup> May 1963.

#### **Amount of disability pension and period for which granted**

**49. (a)** The service element of disability pension (see regulation 37) shall be assessed as under:-

- (i) If the qualifying service is 20 years (15 years in the case of a 'late entrant'), or more, the service element shall be equal to the retiring pension admissible (see regulation 48).
- (ii) If the qualifying service is less than 20 years (15 years in the case of 'late entrant'), the service element shall be assessed by making deductions from the retiring pension which would have been admissible on retirement in the appropriate rank (see regulation 48) with 20 years (15 years in the case of a 'late entrant') qualifying service, at double the rates given in regulation 30 for each year of part of a year by which the qualifying service falls short of 20 years (15 years in the case of a 'late entrant').

**(b)** The disability element of disability pension (see regulation 37) will be at the rate appropriate to the accepted degree of disablement in accordance with the table below, from the date from which it is admissible or from the date of expiry of the previous award, as the case may be, for the duration of the disability at that degree, as advised by the medical board or the competent service medical authority:--

<b>Percentage of disablement appropriately referable to service factors</b>	<b>Rate of disability element</b>
	<b>Rs. p.m.</b>
100	150
90	135
80	120
70	105
60	90
50	75
40	60
30	45
20	30

Provided that :--

**(1)** the period of an award calculated with reference to the date of the medical board, shall not exceed--

One year, when the disability is considered to be capable of improvement;

Two years, when disability is considered to be incapable of improvement.

**(2)** When two successive medical boards assess the accepted degree of disablement at the same percentage and hold it to be incapable of improvement, and the findings of the both the medical boards in this respect are accepted by the competent service medical authority, disability element at the appropriate rate may be granted for life from the date of expiry of the previous award (see also regulation 45).

**(3)** When the disability is accepted as aggravated by air force service, the duration of the disability element shall be determined with due regard to the relevant provisions in Appendix II

### **Duration of the service element of disability pension**

**50. (a)** In the case of an officer who has completed five years qualifying service, the service element of disability pension shall be permanent.

**(b)** In the case of an officer who has completed less than five years qualifying service, the service element of disability pension shall be payable only for so long as the accepted degree of disablement is at least 20 per cent.

### **Final gratuity**

**51.** In the case of an officer who has less than five years qualifying service, when the accepted degree of disablement is finally assessed at less than 20 per cent, a final gratuity at the rate of Rs. 1000 for each completed year of qualifying service shall be paid.

### **Constant attendance allowance**

**52. (a)** A constant attendance allowance at the rate of Rs. 30.00 p.m. may be granted to an officer who is awarded a disability pension for 100 per cent disablement, if in the opinion of the invaliding or a resurvey medical board, he needs the services of a constant attendant for at least a period of three months, and the necessity arises solely from the conditions of the accepted disability or disabilities.

**(b)** The allowance may also be granted if the accepted degree of disablement of an officer is assessed at 100 per cent, but a reduced award is made under regulation 40, provided the remaining conditions for the grant of the allowance are fulfilled.



(c) The payment of the allowance shall be governed by the detailed regulations in Appendix III

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## **SECTION IV-FAMILY PENSIONARY AWARDS**

### **Extent of application**

- 70.** The regulations in this section shall apply to the families of:--
- (a)** officers referred to in regulation 14; and
  - (b)** officers holding permanent commission who became non effective on account of retirement/death during the period from 27<sup>th</sup> October 1947 to 31<sup>st</sup> May 1953 (both days inclusive) :

Provided that an award in respect of officers mentioned in clause (b) shall be made only in cases where the cause of death is attributable to or aggravated by service; and

Provided further that the award shall be granted from 1<sup>st</sup> June 1953 or the date from which it is admissible, whichever is later, and only if the beneficiary was alive on the 28<sup>th</sup> December 1954.

### **Pension cannot be claimed as a right**

- 71.** A pension to the widow or other relative of a deceased officer or an allowance to a child shall not be claimed as a right. It shall not be granted when the applicant is shown to be unworthy, nor shall it be granted unless the officer's service has been such as, in the opinion of the President, to justify the award.

### **Serious negligence or misconduct**

- 72.** If the death of an officer is wholly or partly due to his serious negligence or misconduct, the special family pensionary awards, otherwise admissible, may be reduced at the discretion of the competent authority.

No reduction in special family pension or children's allowance will, however, be made where a family gratuity is not granted on grounds of serious negligence or misconduct (see regulation 93).

### **Service rendered in aid of the civil power**

- 73.** Service rendered in aid of the civil power shall be treated as air force service for the purpose of family pensionary awards.

### **Special family pensionary awards—when admissible**

- 74.** A special family pension to the widow of an officer and special children's allowance to his legitimate children under 18 years of age, or dependants pension to his parents or brothers/sisters, may be granted if his death was due to or hastened by either a wound, injury or disease which was attributable to air force service, or the aggravation by air force service of a wound, injury or disease which existed before or arose during air force service, provided that--

- (a)** In the event of death after retirement, the officer did not retire voluntarily and provided that
- (b)** In the case of pension for a widow and allowance for a child—
  - (i)** the officer married before joining the 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 the disease;
  - (ii)** when death is due to disease, the officer survived his marriage by at least a year, unless it can be shown that he

- was manifestly in good health at the time of his marriage:  
and
- (iii) subject to any exception which the President may approve in a particular case under regulation 79 the widow was not separated from her husband at the time of death;
- (c) In the case of a pension for parents—
    - (i) the officer left neither a widow nor children eligible for pension or allowance; and
    - (ii) the parent/parents were largely dependant on the officer at the time of his death of the father is dead of, if living, is incapable of self-support through age or infirmity and the pecuniary and other circumstances of the parent/parents are such as, in the opinion of the President, to justify the grant;
  - (d) in the case of a pension for brothers and sisters—
    - (i) the officer did not leave a widow, child or parent eligible for pension or allowance;
    - (ii) the brothers and sisters were largely dependant on the officer at the time of his death and their pecuniary and other circumstances are such as, in the opinion of the President, to justify the grant.

#### **Ordinary family pension and children's allowance—when admissible**

**75.** An ordinary family pension and/or children's allowance may be granted to the widow, and legitimate children under 18 years of age, of an officer who dies whilst on the active list or on the retired list on account of causes neither attributable to nor aggravated by service, provided that--

- (a) the pecuniary circumstances of the applicant are such as, in the opinion of the President, to justify the award;
- Note:--** This proviso will not apply to an initial award which will be for a period of five years. Thereafter it will be reviewed every five years and the award continued only if the pecuniary circumstances of the applicant are such as, in the opinion of the President, to justify the continuance.
- (b) the officer married before joining the service or while on the active list and before retirement;
  - (c) the officer was not over 50 years of age at the time of his marriage;
  - (d) the officer was not more than 25 years older than his wife;
- (e) 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;
  - (f) 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 claims to pension;
  - (g) the officer did not retire with a gratuity;
  - (h) subject to provisions of regulation 78, the officer had not less than the following periods of qualifying service for pension as a commissioned officer (in the case of retired officer, prior to his retirement):--

(i) if he died whilst on the active list or after compulsory retirement for age or non-employment, or if he retired on account of ill health rendering him permanently unfit for further service—10 years.

(ii) if he died after having retired voluntarily, or for inefficiency or in disreputable circumstances—20 years; and

(j) subject to any exception which the President may approve in a particular case under regulation 79, the widow was not separated from her husband at the time of his death.

#### **Grant of children's allowance and education allowance to validly adopted children**

76. Children's allowance and education allowance admissible under the regulation in this section to legitimate children of officers may, in the absence of any actual and legitimate child in the family, be granted to one validly adopted child.

77.

#### **Position of the family of a deceased officer promoted from the ranks whose service is insufficient to qualify for the grant of an ordinary family pension or children's allowance**

78. If the service of a deceased officer who was promoted from the ranks is insufficient to entitle his widow and children to a pension or children's allowance at the ordinary rate, the President will decide what pension and/or allowance shall be granted provided that the service rendered in all ranks amounts to 10 years or 20 years as may be required under regulation 75.

#### **Exception in cases of separation of widow from her husband at the time of his death**

79. (a) The President may at his discretion grant a pension and/or gratuity to a widow who is not eligible for it under regulations 74(b) (iii) and 75(j) because she was separated from her husband at the time of his death.

(b) Should discretion as in clause (a) above be exercised, the grant of a pension (ordinary or special, as the case may be) and/or gratuity shall be at such rate within the scale laid down in these Regulations and subject to such conditions as the President may determine.

(c) 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 18 years of age may be

granted at such rate within the scales (including motherless rate) laid down in these Regulations as the President may determine.

**Reduction of family pension and children's allowance in cases where another pension is granted**

**80.** If an applicant is granted any other pension or allowance on account of the officer's services whether in the Air force or in any other service capacity, the award admissible under these Regulations shall be reduced by the amount of such pension or allowance.

**Pension of a widow who dies before establishing her claim**

**81.** 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.

**Rank on which pension is assessed**

**82. (a)** Except as provided in clause (b) below, ordinary and special family pension and gratuity to a widow dependants' pension to parents and brothers/sisters shall be assessed on the substantive rank held by an officer on the date of his death if the officer dies whilst on the active list or on the date of retirement if death occurs after retirement; provided that—

- (i) 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 years service in the rank in which he retired.
- (ii) the widow may be allowed a pension attaching to any rank which was posthumously conferred on her husband under the normal promotion rules. Any other case of posthumous conferment of higher rank shall be submitted for the orders of the Government.
- (iii) Under no circumstances shall any higher rank attained by the retired officer by virtue of his re-employment be taken into account for ordinary family pension.

**(b)** 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 dependants' pension to parents or brothers/sisters:--

- (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.

Note:-- Paid acting rank shall not be taken into account if the crucial date mentioned above falls after 31<sup>st</sup> May 1963.

**Rank for purposes of special family pensionary awards in respect of an officer suffering from pulmonary tuberculosis but retained in service**

**83. (a)** Except as provided in clauses (b) and (c) below, special family pensionary awards in respect of an officer suffering from pulmonary tuberculosis

attributable to or aggravated by air force service who had rejoined duty having been found fit for retention in service on completion of leave 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.

**(b)** 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 pensionary awards:--

- (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. For this purpose service rendered after the date mentioned in sub clause (i) shall not be taken into account.

Note:-- Paid acting rank shall not be taken into account if the crucial date mentioned above falls after the 31<sup>st</sup> May 1963.

**(c)** If death occurs as a result of a 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 82.

### **Rates of special family pensionary awards**

**84.** The rates of special family pensionary awards are as under:--

**(a) Special family pension**

<b>Rank of officer</b>	<b>Special family pension</b>
	<b>Rs. p.m</b>
Pilot Officer/Flying Officer	150
Flight Lieutenant	160
Squadron Leader	180
Wing Commander	220
Group Captain	240
Air Commodore	260
Air Vice Marshal	300
Air Marshal	350
Air Chief Marshal	400

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

- (i)** if motherless Rs. 600/- per annum per child
- (ii)** otherwise Rs. 360/- per annum per child

Note:- 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.

**(c) Dependants' pension:--** At the discretion of the President and subject to such conditions as he may prescribe, the maximum rates shall be:--



<b>Rank of officer</b>	<b>Rate of pension (for two parents)</b>
	<b>Rs. p.m</b>
Pilot Officer/Flying Officer	112.50
Flight Lieutenant	120.00
Squadron Leader	135.00
Wing Commander	165.00
Group Captain	180.00
Air Commodore	195.00
Air Vice Marshal	225.00
Air Marshal	262.00
Air Chief Marshal	300.00

**(ii)** Brothers and sisters:-- Rs. 30p.m. for each subject to the following further maximum in cases where an award is made to more than one brother or sister :-

<b>Rank of officer</b>	<b>Maximum rate of pension</b>
	<b>Rs. p.m</b>
Pilot Officer/Flying Officer	75
Flight Lieutenant	80
Squadron Leader	90
Wing Commander	110
Group Captain	120
Air Commodore	130
Air Vice Marshal	150
Air Marshal	175
Air Chief Marshal	200

#### **Maximum rates of ordinary family pension and children's allowance**

**85. (a)** Ordinary family pension shall be at a rate of not exceeding half the rate of special family pension laid down for the appropriate rank in regulation 84.

**(b)** The maximum rates of children's allowance (ordinary) are as under:--

- |                          |                               |
|--------------------------|-------------------------------|
| <b>(i)</b> if motherless | Rs. 400/- per annum per child |
| <b>(ii)</b> otherwise    | Rs. 240/- per annum per child |

Note:- 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.

**(c)** 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 retiring pension was reduced.

#### **Division of family pensionary awards**

**86.** If an officer leaves behind more than one widow who are eligible for special family pension and/or gratuity or an ordinary family pension, as the case may be, such award may, by order of the President, be divided amongst them.

If in cases where a family pension has been so divided, one of the recipients dies or is disqualified her share of the family pension may, at the discretion of the President, be paid to the other recipient of if there is more than one recipient, divided amongst them.

#### **When payment of widow's pension ceases**

**87.** Ordinary or special family pension granted to the widow of a deceased officer shall be discontinued under the following circumstances:--

- (a)** If she proves unworthy of it; or
- (b)** if she remarries; or
- (c)** if her pecuniary circumstances become such as, in the opinion of the President, not to justify the issue of a pension. This condition is not applicable to special pensions, except in cases of restoration of special pensions on second widowhood, vide regulation 91.

In the case of remarriage, pension shall cease from the date of following that of remarriage and in other cases, from such date as the President may decide.

#### **When payment of children's allowance ceases**

**88.** The payment of ordinary or special children's allowance shall cease--

- (a)** when the child attains the age of 18 years; or
- (b)** at the expiration of the year commencing with April in which the child is otherwise provided for, or, if a daughter, marries; or
- (c)** in the case of a child granted the ordinary rate of allowance, when the pecuniary circumstances of the child become such as, in the opinion of the President, not to justify the issue of an allowance, whichever is the earliest.

#### **When payment of parents' pension ceases**

**89.** A special pension which may be granted to the parent or parents of a deceased officer shall be discontinued--

- (a)** in the case of a female parent who re-marries, from the date of re-marriage; or
- (b)** if the pecuniary circumstances of the parent or parents become such as, in the opinion of the President, not to justify the payment of a pension.

#### **When payment of brothers' and sisters' pension ceases**

**90.** Payment of special pension granted to brothers and sisters of a deceased officer shall cease under the condition laid down for the cessation of the ordinary rate of children's allowance in regulation 88. It may be continued after the age of 18 years under the same conditions as for children if they are incapable of self-support by reason of mental or physical infirmity.

### **Restoration of pension on second widowhood**

**91.** 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 provided her pecuniary circumstances are such as, in the opinion of the President, to justify restoration of the pension.

Should she become eligible on the death of her second husband or a pension under these Regulations at a different rate, she may choose that which is more to her advantage.

### **Grant or continuance of allowance to children after the normal age limit**

**92.** The children's allowance (ordinary or special) may be granted to a child over the age of 18 years or continued beyond that age in respect of a child who was already in receipt of it at the discretion of the President; provided that--

- (a)** The child is being educated at a secondary school or technical school or university or is an apprentice receiving not more than a nominal wage; or
- (b)** The child is incapable of self-support by reason of mental or physical infirmity which arose before it attained the age of 18 years and is in distressed circumstances.

### **Gratuity to the widow**

**93.** Subject to the provisions of regulations 74 (b) (iii) and 79, a gratuity in accordance with the table below, may be granted, in addition to a special family pension, to the widow of an officer who--

- (a)** is killed in action, or dies of wounds sustained in action, within seven years of being wounded; or
- (b)** 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 within seven years of being injured; or
- (c)** though not serving in a field area, dies of a cause attributable to circumstances which, in the opinion of the President, are similar to those encountered on field service or in operations; or
- (d)** suffers a violent death while employed in aid of the civil power. Provided that a gratuity will not be granted in cases under clauses (b) and (c) above, if the death of the officer is due to his own serious negligence or misconduct.

Note:- An officer employed on the work of disposal by demolition, burning, burial, breakdown or dumping of unserviceable stocks of explosives will be deemed to be on field or operational service for the purpose of eligibility of the widow to death gratuity under clause (c).

<b>Rank of officer</b>	<b>Gratuity</b>
	<b>Rs.</b>
Pilot Officer	1335
Flying Officer	2000
Flight Lieutenant	2670
Squadron Leader	4000
Wing Commander	6000
Group Captain	8000
Air Commodore	10670
Air Vice Marshal	13000
Air Marshal	14500
Air Chief Marshal	16000

#### **Education allowance**

**94.** In cases of pecuniary need, an education allowance not exceeding Rs. 480 per annum, may be granted at the discretion of the President in respect of each legitimate child of an officer whose death is accepted as due to causes attributable to or aggravated by air force service and subject to the fulfillment of the conditions in clause (a), (b) (i) and (b) (ii) of regulation 74. The allowance is payable when the child attains the age of five years and will normally cease when it attains the age of 18 years.

The allowance may be granted to a child over the age of 18 years or continued beyond that age in respect of a child who was already in receipt of it, if the education of the child in either case is being continued at a secondary school, technical school or university.

#### **Ex-gratia awards from the Compassionate Gratuity Fund (Defence Services)**

**95.** Ex-gratia awards may be granted from the Compassionate Gratuity Fund (Defence Services) to the widow, children, parents or brothers/sisters of an officer who dies while in service but whose death is not due to a wound, injury or disease which is attributable to or aggravated by service.

The regulations regulating awards from the Fund are reproduced in Appendix IV.

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## **CHAPTER III-AIRMEN**

### **SECTION I-GENERAL**

#### **Extent of application**

**101.** Unless otherwise provided, the rules in this chapter shall apply to airmen who were already serving on regular terms/engagements on 1<sup>st</sup> June 1953, as well as those who either joined or join service on or after that date and serve on regular terms/engagements or are brought to such terms/engagements after that date.

Provided that an individual who was in service on the 1<sup>st</sup> June 1953 who opts for the old pension code, in the prescribed manner, shall draw, in lieu of the award admissible under these Regulations, such awards as may be admissible under the orders in force as on 31<sup>st</sup> May 1953 and any other subsequent order which specifically indicates that it governs an award in respect of such an individual. The option once exercised shall be final.

#### **Individuals dismissed, removed or discharged under the Air Force Act**

**102. (a)** An individual who is dismissed under the provisions of the Air Force Act, is ineligible for pensions or gratuity in respect of all previous service. "In exceptional cases, however, he may, at the discretion of president, be granted service pension or gratuity at the rate not exceeding that for which he would have otherwise qualified had he been discharged on the same date."  
Authy: GOI MoD Letter A/65/9423/D (Pensions/services) dated 11 Jan 67.

(b) An individual who is removed from service under section 20 AF Act, 1950, may be considered for the grant of pension / gratuity at the rate not exceeding that for which he would have otherwise qualified had he been discharged on the same date. The competent authority under Regulation 3 may however, make, if considered necessary, any reduction in the amount of pension/gratuity on the merits of each case."

(c) An individual who is discharged under the provisions of Air Force Act and the rules made there under remains eligible for pension or gratuity under these Regulations.

Note : Those discharged from service due to misconduct, corruption, lack of integrity or moral turpitude are not normally eligible for gratuity but they may be sanctioned gratuity in exceptional cases at the discretion of president, at a rate not exceeding that for which they are normally qualified."

Authy: MoD letter No. A/14063/AG/PS4(a)/6256-A/D (Pension/Services), dated 10 Oct 1972.

#### **Flight cadets drawn from the ranks**

**103.** A flight cadet drawn from the ranks shall continue to be eligible for pensionary benefits appropriate to his rank.

#### **Only one pension is admissible**

**104.** Except where otherwise specifically provided for, no individual may draw more than one pension under these Regulations; the lesser pension shall lapse.

#### **Individuals invalided on account of leprosy**

**105.** An individual who is invalided on account of leprosy and is not entitled to a pension or gratuity under the regulations may be granted with gratuity as the competent authority may decide, provided that the general spirit of the regulation is observed.

#### **Individuals invalided on account of indulgence in drugs or drink**

**106.** An individual invalided in consequence of any disorder (including insanity) resulting from indulgence in drugs or drink, which was within his control shall be

ineligible for pension irrespective of length of service, but may be given a gratuity as under:-

- (a)** If he has rendered sufficient qualifying to earn a service pension, he may at the discretion of the competent authority be granted the whole or part of the maximum gratuity admissible under regulation 128.
- (b)** If he has rendered sufficient qualifying service to earn a service gratuity only, he may at the discretion of the competent authority be granted the whole or part of the gratuity normally admissible according to the length of qualifying service under regulation 128.

#### **Individuals who aggravate, or retard the cure of disabilities**

**107.** An individual who intentionally aggravates his disability or retards its cure shall, on being discharged as medically unfit for further service on account of such a disability, be ineligible for any pension or gratuity.

#### **Pensioners convicted of serious crime or guilty of grave misconduct**

**108. (a)** The pension (service, disability and family pension and children's allowance) of a pensioner, who is convicted of a serious crime by a court of law or is guilty of grave misconduct, which is not of a political nature, shall be liable to be withheld in whole or in part.

**(b)** The pension (service and disability pension, 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.

**(c)** A pension withheld in whole or in part in the circumstances stated in the preceding clauses may be restored in full or in part.

**(d)** In applying the provision of this regulation, the procedure laid down in regulations 74 to 76 of Part II of these Regulations shall be followed.

#### **Pensioners re-employed in the Defence Services in an emergency**

**109. (a)** Pensioners re-employed on mobilization in air force or civil capacity in the Defence Services shall receive pension in addition to pay re-employed service shall not count for enhancement of pension, or for gratuity.

**(b)** The same treatment may, at the discretion of the President, be accorded to pensioners who are re-employed in an air force or civil capacity in the Defence Services, in other emergencies in which the re-employment of a

large number of pensioners is necessary. Re-employed service shall not count for enhancement of pension or gratuity.

Note:--The provisions of clauses (a) and (b) of this regulations also apply in respect of Army and Naval pensioners.

### **Pensioners re-employed in a service capacity otherwise than in an emergency**

**110. (a)** If re-enrolled or if re-employed in an appointment the incumbent of which is normally require to be enrolled under the Air Force Act, pension shall be held in abeyance. Re-employed service shall count for enhanced pension, if any, under the applicable regulation. 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 paid.

**(b)** If not re-enrolled or if re-employed in an appointment which does not require him to be enrolled, pension shall be admissible in addition to pay of appointment. Re-employed service shall not count for enhancement of pension or gratuity.

Note:-- The provisions of clauses (a) and (b) of this regulations also apply in respect of Army and Naval pensioners.

### **Service qualifying for pension and gratuity**

**111. (a)** All service from the date of enrolment/transfer for man's service to the date of discharge shall qualify for pension or gratuity with the exception of:--

**(i)** Any period of service on a temporary establishment of for which a special rate of pay is granted on the understanding that no pension is admissible:

**(ii)** Any period of service rendered before reaching the age of 17 years; now the period before 17 years of age is counted towards qualifying for pension vide Govt of India, Min of Def letter No.

**(iii)** Any period of service rendered after the date on which the proceedings of the medical board which found the individual unfit for air force service were countersigned by the D.M.S. (Air);

**(iv)** Any period of unauthorized absence unless pay and allowances are admitted for the period of absence;

**(v)** Any period of absence as a prisoner of war, unless pay and allowances are admitted for the period of absence;

**(vi)** Any period of detention in civil custody before being sentenced to imprisonment of fine, unless the President, in a special case, issues orders reducing the period that shall not count;

**(vii)** Any period of imprisonment by sentence of a civil court or of a court martial.

**(b)** In cases of claims to disability pension all service from the date of enrolment to the date of discharge shall qualify for pension or gratuity subject to exceptions (i) and (iii) to (vii) above.



### **Forfeiture of service for certain offences and its restoration**

- 112. (a)** A person who has been guilty of any of the following offences:-
- (i)** desertion vide Section 38(i) of the Air Force Act
  - (ii)** Fraudulent enrolment vide Section 43 (a) of the Air Force Act , shall forfeit the whole of his prior service towards pension or gratuity upon being convicted by court martial of the offence.

**(b)** A person who has forfeited service under the provisions of the preceding clause but has not been dismissed shall on completion of any period of three years further regular service and/or service in the regular air force reserve with exemplary conduct and without any red ink entry, be eligible to reckon the forfeited service towards pension or gratuity.

### **Condonation of an interruption of service**

**113.** Upon such conditions as it may think fit to impose, a competent authority may condone interruptions of service in the case of a person whose pension is sanctionable by an authority subordinate to the President as under:--

- (a)** When proposed pension exceeds Rs. 25 p.m. – interruptions not exceeding a period of 12 months in all.
- (b)** When proposed pension is Rs. 25 p.m. or less – all interruptions whatever their duration.

### **Condonation of deficiency in service for eligibility to service/reservist pension**

**114.** Except in the case of--

- (a)** an individual who is discharged at his own request,
- (b)** an individual who is eligible for special pension or gratuity under regulation 144, or
- (c)** an individual who is invalided with less than 15 years service, deficiency in service for eligibility to service pension or reservist pension or gratuity, in lieu, may be condoned by a competent authority up to six months in each case.

### **Counting of former service for pension**

**115. (a)** Airmen who have former service to their credit may be allowed by the competent authority to reckon to the extent specified in the table below such service towards pension when earned by requisite qualifying service towards pension when earned by requisite qualifying service subject to the fulfillment of the conditions stated in column 4 of the table.

**(b)** 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 airman shall have declared his former service and cause of discharge there from.

Condition 2:-- After re-enrolment, the airman shall have completed any consecutive period of three years service without two red ink entries on his conduct sheet of a court martial conviction.

In the case of airmen transferred to the Regular Air Force Reserve before completing 3 years regular service since re-enrolment, the period of three years

for the purpose of this condition may be either wholly or partly with the Regular Air Force Reserve.

Condition 3:-- The airman 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 36 monthly installments from his pay. The first installment shall be payable within three months from the date of re-enrolment.

(c) In individual cases a competent authority may relax at its discretion condition 3.

(d) If an airman, who refunded a gratuity awarded in respect of his former service under Condition 3 above, is discharged before he becomes eligible to reckon his former service, he shall be repaid the amount of gratuity which he refunded.

**TABLE REFERRED TO IN REGULATION 115**

<b>S No</b>	<b>Description of former service</b>	<b>Extent to which former service specified in column 3 qualifies for pension in the present engagement subject to the conditions in column 4</b>	<b>Conditions to be fulfilled before former service is allowed to reckon for pension</b>	<b>Remarks</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
01	Service as combatants of Air Force	Former pensionable service in full	(a) If discharged from former service at his own request or on completion of the term of engagement or on invaliding Conditions 1, 2, and 3 (b) If discharged from former service-- (i) on public grounds (such as reorganization or reduction in establishment);	
			(ii) having been found inefficient in his rank or trade and being unwilling to accept reduction or remustering; (iii) on account of punishment by civil authority.	
2	Service in the non-combatant branch of Air	Former service other than as followers counting towards	Conditions 1 and 3 Conditions 1 and 3	

	Force	gratuity upto four years.	
3	Service in the Army/Navy	To the extent that such service qualifies for the grant of pension or gratuity under the pension Regulations for the Army and Navy, as the case may be	Conditions 1, 2, and 3. Conditions 2 will not apply if it would not have applied had the individual been re-enrolled in the Army/Navy
4	Regular and Reserve service in the case of reservists other than pensioner reservists recalled to regular service and discharged there-from	(a) For service pension/gratuity Qualifying regular service in full and qualifying service in the reserve to the extent authorized under specific Government orders.  (b) For reservists pension  All qualifying regular/reserve service in full	

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**Note:--** Individuals who are in service on the date of publication of these publications, will continue to be entitled to the benefit of counting of former service to the fulfillment of the conditions attached thereto under the rules and orderable prior to the above date.

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## **SECTION II—SERVICE PENSION AND GRATUITY**

### **Sub section I—Airmen**

#### **Minimum qualifying service for pension**

**121.** Unless otherwise provided for, the minimum qualifying regular service for earning a service pension is 15 years.

#### **Rank and group for assessment of service pension**

**122.** Except as otherwise provided for, 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.

#### **Condonation of deficiency of service in a particular rank**

**123.** A component authority may condone a deficiency of service in a particular rank not exceeding three months, except on voluntary retirement.

#### **Individuals remustered within the same group, from a higher to a lower group or vice versa**

**124. (a)** An individual who was remustered from a higher to a lower group on being declared redundant after rendering 15 years or more of qualifying service may be granted, if more favourable than the pension the otherwise admissible, the service pension for which he would have been eligible had he been discharged on the date he was declared redundant.

(b) An individual who was remustered to a new trade in the same or higher group but in a lower rank of service reasons other than inefficiency or medical unfitness, but who is discharged either (i) without restoration of the rank held prior to remustering, or (ii) if such rank was restored, without completion of two years of service in that rank after restoration, will be granted, where more favourable than the pension otherwise admissible, the pension based on the qualifying service rendered up to the date of discharge but assessed on the group and the substantive rank held on the date of remustering provided such rank and group had been held for two years in all (the period of service rendered after remustering counting for this purpose).

### Rates of Service Pension

125. The following are the rates of service pension:--

Rank	Completed years of qualifying service	Rate of Service pension			
		Group I Rs. p.m.	Group II Rs. p.m.	Group III&IV Rs. p.m.	Group V Rs. p.m.
1	2	3	4	5	6
LAC	15	35.00	28.00	22.00	20.00
Cpl	15	41.00	35.00	27.00	25.00
	16	44.00	38.00	29.00	27.00
	17	47.00	41.00	31.00	29.00
	18	50.00	44.00	33.00	31.00
	19	53.00	47.00	35.00	33.00
	20	56.00	50.00	37.00	35.00
	21	59.00	53.00	39.00	37.00
Sgt	15	51.00	43.00	35.00	
	16	54.50	46.00	38.00	
	17	58.00	49.00	41.00	
	18	61.50	52.00	44.00	
	19	65.00	55.00	47.00	
	20	68.50	58.00	50.00	
	21	72.00	61.00	53.00	
	22	75.50	64.00	56.00	
	23	79.00	67.00	59.00	
	24	82.50	70.00	62.00	
F/Sgt	25	86.00	73.00	65.00	
	15	61.00	53.00	44.00	
	16	64.50	56.50	47.00	

1	2	3	4	5	6
					50.00
F/Sgt	17	68.00	60.00		53.00
Cont'd	18	71.50	63.50		56.00
	19	75.00	67.00		59.00
	20	78.50	70.50		62.00
	21	82.00	74.00		65.00
	22	85.50	77.50		68.00
	23	89.00	81.00		71.00
	24	92.50	84.50		74.00
	25	96.00	88.00		77.00
	26	99.50	91.50		80.00
	27	103.00	95.00		83.00
	28	106.50	98.50		86.00
	29	110.00	102.00		89.00
	30	113.50	105.50		51.00
WO	15	70.00	66.00		54.50
	16	76.00	72.00		58.00
	17	82.00	78.00		61.50
	19	90.00	84.00		65.00
	20	98.00	88.00		68.50
	21	104.00	92.00		72.00
	22	108.00	96.00		
					75.50
	22	112.00	100.00		79.50
	23	116.00	104.00		82.50
	24	120.00	108.00		86.00
	25	124.00	112.00		89.50
	26	128.00	116.00		93.00
	27	132.00	120.00		96.50
	28	136.00	124.00		100.00
	29	140.00	128.00		103.50
	30	144.00	132.00		
MWO	15	81.00	76.00		60.00
	16	88.00	82.00		63.00
	17	95.00	88.00		67.00
	18	102.00	94.00		70.50
	19	109.00	100.00		74.00
	20	115.00	106.00		77.50
	21	120.00	112.00		81.00
	22	125.00	118.00		84.50
	23	130.00	122.00		88.00
	24	135.00	126.00		91.50

1	2	3	4	5	6
MWO					
Contd	25	140.00	130.00		95.00
	26	145.00	134.00		98.50
	27	150.00	138.00		102.00
	28	155.00	142.00		105.50
	29	160.00	146.00		109.00
	30	165.00	150.00		112.50

**Individuals transferred to the Regular Air Force Reserve after earning a service pension**

**126.** An individual transferred to the reserve after earning a service pension shall be granted such pension from the date of his transfer.

**Minimum qualifying service for gratuity**

**127.** Unless otherwise provided for, the minimum qualifying regular service for earning a service gratuity is five years.

**Scale of service gratuity**

**128. (a)** Security gratuity at the scale of two thirds of a month's pay for each completed year of qualifying service may be granted to an individual with less than 15 years qualifying service, who is discharged for the following causes:--

- (i) compulsory discharge with a gratuity
- (ii) services no longer required;
- (iii) otherwise than at his own request having reached the stage at which discharge may be enforced.

The competent authority may, however, reduce the gratuity by an amount not exceeding one fourth of the admissible gratuity.

**(b)** No gratuity shall be admissible to an individual who is discharged at his own request.

**Pay for assessment of service gratuity**

**129.** Pay for assessment of service gratuity consists of--

- (a) Basic pay (including deferred pay where applicable) of the substantive rank last held;
- (b) Increments of pay
- (c) Badge pay;
- (d) Parachute pay, if any; and
- (e) Dearness pay, where applicable, appropriate to the emoluments of the substantive rank last held.

**Individuals remustered within the same group, from a higher to a lower group, or vice versa**

**130. (a)** An individual who is remustered from a higher to a lower pay group on grounds of redundancy after having rendered 5 years or more but less than 15 years qualifying service and who is discharged in circumstances entitling him to a service gratuity will, where more favorable, be granted the service gratuity which he had earned up to the date of being declared redundant.

**(b)** An individual who is remustered to an new trade in the same or higher pay group for service reasons other than inefficiency or medical unfitness, and who is discharged in circumstances entitling him to a service gratuity will, where more favorable, be granted service gratuity, if otherwise admissible, based

on his total qualifying service but assessed on the pay of the group and the substantive rank held on the date of being remustered to a new trade (the period of service rendered after remustering to another trade counting for this purpose).

**131.**

**132.**

## **Subsection II—Reservists**

### **Extent of application**

**133.** The regulations in this subsection shall apply to airmen of the Regular Air Force transferred to the Regular Air Force Reserve.

### **Regular Air Force reservists in receipt of service pension**

**134.** A regular Air Force reservist who is in receipt of a service pension under the provisions of regulation 126 shall continue to draw such pension in addition to--

- (a) the retaining fee admissible whilst in the Regular Air Force Reserve or
- (b) the normal pay and allowances admissible for the duration of periodical training,  
as the case may be.

Service in the regular air force reserve shall not qualify for any higher pension or for gratuity.

### **Regular Air Force Reservists in receipt of service pension and called up for service**

**134-A.** In the case of a regular Air Force reservist in receipt of pension called up for service the provisions of regulations 109 and 110, as the case may be, shall apply.



### **Time spent outside the limits of India, Nepal, Sikkim, Bhutan or Ceylon**

**135.** 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.

### **Reservist pension**

**136. (a)** A reservist who is not in receipt of a service pension may be granted, on completion of the prescribed period of nine years regular and six years reserve qualifying service, a reservist pension of Rs. 10.50 p.m. or a gratuity of Rs. 800 in lieu.

**(b)** A reservist who is not in receipt of a service pension and whose period of engagement for regular service was extended, and whose qualifying service is less than the total period of engagement but not less than 15 years may, on completion of the period of engagement or earlier discharge from the reserve for any cause other than at his own request, be granted a reservist pension at the above rate or the gratuity in lieu.

**(c)** Where a reservist elects to receive a gratuity in lieu of pension under the above clauses, its amount shall, in no case, be less than the service gratuity that would have accrued to him under regulation 128 based on the qualifying regular service, had he been discharged from regular service.

Note:- The option to draw a gratuity in lieu of pension shall be exercised on discharge from the reserve and once exercised shall be final. No pension/gratuity shall be paid until the option has been exercised.

### **Individuals prematurely transferred to the reserve**

**137.** An individual who is prematurely transferred to the reserve under the regulations may be granted the reservist pension irrespective of the period of regular service rendered, provided he has completed, on discharge, the period of combined regular and reserve service according to the terms of his engagement and the entire service is qualifying.

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### **SECTION III—SPECIAL PENSION AND GRATUITY**

#### **Special pensions and gratuity to airmen when admissible**

**144.** Special pension or gratuity may be granted, at the discretion of the President, to individuals who are not transferred to the reserve and are discharged in large numbers in pursuance of Government's policy--

- (a)** of reducing the strength of establishment of the Air Force; or
- (b)** of re-organisation, which results in disbandment of any units/formations.

#### **Rank for assessment of special pension**

**145.** Special pension is assessed on the substantive rank and the group held by an individual by an individual on the date of discharge.

#### **Pay for assessment of special gratuity**

**146.** Pay for assessment of special gratuity will be as indicated in regulation 129.

### Scale of special pension and gratuity

147. The scale of special pension or gratuity is

Qualifying service	Scale of special pension/gratuity
15 years or more	Pension at the rates specified in regulation 125
10 years or more but less than 15 years	Pension proportionate to the minimum service pension under regulation 125 appropriate to the rank and group in the ratio that the completed years of qualifying service rendered to bear to 15
5 years or more but less than 10 years	Gratuity at the scale of 1-1/3 month's pay for each completed year of qualifying service
Less than 5 years	Gratuity equal to 3 months pay.

#### Individuals invalided out of service on account of a disability attributable to field service and assessed at less than 20 per cent

148. An individual who is invalided out of the service on account of a disability attributable to field service or operations but whose disability is assessed at less than 20 per cent shall be granted gratuity equal to two months pay provided that-

- (a) no pension or gratuity is admissible under any other regulation, or
- (b) the gratuity admissible under any other regulation is less than this gratuity, in which case the former shall not be drawn

Pay for assessment of gratuity under this regulation shall be as indicated in regulation 129.

The provisions of regulations 155 and 157 shall apply *mutatis mutandis* to the grant of gratuity under this regulation.

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## **SECTION IV—DISABILITY PENSIONARY AWARDS**

### **Extent of application**

152. (a) The regulations in this section shall apply to—
- (i) the individuals referred to in regulation 101;
  - (ii) regular air force reservists when called up for service or for training.
- (b) They shall also apply to personnel of the above categories who became non-effective during the period from the 27<sup>th</sup> October 1947 to the 31<sup>st</sup> May 1953 (both days inclusive)

Provided that an award in respect of individuals of the categories mentioned in clause (b) shall be made from the 1<sup>st</sup> June 1953 or the date from which an award is admissible, whichever is later, and only if the beneficiary was alive on the 28<sup>th</sup> December 1954.

### **Primary conditions for the grant of disability pension**

153. Unless otherwise specifically provided, a disability pension may be granted to an individual who is invalided from service on account of a disability which is attributable to or aggravated by air force service and is assessed at 20 per cent or over.

The question whether a disability is attributable to or aggravated by air force service shall be determined under the regulations in Appendix II

### **Service rendered in aid of the civil power**

154. Service rendered in aid of the civil power shall be treated as air force service for the purpose of disability pensionary awards.

### **Serious negligence or misconduct**

155. If the disability of an individual is wholly or partly due to his serious negligence or misconduct, the amount of disability pension otherwise admissible may be reduced at the discretion of the competent authority.

### **Reduction in pension in cases where compensation for disability is paid from public revenues**

156. 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 President may, at his discretion, reduce the amount of pension.

### Refusal to undergo medical treatment

**157.** Cases where an individual suffering from a disability accepted as attributable to or aggravated by air force 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, shall not be treated as these of “aggravation” or “retardation of cure” under regulation 107, but shall be dealt with as follows:--

- (a) If the refusal to undergo treatment or an operation is reasonable, the full disability pension normally admissible under the regulations may be granted.
- (b) If the refusal to undergo treatment or an operation is unreasonable—

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If medical board certifies that an operation or medical treatment will cure the disability	Disability pension will be withheld but the normal service pension or gratuity, if any admissible under the regulations, or the pension or gratuity admissible under regulation 163, where applicable, may be granted.
If the medical board certifies that an operation or medical treatment will reduce the disability to a lower percentage	Disability element of pension will be restricted to that appropriate to the lower percentage of disablement. If that lower percentage is less than 20 per cent, the normal service pension or gratuity, if any, admissible under the regulations, or the pension or gratuity admissible under regulation 163, where applicable, may be granted.

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(c) The question whether an individual's refusal to undergo medical treatment or an operation for his disability is reasonable or unreasonable shall be decided in accordance with the criteria published in Appendix V to these Regulations.

### Manifestation of disability after an individual is discharged from service

**158.** 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 his air force service, may, at the discretion of the competent authority, be granted in addition to his pension/gratuity, a disability element at the rate of appropriate to the accepted degree of disablement and the substantive rank last held, with effect from such date as may be decided upon in the circumstances of the case.

### Rank for assessment of disability pension

**159.** The rank for the purpose of 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.

For so long as promotion 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:--

- (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 a disease causing his disablement; or
- (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.

Notes:-

1. 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 paid acting rank held on the date of invaliding from service.

2. Paid acting rank will not be taken into account for assessment of disability pension if the crucial date mentioned above falls after the 31<sup>st</sup> May 1963.

**Individuals remustered within the same group or from a higher to a lower group or vice versa**

**160. (a)** An individual who was remustered from a higher to a lower group on being declared redundant after rendering 15 years or more of qualifying service, may be granted, where more favourable than the service element of disability pension otherwise admissible, a service element based on the rank and group held on the date he was declared redundant and the qualifying service rendered up to that date.

**(b)** An individual who was remustered to a new trade in the same or a higher group, but in a lower rank, for service reasons other than inefficiency or medical unfitness, but is invalided without restoration of his rank held prior to remustering shall be granted, where more favourable than the disability pension otherwise admissible, a disability pension assessed on the rank and group held on the date of remustering but based on the qualifying service rendered up to the date of invaliding.

**Amount of disability pension**

**161.** In cases where the accepted degree of disablement is 20 per cent or over, the monthly rates of disability pension consisting service and disability elements, shall be as follows:--

**(j) Service element**

<b>(a)</b>	Where the individual has rendered sufficient service to earn a service pension	Service pension admissible in accordance with his rank (see regulation 159), group last held and length of service.
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(b) Where the individual has not rendered sufficient service to qualify for a 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 (see regulation 159) and group.

(ii) in all other cases--

That proportion of the minimum service pension appropriate to the individual's rank (see regulation 159) and group which the number of his completed years of qualifying service bears to 15, but in no case less than two-thirds of the minimum service pension.

Note—The service element in case of AC1 and AC2 shall be assessed on the basis of the minimum service pension laid down for LACs of the same group.

## (2) Disability element

At the rate appropriate to the rank and the accepted degree of disablement under the table below:--

Rank	Disability element as for								
	20%	30%	40%	50%	60%	70%	80%	90%	100%
	Rs.p.m.	Rs.p.m.	Rs.p.m.	Rs.p.m.	Rs.p.m.	Rs.p.m.	Rs.p.m.	Rs.p.m.	Rs.p.m.
MWO	18.00	27.00	36.00	45.00	54.00	63.00	72.00	81.00	90.00
WO	15.00	22.50	30.00	37.50	45.00	52.50	60.00	67.50	75.00
Flight									
Sergeant	10.00	15.00	20.00	25.00	30.00	35.00	40.00	45.00	50.00
Sergeant	7.00	10.50	14.00	17.50	21.00	24.50	28.00	31.50	35.00
Corporal	6.00	9.00	12.00	15.00	18.00	21.00	24.00	27.00	30.00
Aircraftman	5.00	7.50	10.00	12.50	15.00	17.50	20.00	22.50	25.00

In the case of a reemployed pensioner who was in receipt of pension in addition to pay and allowances under regulation 109 and clause (b) or regulation 110, only disability element will be admissible in addition to service pension already in issue.

### **Rates of disability pension—Apprentices**

**161A.** The rate of disability pension per mensem for apprentices appropriate to the accepted degree of disablement shall be as follows:--

20%	30%	40%	50%	60%	70%	80%	90%	100%
15.00	17.50	20.00	22.50	25.00	27.50	30.00	32.50	35.00

### **Period for which disability pension is granted**

**162. (a)** If the disability is accepted as attributable to air force service and regarded as incapable of improvement, disability pension may be granted for life (but see regulation 165).

Otherwise, an award will normally be made for a period of three years from the date from which a disability pension is admissible or, in cases where a disability pension was in issue for a specified period, from the date of expiry of the previous award.

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 an award, calculated with reference to the date of the last medical board, shall not exceed the period of duration of the disability at that degree.

**(b)** An award may, however, be made in any individual case for such longer or shorter period as may be prescribed by the President either generally or in respect of a particular disability.

**(c)** If the disability is accepted as aggravated by air force service, the duration of an award shall be determined with due regard the relevant provisions in the entitlement rules vide Appendix II.

### **Pensionary awards when the accepted degree of disablement is re-assessed at less than 20 per cent**

**163.** An individual who was 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 20 per cent:--

- (a)** If his qualifying service on the date of discharge was 10 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 less than 20 per cent, be granted special pension in accordance with regulation 147 read with regulation 145.
- (b)** If he had not completed 10 years of qualifying service on discharge he may be granted the appropriate amount of special gratuity under regulation 147 read with regulation 145.

Half the amount of the gratuity shall, however, be payable when the accepted degree of disablement is re-assessed temporarily below 20 per cent; the other half shall be paid only when the assessment of less than 20 per cent is regarded as permanent.



### **Grant of re-assessment of disability pension when the degree of disablement increases**

**164. (a)** If, at any time, and increase, which is properly referable to service factors, occurs in the degree of disablement a disability pension may be granted, or the pension already granted may be increase to the appropriate higher rate, with effect from the date of the medical board on the basis of whose findings the competent authority accepts the higher degree of disablement.

**(b)** When a disability pension is granted in accordance with clause (a) above, 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.

### **Re-assessment of a permanent disability pension when disability is subsequently reduced or removed**

**165. (a)** Should a competent authority decide as a result of further medical examination of the individual for any purpose by a properly constituted medical board that the disability has disappeared, is reduced, or has become capable of improvement, the original life pension may be modified accordingly with effect from the date of assembly of the medical board.

**(b)** In case a pensioner who has been asked to appear before a medical board in accordance with clause (a) above refuses to do so, the disability pension shall be suspended from the date of such refusal. If, however, he had rendered 10 years or more of qualifying service, the special pension admissible under regulation 147 read with regulation 145 shall be granted from that date.

### **Constant attendance allowance**

**166.** A constant attendance allowance at the rate of Rs. 15 p.m. may be granted to an individual who is admitted a disability pension as for 100 per cent disablement, if in the opinion of the invaliding or a resurvey medical board, he needs the services of a constant attendant for at least a period of three months, and the need arises solely from the condition of the accepted disability or disabilities.

The allowance may also be granted if the accepted degree of disablement of an individual is assessed at 100 per cent but a reduced award is made under regulation 155, provided the remaining conditions for the grant of the allowance are fulfilled.

The payment of the allowance shall be governed by the regulations laid down in Appendix III.

**167.**

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169.

**SECTION—V**

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## **SECTION VI—FAMILY PENSIONARY AWARDS**

### ***Sub section I- General***

#### **Extent of application**

**183. (a)** Unless otherwise provided, the regulations in this section shall apply to—

- (i)** The individuals referred to in regulation 101.
- (ii)** Regular air force reservists when called up for service or for training.

**(b)** They shall also apply to personnel of the above categories who became non-effective during the period from the 27<sup>th</sup> October 1947 to 31<sup>st</sup> May 1953 (both days inclusive):

Provided that an award in respect of individuals of the categories mentioned in clause (b) shall be made only in cases where the cause of death is attributable to or aggravated by service, and

Provided further that the award shall be granted from the 1<sup>st</sup> June 1953 or the date from which an award is admissible, whichever is later and only if the beneficiary was alive on the 28<sup>th</sup> December 1954.

#### **Serious negligence or misconduct**

**184.** If the death of an individual is wholly or partly due to his serious negligence or misconduct, the amount of special family pensionary awards otherwise admissible may be reduced at the discretion of the competent authority. No reduction in special family pension or children's allowance shall, however, be made where family gratuity under regulation 206 has been withheld on grounds of serious negligence or misconduct.

#### **Reduction in pension in cases where compensation for death is paid from public revenues**

**185.** If any compensation is paid from public revenues for death in circumstances in which a special family pension is admissible under these Regulations, the President may at his discretion, reduce the amount of pension.

186.

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188.

## **Sub Section II—Family Pension and Gratuity**

### **Special Family Pension**

**189.** 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 air force service.

Or

(b) the aggravation by air force service of a wound, injury or disease which existed before or arose during air force service.

### **Service rendered in aid of the civil power**

**190.** Service rendered in the aid of the civil power shall be treated as air force service for the purpose of family pensionary awards.

### **Pension intended for the whole family**

**191.** A family pension is intended for the support of all the eligible member of a family, irrespective of in whose name it stands.

### **Eligible members of a family**

**192.** The following members of the family of a deceased individual shall be viewed as eligible for the grant of a special family pension, provided that they are otherwise qualified:--

- (i) Widow, lawfully married      (ii) Father      (iii) Mother  
(iv) Son, actual and legitimate      (v) Daughter, actual and legitimate

NOTE : The terms 'father' and 'mother' (or 'parents') used in the above or any other regulations in this sub-section shall also be deemed to include such putative parents (or surviving parent as the case may be) as has 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.

### **Ex-gratia awards to other relatives**

**193.** An *ex-gratia* award, at the discretion of the President may be made subject to the conditions mentioned below, to a foster parent, or an adopted/step child or a minor brother/sister of an individual whose death takes place in the circumstances mentioned in regulation 189.-

- (a) the claimant was left destitute; and
- (b) was dependent on the deceased.

An award under this regulation shall not, however, be made if a family pension is admitted to a member of the family specified in regulation 192.

### **Nomination of an heir to family pension**

**194.** (a) An airman may nominate any, but only one, of the relatives specified in regulation 192 as heir to the 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 regulations 192 as an alternative heir to 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 pension sanctioning authority decides that the claim to family pension is admissible.

### **Conditions of eligibility for a family pension**

**195.** A relative specified in regulation 192 shall be eligible for the grant of family pension, provided -

#### **General**

- (a) he or she is not in receipt of another pension from Government;
- (b) he or she is not employed under Government. (But see regulation 198).

#### **Widow**

- (c) a widow has not remarried.

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

#### **Father**

- (d) a father is above 50 years of age.

If he is below 50 years of age, he shall be eligible for a family pension only if he is incapable of self-support by reasons of a physical or a mental infirmity.

#### **Mother**

(e) a mother, who is a widow at the time of her son's death or who becomes a widow thereafter, has not remarried.

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

## **Son**

(f) a son is below the age of 18 years. A son above that age shall be eligible for pension only if he is incapable of self-support by reason of a physical or a mental infirmity, which arose before he attained the age of 18 years.

## **Daughter**

(g) a daughter has not married.

### **To whom the original grant of family pension is made**

**196.** (a) Where there is a nomination ----

- (i) If on the date on which the pension sanctioning authority decides that the claim to 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 192 and is eligible under regulation 195.
- (iii) If an heir (other than the widow) who is nominated for the family pension waives his or her claim in favour of the widow the pension shall be granted to her, provided she is eligible on the date referred to in sub-clause (i) above.
- (iv) If a father nominated for a family pension cannot draw it solely on account of being under 50 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) above, until the father attains the age of 50, when it shall be transferred to him.
- (v) If an heir, who is nominated for a family pension is employed under Government and is thereby disqualified for the grant of a family pension in whole or in part *vide* regulation 198, and if there are other eligible heirs living, the pension or the part thereof, which is held in abeyance for the duration of his/her employment, shall be granted as in sub-clause (ii) above ; if there are no such heirs, the pension or the part thereof, which is held in abeyance for the duration of the nominated heir's employment, shall be granted to him/her on the 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 in regulation 192 and who is eligible under regulation 195, on the date on which the pension sanctioning authority decides that the claim to pension is admissible.

### **Date from which a grant of family pension takes effect**

**197.** (a) Subject to the regulations in Part II of these Regulations governing the payment of belated claims, a family pension may be granted as soon as the admissibility of the claim can be verified and with effect from the date following that of the casualty which created the claim.

(b) If however, a claimant was eligible for a family pension on the date following that of the casualty but dies or becomes disqualified before the date on which the pension 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 following that of the death or from the date of disqualification of the immediately prior eligible claimant. The arrears prior to this date shall, in the event of the claim being established and subject to the regulations in Part II of these Regulations governing the payment of belated claims, be granted to the prior eligible claimant or claimants or to their estates up to the date preceding that of their disqualification, or up to the date of death, as the case may be.

### Illustrations

An airman dies on . . . . . 31-12-53  
 He left a widow, father and mother all of whom were  
 Eligible for family pension on . . . . . 01-01-54  
 The widow re-married and was disqualified on . . . . . 01-06-54  
 The pension sanctioning authority admitted the claim for pension on . . . 01-07-54  
 The grant of pension to the father (if eligible) will take effect from . . . . . 01-06-54  
 The arrears for the period 1-1-54 to 31-5-54 will be paid to the widow subject to the usual conditions regarding payment of arrears.

(c) If on the date referred to in clause (b), all the eligible members are dead or disqualified, the arrears may only be paid at the discretion of the President.

(d) In no case shall claims preferred after disqualification be entertained.

### **Grant of family pension to an individual in receipt of another pension from govt. or in govt. employment**

**198.** (a) A family pension will not normally be granted if and for so long as an individual is in government employment or is in receipt of another pension from government. If, however, the pay of the appointment or the pension from government. If, however, the pay of the appointment or the pension is less favourable than the family pension admissible under these regulations, the following provision shall apply :-

(i) *where the individual is in Govt. employment*

Half the family pension normally admissible shall be paid. Full family pension shall be payable on termination of appointment subject to clause (c).

(ii) *where the individual is in receipt of a pension under the Armed Forces rules*

It shall be held in abeyance for as long as family pension is payable. The amount, if any, paid on account of the lesser pension from the date from which the grant of family pension takes effect shall be adjusted accordingly.

(iii) *where the individual is in receipt of a pension under the civil rules*



The amount of family pension admissible under these Regulations shall be abated 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 genuine distress, the case shall be submitted for the orders of the Government.

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

#### **Rank and group on which special family pensionary awards are assessed**

**199.** Special family pension, children's allowance 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, will be taken into account for the purpose of assessment of special family pension, children's allowance and gratuity :-

- (a) the date of death if death occurs in service, or the date invaliding if death takes place after invaliding ; or
- (b) the date on which the individual sustained the wound or injury or 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 later removal from duty on account of the disability.

NOTES 1.--- 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 (a) above.

2.--- The paid acting rank shall not, however, be taken into account for assessment of special family pensionary awards if the crucial date mentioned above falls after the 31<sup>st</sup> May 1963.

#### **Individuals re-mustered within the same group, from a higher to a lower group or vice versa**

**200.** (a) Family pensionary awards in respect of an individual who was re-mustered from a higher to a lower group on being declared redundant after rendering 15 years or more of qualifying service may be assessed, where more favourable than the awards otherwise admissible, on the rank and group held on the date he was declared redundant.

(b) In the case of an individual who was re-mustered to a new trade in the same or higher group but in a lower rank for service reasons other than inefficiency or medical unfitness but who dies before restoration of his rank held prior to re-mustering, family pensionary awards shall be assessed, where more favourable than the awards otherwise admissible, on the substantive rank and group held on the date of re-mustering.

### Rates of special family pension

201. The rates of special family pension are \_\_\_\_

Rank	Groups			
	I	II	III & IV	V
	Rs. p.m	Rs. p.m	Rs. p.m	Rs. p.m
Master Warrant Officer	84	76	65	65
Warrant Officer	70	66	56	56
Flight Sergeant	65	59	47	47
Sergeant	57	46	40	40
Corporal	46	40	34	32
LAC	40	36	29	25
AC2 & AC1	35	31	27	22
Apprentice	--	20	--	--

### Division of family pension between eligible heirs

202. (a) If the recipient of a family pension refuses to contribute proportionately towards the support of other eligible heirs (see clause (c) below) in the family who were dependent upon the deceased airman, 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 its discretion, the family pension among the eligible heirs of the deceased airman.

(b) This division shall hold good only for the period during which the pension is payable to the original recipient under the regulations governing its grant.

If during this period one of the parties to the division (other than the original recipient) is disqualified or dies, his or her share shall be restored to the original recipient if he or she is the only one living or shall be divided among the remaining recipients if there are more than one.

(c) Children's allowance is intended for the maintenance of children and 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. Special cases of hardship will be submitted for orders of the competent authority.

### Transfer of family pension

203. When for any cause a family pension ceases to be payable to an heir other than the widow, it shall be transferred to the widow provided she is not disqualified under regulation 195.

Except as provided for in this regulation and regulation 196 (a) (iv), a family pension cannot be transferred and shall cease altogether on the death or disqualification of the original recipient.

### Continuance of special family pension

204. (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 destitute and are eligible provided that --

the pension to be continued, plus

- (i) the average monthly income of the father or mother or both from permanent source, and
- (ii) the average monthly contribution which the living son(s) whether willing or unwilling to support, is (are) in a position to make towards his and/or her support.

Does not exceed the full family pension admissible.

(b) The maximum amount of pension which can be continued in any individual case shall be Rs.25 per mensem.

(c) A child in receipt of a children's allowance shall not be eligible for the continuance of a special family pension. When the pension, or a portion thereof, is continued to any relative, the children's allowance shall be payable at the ordinary rate without the 50 per cent increase referred to in regulation 213 with effect from the date of such continuance.

(d) Continuance of a special family pension beyond the second life shall not be permissible. The grant of a special family pension to the second eligible heir under regulation 197 (b) shall be treated as the grant of second life pension.

(e) 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, however where no action has been taken on a previous application, or it has been turned down in error and the applicant has not resubmitted the claim for more than a year afterwards, 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 of increase or pension.

### **When payment of family pension ceases**

**205.** The payment of family pension shall cease when the recipient ceases to fulfil the conditions of eligibility under regulation 195 or on his/her death, whichever is earlier.

### **Family gratuity**

**206.** (a) A gratuity at the rates laid down in clause (c) below 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 the civil power.

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

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

(b) (i) Except as provided for in regulation 31 of Part II of these Regulations, family gratuity shall be payable to the recipient of the special family pension.

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

(c) The rates of family gratuity are :--

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Rank	Rs.
Master Warrant Officer/Warrant Officer	1,200
Flight Sergeant	600
Sergeant	400
Corporal	300
Aircraftman	250
Apprentices	250

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**207.**

**208.**

**209.**

**Sub-Section III – Children’s Allowance**  
**Conditions for grant of children’s allowance**

**210.** (a) Children’s allowance may be granted to each actual and legitimate child of an individual if his death was due to, or hastened by, either a wound, injury or disease which was attributable to air force service or the aggravation by air force service of a wound, injury or disease which existed before or arose during air force service provided that—

- (i) he or she is not in receipt of special family pension (for exception see regulation 216);
  - (ii) in the case of a son, he was below the age of 18 on the date following that of casualty which created the claim;
  - (iii) in the case of a daughter, she is unmarried, or if married, below the age of 16 on the date following that of the casualty which created the claim.
- (b) Subject to the fulfillment of the conditions in clause (a) children’s allowance may also be granted to *one* validly adopted child of the deceased in the absence of any actual and legitimate child.

**Payment of children’s allowance to a child in government employment**

**211.** Children’s allowance shall not normally be granted to a child who is in government employment. 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 employment under the government.

**Rates of children’s allowance**

**212.** The Rates of children’s allowance for each eligible child are --

Rank	Rs. p.m
Master Warrant Officer and Warrant Officer	7
Flight Sergeant and below	5

**Increased rates of children’s allowance when family pension ceases**

**213.** When for any cause the family pension ceases to be payable to any eligible heir, the children’s allowance shall be increased by 50 per cent [But see regulation 204(c)].

**When the payment of children’s allowance ceases**

**214.** The payment of children’s allowance shall cease ---

- (a) In the case of a son, on attaining the age of 18 years. (But see regulation 215).
- (b) In the case of a daughter on her attaining the age of 16 years or on marriage, whichever is later.

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

**Grant or continuance of children's allowance to a son  
after the normal age limit**

**215.** The children's allowance may be granted to a son over the age of 18 years or continued beyond that age in respect of a son who was already in receipt of it, as a special case, if he is incapable of self support by reason of a physical or mental infirmity which arose before he attained the age of 18 years.

**When children's allowance is admissible in conjunction with special family  
pension**

**216.** 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 or her 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.

**217.**

**218.**

**219.**

***Sub-Section IV Awards in respect of deaths not due to service***

Part A – Family Pension and Gratuity – Airmen

**Extent of application**

**220.** The pensionary benefits in Part A of this sub-section will be admissible to the widows of airmen including reservists who die of causes neither attributable to nor aggravated by air force service.

NOTE.—The benefits will be admissible in respect of airman who become non effective on or after the 1<sup>st</sup> October 1957.

**Pension/gratuity in cases of death in service**

**221.** The widow of an airman who dies in service, may be granted the following pensionary benefits :-

- |     |   |                                     |
|-----|---|-------------------------------------|
| (a) | If the deceased had died in the first year of his service | A gratuity equal to two months' pay |
| (b) | If the deceased had rendered one year                     | A gratuity equal to six             |

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

Pay for the purpose of assessment gratuity will be calculated in accordance with regulation 129.

### **Pension in cases of death after discharge**

**222.** The widow of an airman who had rendered 15 years or over of qualifying service for pension, and who dies within five years of discharge/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 will 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/invaliding.

### **When payment of pension ceases**

**223.** The payment of pension shall cease on remarriage of the widow to a person other than the brother of the deceased airman, or on her death, before the expiry of the period indicated in regulations 221 and 222.

### **Part B – Gratuity in respect of reservists**

#### **Gratuity to the widow of a reservist who dies due to non-attributable causes before completion of his combined regular and reserve air force service**

**224.** (a) The widow of a reservist who dies while in the reserve due to causes neither attributable to nor aggravated by service in the Armed Forces, before completion of his combined regular and reserve service will be granted a gratuity that would have been paid had the individual been discharged at the end of his regular service. The pay for this purpose shall be as defined in these Regulations for assessment of service gratuity.

(b) The grant of the above gratuity will, in addition to the conditions prescribed in regulations 4,5 and 108, be subject to the following conditions:-

- (i) The widow has not remarried (this condition does not apply to a widow who has remarried/remarries her deceased husband's brother).

- (ii) The reservists in respect of whom the gratuity is claimed had not elected to be governed by the Old Pension Code.
- (iii) The widow is not in receipt of any pension/gratuity from the Central or a state government or from central or state Government undertaking of which the reservist was an employee at the time of his death.

**225.**

**226.**

**227.**

**228.**

## **CHAPTER IV – AUXILIARY AIR FORCE AND AIR DEFENCE RESERVE**

### **SECTION I – GENERAL**



### **Definition of air force service**

**229.** Air force service, for purposes of this Chapter shall mean service rendered when called up under section 25 of the Reserve and Auxiliary Air Force Act, 1952, for :-

- (a) training as defined in rule 51 of the Reserve and Auxiliary Air Force Act Rules ;
- (b) service in aid of the civil power; and
- (c) air force service in India or abroad.

**230.**

**231.**

## **SECTION II – COMMISSIONED OFFICERS**

### *Sub-Section I – Terminal Gratuity*

#### **Extent of application**

**232.** The regulations in this sub-section shall apply to all commissioned officers of the Auxiliary Air Force excepting those who are--

- (a) civil Government servants holding permanent appointments; and
- (b) retired commissioned officers or retired civil gazetted officers.

#### **Conditions for the grant of terminal gratuity**

**233.** (a) Subject to the service rendered being certified by the competent authority to have been satisfactory, a terminal gratuity may be granted to an officer who has completed a minimum period of four years of aggregate commissioned "air force service" and who retires in the following circumstances :-

- (i) on disbandment or re-organisation of a unit provided there is no other unit located at that place to which the officer can be transferred, or his consent thereto is necessary under the regulations and he refuses to consent thereto;
- (ii) on reaching the prescribed retiring age;
- (iii) on being declared medically unfit for further service, subject to provisions of clause (b) ;
- (iv) on completion of tenure of appointment or service limits.

(b) In cases of termination of service on account of medical unfitness, the terminal gratuity is payable only if the officer is not entitled to disability pension.

#### **Rate of terminal gratuity**

**234.** Terminal gratuity shall be at the rate of half a month's pay for each aggregate year of commissioned "air force service", excluding the period during which a civil or military pension continues to be drawn. A civil pensioner whose pay is fixed after deducting the amount of pension including the commuted portion, if any, under the relevant rules shall, however, be eligible to count such periods. The maximum gratuity shall not exceed nine months' pay.

Pay for this purpose shall be the basic pay of the substantive rank last held.

**235.**

**236.**

#### *Sub-Section II – Disability and Family Pensionary Awards*

#### **Extent of application**

**237.** The regulations in sub-sections III and IV shall apply to all officers commissioned in the Auxiliary Air Force on or after the 17<sup>th</sup> March, 1956.

Officers who are government servants and who while holding their civil posts are subject to the rules in chapter XXXVIII of the Civil Service Regulations or the Central Civil Services (Extraordinary Pension) Rules or the analogous rules framed by the state governments, will however, be eligible to elect to be governed by the provisions of these regulations or by the civil extraordinary pension rules applicable to them. The election may be made by an officer at any time during his service in the Auxiliary Air Force or after it and once made will be final. In case such an officer dies while serving in the Auxiliary Air Force without making an election, his family will be eligible to receive awards under these Regulations or the appropriate civil rules whichever are more favourable.

#### **Conditions governing the grant of disability and family pensionary awards**

**238.** The grant of disability and family pensionary awards will be subject to the conditions governing the grant of these awards to officer of the Air Force as modified to the extent specified in the regulations in sub-sections III and IV.

239.

*Sub-Section III – Disability Pensionary Awards*

**When disability pension is admissible**

**240.** A disability pension may be granted to an officer if he is invalided out of the Auxiliary Air Force on account of a disability attributable to or aggravated by his air force service as a commissioned officer.

**Rates of disability pension**

**241.** The rates of disability pension shall be as under :-

**(a) Officers other than government servants holding lien on civil appointments and pensioners of the armed forces**

Percentage of Disablement	Wg Cdr (Rs. per annum)	Sqn Ldr (Rs. per annum)	Flt Lt, Fg Offr or Plt Offr (Rs. per annum)
100	4,035	3,365	2,700
90	3,630	3,030	2,430
80	3,225	2,695	2,160
70	2,825	2,355	1,890
60	2,420	2,020	1,620
50	2,015	1,685	1,350
40	1,615	1,345	1,080
30	1,210	1,010	810
20	805	675	540

**(b) Government servants holding lien on civil appointments.** –On reversion to the civil appointment on which he holds lien a disability element of pension at Rs.150 p.m. for 100 per cent disablement and proportionately less for lesser degree of disablement down to 20 per cent in addition to civil pay and allowances.

In case such an officer becomes eligible for a pension under the relevant civil rules, the disability element as calculated above shall remain admissible.

**(c) Pensioners of the armed forces.**–A consolidated disability pension at the rate in clause (a) above or for any periods during which it is more favourable, a service element equal to his pension plus a disability element as in clause (b) above.

When the accepted degree of disablement is assessed at less than 20 per cent, his original pension will be restored.

### **Rank for assessment of disability pension**

**242.** Disability pension will be assessed on the substantive rank held by an officer on the date of his invaliding from Auxiliary Air Force . Provided that where an officer had held a higher paid acting rank the disability pension will be reckoned on the paid acting rank held by him on any of the following dates whichever is the most favourable:-

- (a) The date of invaliding from the Auxiliary Air Force; or
- (b) The date on which he sustained the wound or injury or was first removed from the duty on account of a disease causing his disablements or
- (c) If he rendered further air force service and as a result of such service, suffered aggravation of disability, the date of later removal from duty on account of disability.

NOTE.-Paid acting rank will not be taken into account for assessment of disability pension, if the crucial date mentioned above falls after the 31<sup>st</sup> May 1963.

### **Cases where disability manifests itself after relinquishment of commission**

**243.** An officer who has not been invalided out, but has relinquished his commission in the Auxiliary Air Force otherwise than (a) at his own request or (b) on disciplinary grounds, and who is found, within a period of seven years of relinquishment of his commission, to be suffering from a disability which is accepted as attributable to his air force service as a commissioned officer may be granted, at the discretion of the President, a disability element at the rate of Rs.150 per month for 100 per cent disablement and proportionately less for lesser degree of disablement down to 20 per cent and with effect from such date as the President may decide in the circumstance of the case.

### **Constant attendance allowance**

**244.** A constant attendance allowance will be admissible at the same rate and subject to the same general conditions as are applicable to officers of the air force under regulation 52.

**245.**

**246.**

### *Sub-Section IV – Family Pensionary Awards*

#### **When family pensionary awards are admissible**

**247.** A family pensionary award will be admissible if the death of an officer was due to or hastened by --

(a) A wound, injury or disease which is attributable to his air force service as a commissioned officer; or

(b) the aggravation by his air force service as a commissioned officer, of a wound, injury or disease which existed before or arose during air force service.

#### **Rates of family pensionary awards**

**248.** Special family pension and gratuity to the widow, children's allowance and education allowance to the children; dependants' pension to the parents, brothers/sisters of an officer will be at the rates laid down in section V, chapter II for officers of the air force.

#### **Rank for assessment of family pensionary awards**

**249.** Rank for assessment of special family pensionary awards will be determined in accordance with section V, chapter II of these Regulations.

**250.**

**251.**

### **SECTION III - AIRMEN** *Sub-Section I – Terminal Gratuity*

#### **Extent of application**

**252.** The regulations in this sub-section shall apply to all airmen of the Auxiliary Air Force excepting those who are --

- (a) civil government servants holding permanent appointments, and
- (b) retired commissioned officers or retired civil gazetted officers.

#### **Conditions for the grant of terminal gratuity**

**253.** (a) Subject to the service rendered being certified by the competent authority to have been satisfactory, a terminal gratuity may be granted to an airman who has completed a minimum period of four years of aggregated "air force service" and who is discharged in the following circumstances :-

- (i) on disbandment or re-organisation of a unit provided there is no other unit to which the airman can be transferred, or his

consent to a transfer is necessary under the regulations and he refuses to consent there to ;

- (ii) on reaching the prescribed retiring age ;
- (iii) on being declared medically unfit for further service, subject to provision of clause (d) ;
- (iv) on completion of tenure of appointment or service limits.
- (v) When services are no longer required otherwise than on disciplinary grounds.

(b) In case of termination of service on account of medical unfitness the terminal gratuity is payable only if the airman is not entitled to a disability pension.

### **Rate of terminal gratuity**

**254.** Terminal gratuity shall be at the rate of half a month's pay for each aggregate year of "air force service" excluding any period during which a civil or military pension continues to be drawn. A civil pensioner whose pay is fixed after deducting the amount of pension including the commuted portion, if any, under the relevant rules shall, however, be eligible to count such period. The maximum gratuity shall not exceed nine months' pay.

Pay for this purpose shall consist of :-

- (a) Basic pay (including deferred pay where applicable) of the substantive rank last held ;
- (b) Increments of pay ;
- (c) Badge pay; and
- (d) Dearness pay, where applicable appropriate to the emoluments of the substantive rank last held.

**255.**

**256.**

### *Sub-Section II – Disability and family pensionary awards*

### **Extent of application**

**257.** The regulations in sub-sections III and IV shall apply to all airmen who were in the Auxiliary Air Force or Air Defence Reserve on the 3<sup>rd</sup> March, 1956 or who join it thereafter.

Individuals who are government servants, and who while holding their civil posts, are subject to the rules in chapter XXXVIII of the Civil Service Regulations, or the Central Civil Services (Extraordinary Pension) Rules or the analogous rules framed by the state governments, will, however, be eligible to elect to be governed by the provisions of these regulations or by the civil extraordinary pension rules applicable to them. The election may be made by an individual at any time during his service in the Auxiliary Air Force or Air Defence Reserve or after it and once made will be final. In case such an individual dies while serving in the Auxiliary Air Force or Air Defence Reserve without making an election, his family will be eligible to receive awards under these regulations or the appropriate civil rules, whichever are more favourable.

### **Conditions governing the grant of disability and family pensionary awards**

**258.** The grant of disability and family pensionary awards will be subject to the conditions governing the grant of these awards to personnel of the corresponding rank of the air force as modified to the extent specified in the regulations in sub-sections III and IV.

**259.**

**260.**

**261.**

#### *Sub-Section III – Disability pensionary awards*

#### **When disability pension is admissible**

**262.** A disability pension may be granted to an individual, if he is invalided out of the Auxiliary Air Force or Air Defence Reserve on account of a disability attributable to or aggravated by his air force service.

#### **Rates of disability pension**

**263.** The rates of disability pension are --

**(a) Individuals other than government servants holding lien on civil appointments and military pensioners.—**The minimum rate, irrespective of length of Auxiliary Air Force or Air Defence Reserve service, admissible under regulation 161 to personnel of the

corresponding rank and group of the air force and having the same degree of disablement ; provided that the amount of disability pension shall not exceed one-twelfth of the annual rate laid down for a Flight Lieutenant/Flying Officer/Pilot Officer of the Auxiliary Air Force for the same degree of disablement under regulation 241.

(b) **Civil government servants holding lien on civil appointments.**—On reversion to the civil appointment on which he holds a lien, a disability element of pension calculated at the rate laid down in regulation 161 for personnel of the corresponding rank of the air force in addition to civil pay and allowances.

In case such an individual becomes eligible for a pension under the relevant civil rules, the disability element as calculated above shall remain admissible.

(c) **Pensioners of the armed forces.**—A disability pension at the rate in clause (a), or for any periods during which it is more favourable, a service element equal to his military pension plus a disability element as in clause (b) above.

When the accepted degree of disablement is assessed at less than 20 per cent, his original pension will be restored.

#### **Rank for assessment of disability pension**

**264.** Disability pension will be assessed on higher of the substantive ranks held by an individual on the following dates :-

- (a) the date of invaliding from the Auxiliary Air Force or Air Defence Reserve ; or
- (b) the date on which he sustained the wound or injury.

Provided that the rank held on the date at (b) shall not be taken into account where an individual was reverted to a lower rank after that date on account of misconduct or inefficiency.

#### **Manifestation of a disability after an individual is discharged from service**

**265.** An individual who is not invalided out, but is discharged from the Auxiliary Air Force or Air Defence Reserve otherwise than (a) at his own request or (b) on disciplinary grounds, and who is found, within a period of seven years of such discharge, to be suffering from a disability which is accepted as attributable to his air force service, may be granted, at the discretion of the President, a disability element as in regulation 263 with effect from such date as the President may decide in the circumstances of the case.

#### **Constant attendance allowance**

**266.** A constant attendance allowance may be granted at the same rate and subject to the same general conditions as are applicable to personnel of the air force under regulation 166.



267.

268.

269.

*Sub-Section IV – Family pensionary awards*

**Special family pensionary awards – when admissible**

**270.** A Special family pensionary award will be admissible if the death of an individual was due to or hastened by --

(a) a wound, injury or disease which is attributable to his air force service ;  
or

(b) the aggravation by his air force service of wound, injury or disease which existed before or arose during air force service.

**Rates of special family pensionary awards**

**271.** A special family pension, Children's allowance and family gratuity shall be at the rates laid down in Section VI of Chapter III for personnel of the corresponding ranks of the air force.

**Rank for assessment of special family pensionary awards**

**272.** Special family pensionary awards shall be assessed on higher of the substantive ranks held by an individual on the following dates :

(a) the date of death, if death takes place in service, or the date of invaliding, if death takes place after invaliding ;

(b) the date on which the cause of death originated.

When an airman, on account of misconduct or inefficiency, is reverted to a lower rank subsequent to the date on which the cause of death originated, family pension and children's allowance shall be assessed only on the rank held on the date of death (if death occurs in service).

**273.**

**274.**

**275.**

**CHAPTER V – COMMISSIONED OFFICERS – COMMUTATIONS OF PENSIONS**

**Extent of application**

276. The regulations in the chapter shall apply to permanent commissioned officers who are in receipt of service pension or permanent disability pensions.

**Conditions and limits of commutation**

277. (a) An officer who has attained the age of 40 years or who has been certified as permanently incapable, through disability of further air force 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 5 of these Regulations, to commute a portion not exceeding one half of his pension or pensions (less any amount previously commuted), provided that the amount left un-commuted is not less than Rs 2,000 a year.
- (b) An exception to the limit of Rs 2,000 may be made in cases where the total amount of pension or pensions of an officer is less than Rs 2,400/- a year; in such cases pension not exceeding Rs 400/- may be commuted, provided that not less than Rs 1,600/- a year remains un-commuted.
- (c) In calculating the amount of pension for the purpose of this regulation there may be added to it the un-commuted portion of any other permanent pension or pensions payable to the applicant from Indian or other government revenues.

#### **When commutation of pension is permissible**

278. Commutation may take place on retirement, or at any time subsequent thereto; but when an officer is re-employed in an emergency and his pension is held in abeyance under regulation 17, he shall not be permitted to commute any portion of his pension during such re-employment.

#### **Calculation of commuted value**

279. (a) The basis of commutation shall be the table prescribed by the President from time to time under the Civil Pension (Commutation) Rules.
- (b) 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 impaired life, as may be recommended by the medical board.
- (c) In the event of the table of values applicable to an officer being modified between the date of administrative sanction to commutation and the date on which commutation is due to become absolute the commuted value shall be calculated in accordance with the modified table (but see regulation 281)

#### **When commutation becomes absolute**

280. Unless the application for commutation is withdrawn under regulation 281, 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 shall accrue on the date on which the medical board signs the medical certificate. Whatever the date of actual payment, the amount paid and the effect upon the pension shall be the same as if the commuted value were paid on the date on which the commutation became absolute.

#### **Withdrawal of application**

281. (a) An officer may withdraw his application for commutation -
- (i) When the table of values applicable to him is modified between the date of administrative 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
  - (ii) When, in the case of impaired lives, the medical board recommends an addition of years of age to his actual age.
- (b) Withdrawal of application must be made by written notice dispatched within 14 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 capital sum payable in view thereof, as the case may be.

#### **Incidental expenses incurred**

282. No reimbursement of any traveling or other expenses incurred by an officer in connection with commutation of his pension shall be admissible.

#### **Commutation of anticipatory / provisional pension**

283. If some delay is likely to arise in the finalization of retiring pension of an officer, commutation may be allowed on the anticipatory or provisional pension, if any, in issue subject to necessary adjustment when the final pension is sanctioned. The anticipatory / provisional pension will be commuted under the same general conditions as apply to commutation of final retiring pension. To ensure re-payment of the commuted value of the portion of an anticipatory / provisional pension paid in excess, the Controller of Defence Accounts (Pensions), Allahabad, will 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 Rs .....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 consequently 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 be eventually 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.”

## APPENDIX I

(Referred to in regulation 29)

GOVT. OF INDIA, MINISTRY OF DEFENCE LETTER NO. 79(8) /58/I/387-S / D / PENSIONS  
/SERVICES DATED THE 21<sup>ST</sup> AUGUST, 1958

### **Reckoning of paid acting rank for purposes of retiring pension**

An officer holding permanent commission who retires from service on or after the 29<sup>th</sup> July 1958, and becomes eligible for a pension, shall have his pension assessed with reference to a standard rate of retiring pension of Rs. 620 per mensem for a standard period of qualifying service of 24 years, provided :-

- (a) he has held the substantive rank of Squadron Leader 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 of the substantive rank of Wing 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 Wing Commander; but has not been so promoted owing to the insufficiency of vacancies in the substantive cadre.(This has effect from 21-8-1958).

{Min of Def. Corr. No. PN/0183/246-S/D(Pensions/ Services) dated the 23<sup>rd</sup> June 1962.}

and

- (c) he retires with the paid acting rank of Wing 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.

NOTE (1) .\_\_\_ For purposes of clause (a) the required period of service in the substantive rank of Squadron Leader will commence from the effective date from which substantive promotion to such rank has been notified in the gazette.

NOTE (2).\_\_\_ For purposes of clause ( c ) \_\_\_

- (i) an officer will be deemed to have retired with the paid acting rank of Wing 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 Wing 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 afterwards 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 Wing 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 I above, the period during which the officer held the rank of Wing 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 II

(Referred to in regulations 37, 153 and 162)

GOVT OF INDIA, MINISTRY OF DEFENCE LETTER NO. 9101/274/PP & R-3/2208/PC DATED THE 2<sup>ND</sup> MAY, 1950 AS AMENDED BY LETTER NO. 138999/1/PEN-O DATED 1<sup>ST</sup> OCTOBER, 1951 AND CORRIGENDA NO. 138999/1/PEN-O (PART III) DATED 4<sup>TH</sup> OCTOBER, 1954 AND NO. 179411/II/ PEN-C DATED 16<sup>TH</sup> OCTOBER 1957 AND LETTERS NOS. 57/D(AG)/52/I/PEN-O DATED 18<sup>TH</sup> MARCH, 1954 AND 180570 / I/ PEN-C DATED THE 21<sup>ST</sup> MARCH 1957.

### ENTITLEMENT RULES

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 entitlement rules apply to all personnel who are governed by Indian Air Force Pension Regulations.

The rules do not apply to an individual where continuous service commenced from a date prior to the 1st April 1948, in so far as his disablement or the cause of his death, as the case may be, can be regarded as attributable to aggravated by his service during the period 3<sup>rd</sup> September 1939 to the 31<sup>st</sup> March 1948 in accordance with the entitlement criteria published in Air Force Instruction No. 39 of 1944.

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I. With effect from 1st April, 1948, in supersession of all previous orders on the subject, the entitlement to disability and family pension, children's allowance and death gratuities will be governed by the following rules. Invaliding from service is a necessary condition for the grant of a 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. Airmen 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.

2. Disablement or death shall be accepted as due to air force service provided it is certified that :-

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

(i) is attributable to air force service ; or

(ii) existed before or arose during air force reserve 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 air force service;

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

3. There must be a casual connection between disablement and air force service for attributability or aggravation to be conceded.

4. 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.

5. *Post-discharge claims.*---- Cases in which a disease did not actually lead to the member's discharge from service but arose within 07 years thereafter, may be recognized 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 a 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 should go to the family of the deceased, if death occurs within 7 years from the date of his invaliding from service unless there are other factors adversely affecting the claim; and

(b) if death takes place more than 7 years after the date of man's invaliding from service, the benefit of doubt will go to the State.

In cases where an individual outlives a normal span of life, i.e., where death takes place at the age of 60 or above, the death should be held to be due to normal causes and not to Air Force service.

6. In respect of accident 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 Army/Naval/Air Force service unless they were self inflicted or due to serious negligence or misconduct in which cases the question of withholding the pension in full or 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 or a task the failure to do which would constitute an offence triable under the disciplinary code applicable to them. 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 organized arrangements.



(c) A person is also deemed to be 'on duty' during the period of participation in recreation, organized or permitted by Service authorities and of travelling in a body or singly under organized arrangements. A person is also considered to be 'on duty' when proceeding to his leave station or returning to duty 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 to be 'on duty' at the relevant time.

This benefit will be given more liberally to the claimant in cases occurring on active service as defined in the Army/ Air Force Act.

NOTE 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 the purposes of the post-March 1948 entitlement rules for disability and family pensions;

(b) personnel of the Armed Forces participating in the abovementioned 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 rules, 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 organized by, or with the approval of, their local Service authority, and deaths arising from such injuries, will continue to be regarded as having occurred while 'on duty' for purposes of these entitlement rules.

NOTE 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 authorized 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.

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

(a) Cases, in which it is established that conditions of Air Force 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 air force 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 Air Force Service determined or contributed to the onset of the disease and that the conditions were due to the circumstances of duty in air force service.

(d) In considering whether a particular disease is due to Air Force 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 e.g., exposure, stress, climate, etc., may have had on its manifestation. Regard must also be had to the time factor.

- (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 Air Force Service. It may be that in some cases that 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 Air Force service exposed the individual to the infection as a result of which he contracted the disease. Where there is a 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, e.g. 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 preexisting

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 eg, Leukaemia, Hodgkin's disease etc., 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 should have been.

(vi) *Veneral Diseases* ----

(1) Veneral 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 aggravations.

(3) In the case of disease due to heredity, entitlement must be determined as in paragraph (2) ; above.

(4) The above refers only to late manifestations or sequela of veneral 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.

8. 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.

#### 9. *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 a 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 it strain and stress of service continues, to apportion quantitatively the effect 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.

(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.

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\* Special consideration should be given to cases in which the disablement has been or may have 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.

(c) In cases accepted as aggravated by service, although a percentage of disablement, equal to more than 20 per cent may be assessed on medical resurvey, after discharge from service in accordance with para b(ii)(2) above, disability pension will cease to be payable as soon as the effects of the aggravation by service have passed away, e.g., where a person with disease (e.g., Fibrositis, Bronchitis, Eczema, etc.), held to be aggravated by service, is invalided out and on resurvey was found by the Medical Board to have been restored (a) to his pre-service condition or (b) the condition in which he may be 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 of a pair of organs, assessment on discharge will be made with reference to the diminution of the functional capacity 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 when separate disabilities have

entirely different functional effects the composite assessment will be the arithmetical sum of their separate assessment. 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 great toe only.

## APPENDIX- III

(Referred to in regulations 52 and 166)

### Regulations governing the payment of Constant Attendance Allowance

(Applicable to cases where the disability for which Constant Attendance Allowances is payable is attributable to or aggravated by service rendered from the 1st April, 1946 onwards except service rendered: -

- (i) in connection with Hyderabad police action ; and
- (ii) in Jammu & Kashmir operations where the initial award of Constant Attendance Allowance was payable before the 30<sup>th</sup> October, 1954).

1. The grant of Constant Attendance Allowance is subject to the condition that the pensioner has no relative to look after him properly and that he actually employs an attendant to look after him.

Note :---- The term “relative” will not include a child who by virtue of his/ her studies is unable to look after the pensioner.”

(M of D letter No. 99765/AG/PS4(A)/10925/Pen-C, dated the 24<sup>th</sup> December 1963).

2. Constant Attendance Allowance will not be payable for any period during which the pensioner is an inmate or an in-patient of a Government institution or hospital.

3. Payment of Constant Attendance Allowance will be made in arrears along with disability pension proper. Payment will be made on the basis of :---

- (a) a certificate as in Annexure I in the case of airmen; and
- (b) a declaration by the pensioner as in Annexure II in other cases; which will be submitted to the pension disbursing officer each time the allowance is drawn.

4. No pensionary award in respect of death of an individual in receipt of Constant Attendance Allowance will normally be admitted except in cases where it is definitely proved to the satisfaction of the pension sanctioning authority that although the disabled airman had relatives, they were unable to look after him properly. Cases in which the pension sanctioning authority is not so satisfied, will be considered by the Government of India on merits.