

## FREQUENTLY ASKED QUESTIONS: PS DTE

**Q1.** What is the Supreme Court verdict dated 04 Sep 2012 in Major Dhanpalan case? Rank pay arrears will be paid from which date to the ex-servicemen? How can one calculate the correct entitlement of the Rank Pay arrears?

**Ans.** The details of Supreme Court verdict with regards to Major Dhanapalan case, ranks pay arrears and its calculation are enumerated in succeeding Paras:-

(a) Hon'ble Supreme Court vide order dt 04.09.2012 had upheld its earlier judgement dated 08.03.2010 in the Rank Pay case of IV CPC, as per which the portion of Rank Pay element deducted for pay fixation on implementation of IV CPC is now to be granted as a separate element. Refixation is to be done accordingly with respect from 01.01.1986 and arrears due to the Officers to be paid alongwith interest @ 6% on the same w.e.f. 01.01.2006. As per Ministry of Defence instructions for implementation issued on 27.12.2012, the implementation as restricted to Officers holding the rank of Capt to Brig as on 01.01.1986.

(b) Arrears will be paid w.e.f. 01.01.1986 till date of retirement by PCDA(O), and Corrigendum Pension Payment Order will be issued by PCDA(P) in case of change in Last Pay, so that pension disbursing authority can calculate and pay arrears of pension on account of such increase in Last Pay due to re-fixation.

(c) Correct entitlement of Arrears can be calculated by comparing the due-drawn statement with Monthly Statement of Accts of the period for which arrears were due. Any discrepancy, if brought to notice of PCDA(O), will be re-examined by them.

**Q2.** Is Disability element entitled to those who retire prematurely? If yes then it is effective from which date?

**Ans.** An Armed Forces personnel who has acquired a Disability of 20% or more held attributable to/aggravated by military service and is retained in service despite the disability and had foregone lumpsum compensation in lieu of disability, shall be entitled to disability/war injury element on premature retirement on or after Jan 2006.

**Q3.** What is broad banding of disability? Who all are entitled for the same?

**Ans.** The broad banding of disability those who are entitled are the following:-

- (a) The broadbanding of disability is admissible only for invalidation/deemed invalidation cases. The same is not applicable on superannuation or premature retirement.
- (b) The range of broadbanding is as under:-

<u>% of disability</u>	<u>% to be reckoned for computation of Disability/War Injury element</u>
Less than 50	50
51-75	75
76-100	100

**Q4.** What is the latest news on One Rank One Pension (OROP) issue?

**Ans.** During the Interim Budget speech on 18 Feb 2014 the Hon'ble Finance Minister has announced implementation of One Rank One Pension. Details of the same are awaited.

**Q5.** Is dual family pension entitled for the Next of Kin of the Defence Security Corps person? Please quote authority for the same?

**Ans.** The Ministry of Defence vide their letter No. 10(17)/2011-D(Pen/Pol) dated 21 Mar 2013 has clarified that the dual family pension is also applicable to Defence Security Corps family pensioners.

**Q6.** Is family pension entitled to the dependent physically handicapped son/daughter even on marriage?

**Ans.** Yes, a physically/mentally handicapped son/daughter of a defence pensioner is entitled for grant of family pension even after marriage of the beneficiary, subject to income criteria (Auth GoI, MoD letter No. 02(03)/2010-D(Pen/Pol) dated 17 Jan 2013).

**Q7.** What are the various types of pension and family pensions? How are they calculated?

**Ans.** Various types of pensions and family pensions are as under:-

(a) **Retiring/Service Pension.** Admissible on retirement subject to having rendered minimum 20 years of Qualifying Service for Officers and 15 years for Junior Commission Officers/Other Ranks. The condition of full pension with 33 years of qualifying service has been delinked with effect from 01-01-2006 and rankwise weightage earlier admissible have also been dispensed with.

(b) **Computation of Retiring/Service Pension.** It is calculated at 50% of the last Reckonable Emoluments (RE) drawn by the Officer. The term RE includes Basic pay in the Pay Band, Grade Pay, Military Service Pay and NPA (wherever applicable).

(c) **Disability Pension.** It is admissible on invalidment/retirement in the event of the service personnel acquiring a disability of 20% or above held attributable to/aggravated by military service as per the recommendations of Release Medical Board. The disability pension comprises two components, namely, service element and disability element.

(i) **Service Element** Calculated at 50% of the Reckonable Emoluments.

(ii) **Disability Element** Calculated at 30% of the last Reckonable Emoluments for 100% disability. For less percentage of disability, the amount element is reduced pro-rata.

(d) **War Injury Pension** Granted on invalidment due to War Injuries. It comprises two elements, namely, Service Element and War Injury Element, which are computed as under:-

(i) **Service Element.** 50% of the last Reckonable Emoluments.

(ii) **War Injury Element.** 100% of the last Reckonable Emoluments for 100% disability. For lesser degree of disability the amount is proportionately reduced. On superannuation, the War Injury Element is calculated at 60% of the last Reckonable Emoluments for 100% disability. For lesser degree of disability, the amount is proportionately reduced.

(e) **Invalid Pension.** When an Armed Forces personnel is invalided out on account of disability held neither attributable to nor aggravated by military service, he is entitled to invalid pension provided minimum 10

years of qualifying service has been rendered by him. Invalid pension is also calculated at 50% of the Reckonable Emoluments last drawn.

(f) **Ordinary Family Pension.** When a service person dies due to natural causes neither attributable to nor aggravated by military service, the Next of Kin is entitled to Ordinary Family Pension. The same is payable to the eligible member of the family as under:-

(i) **Enhanced Rate of Ordinary Family Pension.** Equal to 50% of the last Reckonable Emoluments for a period of ten years from date of death.

(ii) **Normal Rate of Ordinary Family Pension.** Equal to 30% of the last Reckonable Emoluments for life.

(g) **Special Family Pension.** When a service person dies due to causes held attributable to or aggravated by military service, Special Family Pension at the rate of 60% of the last Reckonable Emoluments is entitled to the Next of Kin.

(h) **Liberalised Family Pension.** It is admissible when the death takes place during action in war, war like situation, notified operation including Counter Insurgency operations; the Liberalised Family Pension is equal to last Reckonable Emoluments by the service person.

**Q8.** My husband was invalided out of service in 2007 and died due to same disease in 2014. What type of pension am I entitled for? What is the authority and procedure to get entitled pension in this case?

**Ans.** As per Para 8 of Entitlement Rules 2008, in cases, where an individual in receipt of a disability pension dies within a period of 7 years from the date of release/retirement, he may be considered to have died of the disease for which he was granted disability pension if it can be so established by the competent medical authority. If the medical certificate as to the cause of the death is not available, other factors and circumstantial evidence would be taken into account. In such a scenario, the widow shall have to stake her claim for Special Family Pension to Adjutant General's Branch (MP-5(b) in case of officers and concerned Record Offices in case of Junior Commission Officers.

**Q9.** I am Short Service Commissioned officer and left Army after 10 years on completion of my term of engagement. I have served in ranks for 2 years prior to my commission. Am I entitled for the pensionary benefits? What is the authority for the same?

**Ans.** Short Service Commissioned officers, who have earlier served in the ranks, are eligible for pension in the Officer grade if the total service (both rank and Commission Service) rendered is 12 years or more. In this case, the previous Other Rank service was counted at  $\frac{1}{2}$  prior to 01 July 66,  $\frac{2}{3}$ <sup>rd</sup> for those who retired on or after 01 July 66 and in full with respect from 01 Jan 1986 as per Ministry of Defence letter No. 1(2)/88/D(Pen/Sers) dated 09 Jan 1990.

**Q10.** What is the entitlement of pension and family pension for pre and post 2006 retirees/their Next of Kins? What is the authority for the same?

**Ans.** To bridge the gap between Pre and Post 2006 retirees a minimum guaranteed pension/family pension has been granted to Pre 2006 pensioners/family pensioners vide Government, of India, Ministry of Defence letter No. 1(13)/2012/D(Pen/Policy) dated 17 Jan 13 and, No. 1(14)/2012/D(Pen/Policy) dated 17 Jan 13 respectively. Further during the interim Budget speech on 18 Feb 2014 the Hon'ble Finance Minister has announced implementation of One Rank One Pension. Details of the same are awaited.

**Q11.** The Armed Forces Tribunal has given decision for grant of 60% of disability for life in my favour 3 months have passed and I have not recd the benefits of disability pension till date. In what time frame Armed Forces Tribunal decision shall be implemented?

**Ans.**

(a) Where the Armed Forces Tribunal orders are in consonance with government. Policy efforts are made to speedily implement the Armed Forces Tribunal order, typically within 90 days.

(b) Where Tribunal order is in contravention with government policy and settled legal position, the impugned order will be assailed by filling an appeal before the Supreme Court. Further action regarding implementation or otherwise of the Tribunal Order will depend upon the outcome of the Civil Appeal.