Circular No. 561 Dated: 10.06.2016

To,

The O I/ C,
Records PAO (ORs)

Subject: Broad banding of disability element in respect of Armed Forces Personnel retired/ discharged on completion of terms of engagement with disability aggravated by or attributable to Military Service- Implementation of Court/ AFTs orders.

Consequent upon issue of GOI, MOD letter No. F. No. 3(11)2010-D(Pen/Legal)-Pt-V dated 18th April 2016 (copy enclosed), approval of competent authority has been conveyed for implementation of Court/ AFTs orders for granting broad banding benefits of disability element to an Armed Forces Personnel retired or discharged on completion of terms of engagement with disability aggravated by or attributable to Military Service (other than invalided out from service) from the date mentioned in respective Court Orders.

2. In view of the above, all affected cases covered under above order may be reviewed and claims may be forwarded to respective Pension Sanctioning Authorities alongwith Sheet Roll and other connected documents.

3. This circular has been uploaded on this office website www.pcdapension.nic.in for dissemination of all concerned.

No. Gts/Tech/05/LXXVI Dated: 10.06.2016

(Nasim Ullah) Asst. Controller (Pensions)

Copy to:

1. The Dy. Secretary, Govt. of India, Ministry of PPG & P (Deptt. of P&PW), Lok Nayak Bhawan, New Delhi.
2. Director (Pensions), Govt. of India, Ministry of Defence D (Pen/Sers), Sena Bhawan, Wing A’ New Delhi.
3. Army HQs AG’S Branch, PS-4(b) DHQ, PO New Delhi- 110011.
4. AHQ GS Branch, TA Directorate, DHQ PO New Delhi- 110011.
6. DPA, Vayu Bhawan, New Delhi- 11.
7. Air HQs Ad PP & P- 3, West Block-VI, R. K. Puram, New Delhi- 110066.
8. Sr. Dy. CGDA (AT-II), O/O the CGDA, Ulan Batar Road, Palam Delhi Cantt- 110010.
9. PCDA (Navy) No.-1, Cooperage Road, Mumbai- 400039.
10. PCDA (WC), Chandimandir, Chandigarh.
11. CDA (AF), West Block-V, R. K. Puram, New Delhi- 110066.
12. CDA, Chennai
13. CDA (PD), Meerut
14. JCDA (AF) Subroto Park, New Delhi- 110010.
15. Director of Audit, Defence Service, New Delhi
16. All Record Offices/Regiment/ Corps.
17. Naval Pension Office, C/o INS Tanaji, Sion Trombay Road, Mankhurd, Mumbai-400088.
18. Air Force Record, Dhaula Kunwa, Delhi Cantt.
19. Director MP8(I of R) Integrated HQ of MOD(Army)AG’s Branch, Addl Dte Gen of MP/MP8(I of R)
   West Block-III, RK Puram, N-Delhi 110066
20. All Addl CsDA/ Jt. CsDA in Main Office.
21. All GOs in Main Office.
22. The OI/C, G-1(M), AT (ORs)-Tech. & G-1/Civil (Tech.)
23. All SAOs/AOs/AAOs in Gts/ORs Complex.
25. The OI/C, EDP Centre.
26. The OI/C, PHP Cell EDP Centre
27. All Sections in Main Office.
28. The O I/C, G-2 Section
29. The O I/C, G-3 Section
30. The O I/C, G-4 Section
31. The O I/C O & M Cell
32. The O I/C Complaint Cell
33. The O I/C, EDP Centre (Website) for uploading the circular on the office website.
34. Defence Pension Liaison Cell.
35. The O I/C Reception.
36. The O I/C, DPTI.
37. Spare

(P. K. Srivastava)
Sr. Accounts Officer (Pensions)
F.No.3(11)2010-D[Pen/Legal]-Pt V  
Ministry of Defence  
Department of Ex-Servicemen Welfare  
D (Pension/Legal)  
******  
New Delhi, 18th April, 2016

To

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

Subject: - Broad Banding of Disability Element in respect of Armed Forces personnel retired/discharged on completion of terms of engagement with disability aggravated by or attributable to Military Service - Implementation of Court/AFT's orders.

The Hon'ble Supreme Court vide order dated 10.12.2014 dismissed more than 800 Civil Appeals tagged with Civil Appeal No. 418 of 2012 filed by the Union of India Vs Ram Avtar challenging grant of broad banding of disability element by AFTs to Armed Force Personnel other than “invalided out” from service. The Hon'ble Supreme Court ruled that an Armed Force Personnel retired on completion of tenure with disability aggravated by or attributable to Military Service is eligible for broad banding of Disability Pension/Element.

2. The matter of implementing Hon'ble Apex Court judgment dated 10.12.014 in case of Civil Appeal No. 418 of 2012 was taken up with Department of Expenditure, Ministry of Finance for consideration. Department of Expenditure, Ministry of Finance has agreed to implement orders of the Courts on the matter of broad banding of disability element in the case of personnel who are retained in service till normal retirement. Accordingly, approval of Competent Authority is hereby conveyed for implementation of Court/AFT's orders granting broad banding of disability element to an Armed Force Personnel retired or discharged on completion of terms of engagement with disability aggravated by or attributable to Military Service from the date mentioned in respective court orders.

3. This issues with concurrence of MoD (Fin/Pen) vide u.o. No 711/Fin/Pen dated 12.04.2016.

(R.K. Verma)  
Under Secretary to the Govt. of India  
Tel: 2301 5650

Copy to:-  
1. FA (DS)  
2. Deptt. of Expenditure (EV) – w.r.t. their ID No. 50/EV/2016 dated 22.03.2016  
3. AFA (Pension) MoD Fin/Pen.  
4. CGDA, Ulan Batar Road, Delhi Cantt, New Delhi  
5. PCDA (P), Draupadi Ghat, Allahabad  
6. Director, AG/PS-4(L)  
7. Director, DAV (Legal Cell)  
8. Director, PDPA (Navy)  
9. US(Pen/Pol)