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

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

Sir,

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

Injury cases

2. Attributability Decision regarding attributability would be taken by the authority next higher to the Commanding Officer which in no case shall be lower than a brigade/sub-area commander or equivalent.

3. Assessment The assessment with regard to the percentage of disability as recommended by the Invaliding Medical Board/Release Medical Board as approved by the next higher Medical Authority, would be treated as final unless the individual himself requests for a review.

4. Approving Authority for Medical Boards Medical Boards proceedings in respect of the personnel of the three Services will be approved by the next higher Medical Authority than the one which constituted the board as heretofore. In case where, disability is abnormally high or low, approving authority will refer the processing back to the Medical Boards for re-consideration. If required he may physically examine/get the individual re-examine to ascertain the correct position.

Disease Cases

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

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

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

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

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

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

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

10. The provision contained in this letter will be applicable to service personnel who were in service on or after 01 Jan 96. The cases which have been finalised prior to issue of this letter will not be re-opened. As regards pre 01 Jan 96 disability pensioners, the assessment made by the Reassessment Medical Board held on or after the date of issue of this letter will be considered as final and for life unless the individual himself asks for a review. This review will be carried out by Review Medical Board constituted by DGAFMS. The percentage of disability assessed by the Review Medical Board will be final.

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

12. Para 8.2 and 11.5 of this Ministry’s letter of even number dated 31st Jan 2001 so far as these to reckoning disability actually assessed by the duly approved Release Medical Board / Invaliding Medical Board for computing war injury element, stand modified as per the provision contained in this letter.

13. This issue with the concurrence of the Finance Division of the Ministry vide their U.O. No. 137/DFA (Pen-O) dated 01.02.2001.

Yours faithfully

Sd/-xxx

(Sudhakar Shukla)

Director (Pension)

Copy to:-

All Concerned