

No.45/22/97-P&PW(C)  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Pension & Pensioners' Welfare

Third Floor, Lok Nayak Bhavan  
Khan Market, New Delhi-110 003.

Dated the 3<sup>rd</sup> February, 2000.

**OFFICE MEMORANDUM**

**Subject:** Special benefits in cases of death and disability in service – payment of disability pension/family pension – recommendations of the Fifth Central Pay Commission.

The undersigned is directed to say that the Fifth Central Pay Commission, *inter alia*, recommended that for determining the compensation payable for death or disability under different circumstances, the cases could be broadly categorised in five distinct categories as under:

- Category 'A'** Death or disability due to natural causes not attributable to Government service. Examples would be chronic ailments like heart and renal diseases, prolonged illness, accidents while not on duty, etc.
- Category 'B'** Death or disability due to causes which are accepted as attributable to or aggravated by Government service. Diseases contracted because of continued exposure to a hostile work environment, subjected to extreme weather conditions or occupational hazards resulting in death or disability would be examples.
- Category 'C'** Death or disability due to accidents in the performance of duties. Some examples are accidents while travelling on duty in government vehicles or public transport, a journey on duty is performed by service aircraft, mishaps at sea, electrocution while on duty, etc.
- Category 'D'** Death or disability attributable to acts of violence by terrorists, anti-social elements, etc. whether in their performance of duties or otherwise. Apart from cases of death or injury sustained by personnel of the Central Police Organizations while employed in aid of the civil administration in quelling agitation, riots or revolt by demonstrators, other public servants including police personnel, etc. bomb blasts in public places or transport, indiscriminate shooting incidents in public, etc. would be covered under this category.

**Category 'E'** Death or disability arising as a result of (a) attack by or during action against extremists, anti-social element. etc., and (b) enemy action in international war or border skirmishes and warlike situations, including cases which are attributable to (i) extremists acts, exploding mines etc. while on way to an operational area: (ii) kidnapping by extremists; and (iii) battle inoculation as part of training exercises with live ammunition.

2. The Fifth Central Pay Commission recommended various relief packages for the above categories, in modification of the existing provisions on the subject.
3. The recommendations of the Commission have been under consideration of the Government for some time. Orders have already been issued regarding ex-gratia payment in case of death in service vide this Dept.'s OM No.45/55/97-P&PW(C) dated 11.09.98 . In respect of disability pension/family pension, the President is now pleased to decide as under:-
  - (i) Cases covered under the Category (A) would continue to be covered under the normal existing provision of CCS (Pension) Rules.
  - (ii) In cases covered under categories (B),(C),(D) & (E) the scales of the family pension/disability pension would be as under:-

#### **I Family pension – for categories B & C**

- (1) Distinction between widows without children or those with children, for determination of the quantum of Extra-ordinary family pension shall stand abolished. The quantum of monthly extra-ordinary family pension for all categories of widows shall be :-
  - (a) Where the deceased Government servant was not holding a pensionable post:

40% of basic pay subject to a minimum of Rs.1,650/-
  - (b) Where the deceased Government servant was holding a pensionable post:

60% of basic pay subject a minimum of Rs.2,500/-
- (2) In case where the widow dies or remarries, the children shall be paid family pension at the rates mentioned at (a) or (b) above, as applicable, and the same rate shall also apply to fatherless/motherless children. In both cases, family pension shall be paid to children for the period during which they would have been eligible for family pension under the CCS (Pension) Rules. Dependent parents/brothers/sisters etc. shall be paid

family pension one-half the rate applicable to widows/fatherless or motherless children.

## **II Family pension under category 'D & 'E'**

- (1) Family pension in cases, falling under categories D & E shall be determined under the existing provision of Liberalised Pensionary Awards Scheme.
- (2) If the Government servant is not survived by widow but is survived by child/children only, all children together shall be eligible for family pension at the rate of 60% of basic pay subject to a minimum of Rs.2,500/-. Children allowance, as admissible now, shall stand abolished.
- (3) When the Government servant dies a bachelor or as a widower without children, dependent pension will be admissible to parent without reference to pecuniary circumstances, at the rate of 75% of pay last drawn if both parents are alive and at the rate of 60% if only one of them is alive.

## **III Disability Pension – for cases covered under categories B and C**

- (1) Normal pension and gratuity admissible under the CCS (Pension) Rules, 1972 plus disability pension equal to 30% of basic pay, for 100% disability.
- (2) For lower percentage of disability, the monthly disability pension shall be proportionately lower as at present, provided that where permanent disability is not less than 60%, the total pension (i.e., pension or service gratuity admissible under the ordinary pension rules plus disability pension as indicated at (1) above ) shall not be less than 60% of basic pay, subject to a minimum of Rs.2,500/-.

## **IV. Disability Pension – For cases covered under Category 'D'**

- (1) Disability pension comprising a service element equal to the retiring pension and gratuity to which the employee would have been entitled to on the basis of his pay on the date of invalidation but counting service upto the date on which he would have retired in the normal course and disability element equal in amount to normal family pension subject to the condition that the aggregate of the service and disability element shall not be less than 80% of the pay last drawn, for 100% disability.
- (2) For lower percentage of disability, the disability element shall be proportionately lower as at present.

**V. Disability Pension – For cases covered under category ‘E’**

- (1) Disability pension, comprising a service element equal to the retiring pension and gratuity to which the employee would have been entitled to on the basis of his pay on the date of invalidation but counting service upto the date on which he would have retired in normal course and disability element equal in amount to the pay last drawn subject to the condition that the aggregate of the service and disability elements shall not exceed the pay last drawn, for 100% disability.
- (2) For lower percentage of disability, the disability element shall be proportionately lower as at present.
4. Other terms and conditions in the CCS (EOP) Rules and Liberalised Pensionary Awards Scheme which are not specifically modified by these orders shall continue to remain operative.
5. The Fifth Central Pay Commission also suggested certain procedural changes. These have also been considered by the Government. The President is now pleased to decided as under:-

- (i) The extent of disability or functional incapacity shall be determined in the following manner for purposes of computing the disability element forming part of benefits:-

Percentage of disability assessed by Medical Board	Percentage to be reckoned for computation of disability element
Less than 50	50
Between 50 and 75	75
Between 76 and 100	100

- (ii) The findings of the Medical Board on the extent of disability would be treated as final and binding unless the employee himself seeks a review by preferring an appeal to an Authority immediately superior to the one who had constituted the Board. In case the appeal is accepted and a review Medical Board is constituted, the findings of the Board would be binding on all parties.

The extent of disability as determined and accepted would be treated as final and the employee would not be required to appear before Medical Board periodically for the purpose of obtaining a certificate that the disability continues to persist.

- (iii) Different department and offices shall have the powers to grant disability/family pension covered under the Government orders and instructions issued on the subject. They shall exercise these powers, wherever necessary, in consultation with the Financial Advisers. Only in cases not covered strictly in terms of the Government guidelines and instructions, reference to Department of Pension and Pensioners' Welfare shall be made.
6. These orders will be effective from 01.01.1996. The past cases of pre-1996 pensioners/family pensioners will be revised under this Dept.'s OM No.45/86/97-P&PW(A)-part-II dated 27.10.1997. Such consolidated pension, shall, however, be subject to the provisions of the Dept.'s OM No.45/10/98-P&PW(A) dated 17.12.1998.
  7. This issues with the concurrence of the Ministry of Finance, Department of Expenditure vide their U.O. No.20/E.V/2000 dated 6.1.2000.
  8. In so far as employees of Indian Audit and Accounts Department are concerned, these orders have been issued after consultation with the C & AG of India.

  
(P.K. BRAHMA)

**Additional Secretary to the Government of India.**

To,

All Ministries/Departments of Government of India.

Copy to:- As per standard list.

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2. Vice President's Secretariat
3. Prime Minister's Office
4. Lok Sabha Secretariat
5. Rajya Sabha Secretariat
6. Cabinet Secretariat
7. Secretary, U.P.S.C., New Delhi
8. Supreme Court of India
9. Election Commission
10. Planning Commission
11. Secretariats of Governments/Lt. Governors of all States/Union Territories.
12. All India Services Division, Department of Personnel and Administrative Reforms
13. Ministry of Finance (E.V. Branch)
14. Ministry of Defense (Dy. Secy. Pension)
15. All Integrated Financial Adviser to Ministries/Departments
16. Ministry of Railways (Railway Board)
17. Ministry of Defense (Fin.AG)
18. All Branches of Ministry of Personnel, P.G. and Pensions
19. Ministry of Defense (Est.1/Gp.1)
20. Naval Headquarters/Directorate of Supplies /Pension Section
21. Air Headquarters/PP&R
22. Army Headquarters/AG's Branch (Ps-4(b) )
23. Director General of Posts and copies for all PMG's
24. Department of Telecommunications
25. All States Governments and Union Territories
26. All Finance Secretaries of State Governments and Union Territories
27. Chief Controllers/Controllers Principal Accounts Officers of Ministry/Department
28. Controller General of Defense Accounts
29. Controller General of Accounts
30. Director of Accounts, Cabinet Secretariat
31. Controller of Accounts, Ministry of Finance(Department of Expenditure)
32. CDA (P), Allahabad
33. CDA (PD) Sena Bhavan, D1-Block, New Delhi
34. M/o Finance, D/o Expenditure, Central Pension Accounting Office, Trikoot-II Complex, Bhikaji Cama Place, New Delhi
35. Comptroller and Auditor General of India
36. Accountant General, 1 Andhra Pradesh, Hyderabad-5f4
37. Accountant General (AE) Andhra Pradesh, Hyderabad
38. Accountant General (AE) Assam Guwahati (Pension Branch)
39. Accountant General (AE) Bihar Ranchi
40. Accountant General 1 1 Bihar Patna
41. Sr. Deputy Accountant General (AE) Gujarat, Ahmedabad
42. Director of Audit, Central Madhu P.B. Marg, Mumbai-13
43. Accountant General 1 1 Gujarat, Rajkot

44. Accountant General (AE) Kerala, Thiruvananthapuram
45. Accountant General (AE) 1 1, M.P. Gwalior
46. Pr. Accountant General Tamilnadu, Madras (Accounts Officers, Pension Accounts)
47. Accountant General II, Mah. Nagpur
48. Accountant General (AE) Mah, Mumbai
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66. Director of Audit, Scientific and Commercial Department, Mumbai
67. Director, Pension Dept. Jyoti Nagar, Jaipur-1, Rajasthan
68. Directorate of Accounts, PA I Section, Panji, Goa
69. Pr. Director of Audit (Central) 18, Rabindra Sami Poddar Court, Calacutta.
70. The Director, Pension and Welfare of Pensioners, Punjab, SGO No.192-93 (1st Floor) Sector 17-C, Chandigarh.
71. The Deputy Director (D&R) Central Administrative Tribunal, Principal Bench, New Delhi.

  
(P.K. BRAHMA)

**Additional Secretary to the Government of India.**