

## CHAPTER 3

### DISABILITY PENSIONS

#### DISABILITY - ATTRIBUTABLE/AGGRAVATED

##### GENERAL

03001. A disability pension is to be granted to an individual who is invalidated from the service on account of disability attributable to, or aggravated by, military service assessed at 20% or more. Disabilities of less than 20% do not attract an award of a disability pension. The nominated medical consultant is responsible for assessing the % of disability for all Gurkha personnel including those granted retrospective disability pensions. Personnel assessed at 20% disability or more are entitled to a service pension regardless of their length of service. Those assessed at less than 20% are to be awarded either a service pension or a service gratuity according to their entitlement under normal rules.

03002. A disability pension is a combination of a disability element and a service element. The service element is the service pension due:

a. Where a GCO, QGO or GOR has completed sufficient service to qualify for a service pension as detailed in Chapter 1 of this manual.

b. Where a GCO, QGO or GOR has not completed sufficient service to qualify for a service pension then he is to be awarded:

(1) For a GCO the rules under Section 2, Chapter 1 of this manual should be applied.

(2) For a QGO or GOR with a disability 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.

(3) For a QGO or GOR for all other disability cases that proportion of the minimum service pension appropriate for his rank that his completed years of qualifying service bear to 15, but in no case less than the minimum rate of pension detailed at Paragraph 01005 to Section 1, Chapter 1 of this manual.

03003. An SSC(G) officer qualifies for a disability pension service element at the rate he would have received as a GCO or QGO prior to conversion plus the annual % pension increases up to the date of retirement.

03004. Where an individual, who is discharged without a service pension, is subsequently granted a disability pension which will attract a service element, any service gratuity paid on discharge will be refunded.

03005. An individual who is retired/discharged from the service, other than at his own request, with a pension or gratuity, but who, within a period of seven years from the date of retirement/discharge is found to be suffering from a disease which is accepted as attributable to his military service, may be granted, in addition to his service pension/gratuity, a disability element at a

rate 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 DISABILITY PENSION**

03006. Rank for the service element of a disability pension for GCOs is not to be assessed at less than Captain.

03007. Rank for the disability element and service element for QGOs and soldiers is to be the rank for which pay was received on the date of invaliding from the service or the date on which the injury was sustained whichever is the more favourable. Following the 6 CPC changes to pension rates for GOR granted Hon Lt(QGO), all those holding the rank of Hon Lt(QGO) are to receive their disability element from the QGO rate table.

### **REFUSAL OF MEDICAL TREATMENT**

03008. Where an individual suffering from a disability accepted as attributable or aggravated by military service refuses to undergo an operation or other medical treatment, which in the opinion of the service medical authorities would cure the disability or reduce the degree of disablement, the disability element of his pension may be reduced to the percentage which his condition would improve to if he were to undergo such treatment.

### **RATES OF DISABILITY ELEMENT**

03009. The rates of disability element are laid down in the annual Directed Letter for the GPS.

03010. Pensioners discharged on or before 31 Dec 85 are to have the post 1986 rules applied to them.

(D/AG Sec 527/3 dated 22 Oct 98)

### **CONSTANT ATTENDANCE ALLOWANCE**

03011. The grant of constant attendance allowance is subject to the condition that the pensioner actually employs an attendant to look after him. The allowance will not be payable for any period during which the pensioner is an inmate or inpatient of a Government institution or hospital.

03012. For those going on discharge the medical consultant is responsible for sanctioning the allowance at the time the % disability is assessed.

03013. Constant attendance allowance is for 100% disability cases only. The allowance may be granted if in the opinion of the medical consultant the individual needs the services of a constant attendant for at least a period of 3 months, and the need arises solely from the condition of the accepted disability. A reduced award may be made if the disability is wholly or partly due to the individual's own serious negligence or misconduct.

**(PRA(I) 1961 Part 1 Reg 189)**

03014. Payment of constant attendance allowance will be made in arrears along with the disability pension proper. Payment will be made on the basis of a declaration as at Annex B.

03015. The current rate of constant attendance allowance is shown at Annex A. This rate is payable to all recipients and is fixed for the period of the CPC, i.e. it is not indexed.

(MOD letter D/AG Sec 2/31/35/5 dated 1 Feb 88)

**GRANT OF INVALID PENSION AND GRATUITY - NON ATTRIBUTABLE**

03016. GCOs, QGOs (including those granted honorary rank) and soldiers who are invalided out of the service on account of causes neither attributable to nor aggravated by military service, on or after 1 Apr 64, will be granted an invalid pension or gratuity at the scale laid down in Annex C.

03017. Rank for assessment of an invalid pension will be the same as for the assessment of service pension.

03018. For individuals invalided out of the service while holding higher paid acting rank, the invalid gratuity will be assessed on the basis indicated below:

- a. If the higher paid acting rank is held for less than 3 years the gratuity will be assessed on the basis of pay of the substantive rank plus 50% of the difference between the pay of the higher paid acting rank and the substantive rank.
- b. If the higher paid acting rank is held for a period of 3 years or more, the gratuity will be assessed on the basis of the higher paid rank.

(MOD(Army) A/7/Gen/1454 F3c(i) (AD) dated 9 Apr 69)

**SPECIAL PENSION - BLIND GURKHA SOLDIERS (Including GCOs and officers granted honorary rank)**

03019. An ex-serviceman who is precluded from earning his livelihood on account of total or partial blindness caused as a result of his Army service will be awarded a special pension. This special pension will be administered by OC BG Pokhara in consultation with DCOS, HQ BGN on the merits of each case. It will be payable in addition to a disability pension or any other pension admissible under the normal pension rules.

03020. SPVA Gurkha Pensions will report all such cases to the OC BG Pokhara or OC BGN Kathmandu supported by a copy of the proceedings of the invaliding medical board, and a copy of the pension authority showing that the blindness of the serviceman has been accepted as attributable to military service. In cases where the blindness is temporary, and the soldier concerned is to be brought before a medical review board, the continuance of the special pension will depend on the recommendations of the board and the decision of OC BG Pokhara or OC BGN Kathmandu.

(MOD A/7/Gen/1454 F2(AD) dated 15 Jan 70)

03021. The current rate of the special pension for blind Gurkha soldiers is shown at Annex A.

## **PENSIONARY AWARDS WHEN THE DEGREE OF DISABLEMENT IS RE-ASSESSED BELOW 20 PER CENT - GCO, QGO, GURKHA SOLDIERS**

03022. An individual who was in receipt of a disability pension may be granted pension as under, when the accepted degree of disability is re-assessed at less than 20%.

- a. If his qualifying service on the date of discharge/retirement was 10 years or more, but less than 15, he may be granted a pension proportionate to the minimum service pension at the substantive rank held at the time of discharge. The calculation being in the ratio that the completed years of qualifying service bears to 15, but in no case less than the minimum rate of pension laid down at Paragraph 01005 to Section 1, Chapter 1, of this manual.

**(PRA(I) 1961 Part 1 Reg 186a)**

- b. If his qualifying service is 15 years or more, pension is assessed on the substantive rank held at the date he was discharged and the qualifying service up to that date.
- c. For QGOs and Gurkha soldiers with less than 10 years qualifying service the service element of disability pension will be made permanent, provided the qualifying service for which the service element was granted was 5 years or more.

**(Indian Army Order 473/1968)**

## **REVIEW MEDICAL BOARDS**

03023. Officers and soldiers of the Brigade of Gurkhas who are initially granted a temporary disability pension, or a disability element of a pension, are to be treated in the same manner as a disability considered incapable of improvement. That is to say that where the degree of disability is assessed at the same percentage on the basis of 3 successive medical boards the disability pension, or disability element of pension is to be approved for a period of 10 years in the first instance. Where the percentage disability remains unchanged after this amount of time the disability pension, or disability element of pension may be converted to a life disability pensionary award.

03024. This arrangement will apply irrespective of when the individual became non-effective but the initial award of a period of 10 years shall only be authorised where the third or subsequent medical board was held on or after 30 Aug 76. The Indian arrangements laid down for medical reviews<sup>1</sup> were changed from 2005:

- a. Injury cases the assessment from the release medical board would be treated as final.
- b. Disease cases:
  - (1) Where the disability is of a permanent nature the assessment from the release medical board would be treated as final.
  - (2) Where the disability is not of a permanent nature there is to be only one review at a specified time, and then the award will become final. This effectively

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<sup>1</sup> Govt. of India MOD No. 1(2)/2002/D(Pen-C) dated 01.09.2005 & 31.05.2006

means there is no longer a requirement for any GPS medical review boards due to the passage of time since discharge of any such personnel.

03025. It remains open to the pensioner to apply for a review at any time if he considers that his degree of disability has increased. The changes under 7 CPC at paragraph 03030 have created three broad bands of disability percentage and so no advantage will come from a review unless it crosses into another band:

- a. In Nepal by the RMO in HQ BGN and any recommendation the RMO makes should be sent to Gurkha Pensions in Glasgow who will ask the APC's Consultant in Occupational Medicine to agree any change - up or down - to the % disability.
- b. In the UK by the individual's GP and any recommendation the GP makes should be passed to Gurkha Pensions in Glasgow who will ask the APC's Consultant in Occupational Medicine to agree any change - up or down - to the % disability.

### **TRAVEL ALLOWANCE FOR DISCHARGED DISABILITY PENSIONER**

03026. The road allowance as authorised by MOD letter Sec 2(A)/31/6/1 dated 3 Sep 84 ceased to be payable from 31 Dec 99 as detailed in Section 1, Chapter 1, of this manual.

### **METHOD OF CLAIM**

03027. Guidance notes for the completion of disability claims and the forms to be used are contained in Annex D.

### **ASSESSMENT OF PENSION**

03028. Gurkha Pensions, SPVA(G) are responsible for assessing the rate of the disability pension and any additional allowances. The % disability awarded by the medical consultant is to be rounded on a 4/5 split to the nearest 0 to determine the rate of disability element to be awarded, e.g. 24% becomes 20% and 25% becomes 30%.

### **MINIMUM RATE OF DISABILITY PENSION**

03029. The minimum rate of disability pension will be determined by the status of the individual concerned. All personnel are protected by the minimum level of the service element of the disability pension which is ICR 7599.53 at 1 Apr 07. To this has to be added the 20% rate of disability element according to status. As an example the table below shows the minimum levels of disability pension effective wef 1 Apr 07 after PI:

Status	Minimum Service Element	20% Disability Element	Minimum Disability Pension
GCO	7599.53	1549.71	9149.24
QGO	7599.53	1132.48	8732.01
GOR	7599.53	923.86	8523.39

It should be noted that this is for illustrative purposes as it is very unlikely that GCOs, QGOs or the more senior GORs would have insufficient service to require the minimum service element to be applied.

**7 CPC**

03030. Under 7 CPC the previous three groupings by rank for the disability element of pensions has changed, and there is now a rate for each rank. In addition, the percentages of disability have been consolidated into three broad bands as follows:

Accepted Percentage of Disability	Percentage to be Reckoned for Computation of Disability Element
20% or more but less than 50%	50%
Between 50% to 75%	75%
Between 76% to 100%	100%

**ANNEX A TO**  
**CHAPTER 3**

**CONSTANT ATTENDANCE ALLOWANCE AND SPECIAL PENSION FOR BLIND**  
**GURKHA SERVICEMEN**

**Rates of Constant Attendance Allowance – set by each CPC**

Rate
ICR 300.00 per month (wef 1 Jan 86).
ICR 600.00 per month (wef 1 Jan 96).
ICR 3000.00 per month (wef 1 Jan 06)
ICR 4500.00 per month (wef 1 Jan 16)

**Rates of Special Pension for Blind Gurkha Servicemen**

Rate	Authority
ICR 15.00 per month (on or before 31 Dec 85)	
ICR 50.00 per month (wef 1 Jan 86)	
ICR 500.00 per month (wef 1 Oct 01)	IMOD letter No 12 SB(8)/52-2001/958/D(Res) dated 16 Nov 01
ICR 4000 (wef 1 Jun 17)	IMOD letter No 161/KSB/Policy/SPL PEN/C dated 8 Jun 17

**DECLARATION FOR PURPOSES OF DRAWING**  
**CONSTANT ATTENDANCE ALLOWANCE**  
**(GCO, QGO, SOLDIERS)**

**NB.** Any person wilfully making a false declaration is liable to prosecution.

**Name of Pensioner:**.....

**Address:**.....

**Personal Number:**..... **Rank:**.....

**Regiment, Corps or Service:**.....

**Pension Circular Number:**..... **Serial No:**.....

**Disability/Disabilities for Which Pension is in Issue:**.....

**Rate of Constant Attendance Allowance:**.....

Particulars of any period spent as an inmate or in-patient of a Government hospital or institution since the allowance was last drawn:

- a. **Date of Admission to Hospital or Institution:**.....
- b. **Date of Discharge from Hospital or Institution:**.....
- c. **Address of Hospital or Institution:**.....  
.....

**DECLARATION**

I hereby declare that I am the pensioner ascribed above, that the particulars given on this form are true, and that for a period, viz, ..... to .....

for which I now claim Constant Attendance Allowance:

- a. I was not an inmate or in-patient of a Government Hospital or Institution.
- b. I actually employed Shri ..... son of

Shri ..... paid attendant to look after me, such attendance having been necessitated by disability/disabilities for which I am drawing the disability pension.

Shri ..... is not related to me in any way. I further declare that I understand that I am not entitled to receive Constant Attendance Allowance for any period, during which the foregoing conditions are not fulfilled.

**Date:**.....

**Pensioner's Signature:**.....

**ANNEX C TO  
CHAPTER 3**

**SCALE OF INVALID PENSION/GRATUITY WEF 1 APR 63**

<b>Ser</b>	<b>Length of Service</b>	<b>Scale of Invalid Pension/Gratuity</b>
<b><u>Gurkha Commissioned Officers</u></b>		
1	20 years or more	Retiring pension as admissible under the normal rules.
2	10 years or more but less than 20 years.	Invalid pension at the percentage detailed below of the service element of a disability pension that would have been admissible were disablement attributable to or aggravated by military service. For GCOs invalidated after 1 Apr 00 an invalid pension equal to the service pension entitlement detailed in Chapter 1 using the new abatement method.
<b><u>Queen's Gurkha Officers and Soldiers Including Those Granted Honorary Rank</u></b>		
3	15 years or more	Service pension as admissible under the normal rules.
4	10 years or more but less than 15 years.	Invaliding pension proportionate to the minimum service pension appropriate to the individual's rank in the ratio that the years of qualifying service rendered by him bear to 15, but in no case less than the minimum rate of pension as detailed in Paragraph 01005 to Section 1, Chapter 1 of this manual.
5	Less than 10 years	Invalid gratuity equal to one months pay of the substantive rank last held for each year of service.

**Note:**

Pay for the purpose of assessment of invalid gratuity in respect of QGO and GOR will be as defined in regulation 141 of Pension Regulations for the Army (India) Part 1 (1961).

**Percentage of Service Element**

<b>Service Years</b>	<b>Capt</b>	<b>Maj</b>
10	60	60
11	60	60
12	65	65
13	65	65
14	66	70
15	66	101
16	71	101
17	75	103
18	79	109
19	84	115

**ANNEX D TO**  
**CHAPTER 3**

**GUIDANCE NOTES FOR THE COMPLETION OF FORMS**

1. This Annex is yet to be issued. In the interim the procedures laid down in ROIG Chapter 23 are to be followed.
2. The form at Appendix 2 to Annex B, Chapter 2, of this manual was used for processing disability cases.