

# **THE AIR FORCE ACT**

## **PENSIONS AND GRATUITIES CODE**

**1981**

# THE AIR FORCE ACT

REGULATIONS made by the President under sections 29 and 155 of the Air Force Act (Chapter 359) read with Article 44 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

President

Colombo,

1987

## Regulations

1. These regulations may be cited as the Air Force - Pensions and Gratuities Code, 1981 and shall be deemed to have come in to effect on September 1, 1981.

## PART I

### OFFICER'S PENSIONS

2. (1) An officer, who has completed not less than twenty years' reckonable service and who retires in terms of regulation 3 or in consequence of a decision that further employment is not available for him, may be granted a pension in accordance with the provisions of regulation 4.  
(2) An officer who retires voluntarily under the age of forty shall not be eligible for a pension.  
(3) Where an application to retire voluntarily is made by an officer who would, if he retires, be eligible for a pension or a gratuity, the Secretary, Ministry of Defence in consultation with the Commander of the Air Force may refuse such application, if in the opinion of the President the retirement is prejudicial to the interests of the Air Force.
3. (1) An officer other than an officer who is commissioned in the Regular Air Force when he is over thirty years old shall retire if not promoted to the substantive rank of Squadron Leader by his 45th year of age or to the substantive rank of Wing Commander by his 50th year of age.  
(2) Subject to the other provisions of this regulation, an officer shall retire on the expiry of such period in the substantive rank he holds as is specified below if he is not promoted to the next higher substantive rank within that period:-

Substantive Rank	Period - Years
Flying Officer	6
Flight Lieutenant	11
Squadron Leader	10
Wing Commander	8
Group Captain	5
Air Commodore	4

- (3) Notwithstanding the provisions of paragraph (2), the Secretary, Ministry of Defence in consultation with the Commander of the Air Force, may retain the services of an Officer in any rank beyond the period stipulated for that rank in that paragraph, or beyond the age specified in respect of that rank in that paragraph, if, in the opinion of the President it is essential in the interests of the Air Force to do so.
  - (4) An Officer shall in any event retire at the age of 55 years.
  - (5) Notwithstanding anything to the contrary in this regulation the President may retain in service the Officer holding the appointment of the Commander of the Air Force beyond the age of fifty five years by extending his term of office or by re-appointing him, on retirement at the age of fifty five years as Commander of the Air Force.
  - (6) For the purpose of computation of service in any rank referred to in paragraph (2) the service of an Officer in a temporary or acting rank shall be reckoned as service in the substantive rank of such Officer during the period he holds such temporary or acting rank.
4. Subject as hereinafter provided, the pension payable on retirement to an Officer shall be calculated with effect from September 1, 1981 in accordance with the following formula:-

$$\frac{\text{Number of completed months of reckonable service} + 90 + \text{half the difference between age of retirement and 55 years}}{\quad} \times \text{Pay at Retirement}$$

660

Provided, however, that in no case shall the pension so payable to such Officer exceeds two-thirds of the pay drawn by him at retirement in the substantive or temporary rank, held by him.

5. Notwithstanding anything to the contrary in regulation 2, an Officer who was granted a commission in the Regular Air Force when he was over 23 years old and has, in consequence of his late entry, not completed 20 years reckonable service at the time of his retirement in the circumstances specified in regulation 3 or in consequence of a decision that further employment is not available for him, may, if he has completed at least fifteen years reckonable service and rendered satisfactory service be granted a pension in accordance with Regulation 4.
6. An officer who is retired on the ground that he has been suspended for promotion may, if he has at least twenty years reckonable service, and if his record of service has been, in the opinion of the Commander of the Air Force satisfactory, be granted a pension as if he has retired in consequence of a decision that further employment is not available for him.
7. (1) An Officer who is permitted to retire at his own request may if he has at least twenty years reckonable service, be granted a pension calculated as follows:-
  - (a) If he is, at the date of retirement, within two years of his date of compulsory retirement he may be granted a pension calculated in the manner provided in Regulation 4.
  - (b) If he is, at the date of retirement, not within two years' but within three years of his date of compulsory retirement, he may be granted ninety five per centum of the pension calculated in the manner provided in Regulation 4.
  - (c) If he is, at the date of retirement, not within three years of his date of compulsory retirement, he may be granted ninety per centum of the pension calculated in the manner provided in Regulation 4.
- (2) In this regulation 'date of compulsory retirement' means the date on which the officer, in accordance with the provisions of Regulations 3 (2) or 3 (4) is compulsorily retired either by virtue of his age or on completing the prescribed period of service in the rank, whichever is earlier.
8. (1) (a) Where an officer, who has not less than twenty years reckonable service is invalided due to causes not within his control, he may be granted a pension calculated in the manner provided in Regulation 4.
- (b) Where an officer, who has at least ten years but less than twenty years reckonable service is invalided for causes not within his control, he may be granted a pension calculated in the manner provided in Regulation 4, but, however the bonus addition of half the difference between the age or retirement and fifty five years will not be added on to the number of completed months of reckonable service.

- (2) Where an officer, who has not less than ten years' reckonable service is invalidated for causes wholly or partly within his control he, may, if his record of service is satisfactory, be granted a pension of an amount determined by the Minister in accordance with the provisions of regulation 30 such amount being not more than the amount of the pension for which such officer would have been eligible had his invaliding been due to causes not within his control.
9. Where an officer is compulsorily retired for unsuitability or inefficiency due to causes not within his control, he may, if he has not less than twenty years' reckonable service, be granted a pension in accordance with Regulation 4.
10. Where an officer is compulsorily retired for unsuitability or inefficiency due to causes within his control but not amounting to misconduct, he may, if he has not less than twenty years reckonable service and if his record of service is satisfactory, be granted a pension of an amount determined by the Minister in accordance with the provisions of regulation 30, such amount being not more than the amount of the pension for which such Officer would have been eligible had he been permitted to retire at his own request.
11. Where, for misconduct not involving moral turpitude, an Officer is compulsorily retired or is dismissed or cashiered he may if he has not less than twenty years reckonable service and if, in the case of retirement, his record of service is satisfactory or, in the case of dismissal, or cashiering his record of service is distinguished, be granted a pension of an amount determined by the Minister in accordance with the provisions of regulation 30, such amount being not more than ninety per centum of the pension for which such Officer would have been eligible had he been permitted to retire at his own request.

#### GRATUITIES

12. An Officer who on retirement or on being invalidated would be ineligible for a pension may, on the cessation of his service, be granted a gratuity in accordance with the following provisions:-
- (1) Where he is retired under the terms of regulation 3 or in consequence of a decision that further employment is not available for him or where he is permitted to retire at his own request, he may, if he has not less than ten years reckonable service, be granted a gratuity on the basis of one month's consolidated pay drawn at retirement for each complete year of service and 1/12th of one month's consolidated pay drawn at retirement for each complete month of reckonable service which falls short of one year.
  - (2) Where he is invalidated for causes not within his control, he may, be granted a gratuity on the basis of one month's consolidated pay drawn at retirement for each year of service and 1/12 th of one month's consolidated pay drawn at retirement for each month of reckonable service short of one year.
  - (3) Where he is invalidated for causes wholly or partly within his control, he may, if his record of service is satisfactory be granted a gratuity of an amount determined by the Minister in accordance with the provisions of regulation 30 such amount being not more than 5/6th of the gratuity for which he would have been eligible under paragraph (1).
  - (4) Where he is compulsorily retired for inefficiency due to causes not within his control, he may be granted a gratuity equal to 3/4th of the gratuity as computed under paragraph (1).
  - (5) Where he is compulsorily retired for inefficiency due to causes within his control but not amounting to misconduct, he may, if his record of service is satisfactory, be granted a gratuity of an amount determined by the Minister in accordance with the provisions of regulation 30 such amount being not more than 2/3rd of the gratuity for which he would have been eligible under paragraph (1).
  - (6) Where for misconduct not involving moral turpitude, he is compulsorily retired or is dismissed he may, if in the case of retirement, his record of service is satisfactory or in the case of dismissal, his record of service is distinguished be granted a gratuity of an amount determined by the Minister in accordance with the provisions of regulation 30 such amount being not more than 1/2 of the gratuity for which he would have been eligible under paragraph (1).

13. An Officer referred to in Regulation 10 may, at his option, be granted in lieu of a pension, a gratuity in accordance with sub-paragraph (5) of Regulation 12 and an Officer referred to in regulation 11 may, at his option, be granted in lieu of a pension, a gratuity in accordance with sub-paragraph (6) of Regulation 12.
14. (1) Where an Officer, who has completed five years reckonable service dies whilst in service, the dependants of such officer may be granted in addition to any award payable under the regulations relating to Disability Pension, the undermentioned award:-
- (a) The commuted gratuity which the deceased Officer would have been eligible to receive if he had been invalided for causes not within his control on the date of death and had exercised an option to commute his pension under regulation 27, or
- (b) A gratuity of an amount equal to one year's pay of the Officer at the time of his death whichever is the greater.
- (2) Where an officer, who has completed five years reckonable service, dies whilst seconded for service in any institution the dependants of such Officer may be granted in addition to any award payable under the regulations relating to disability pensions the under-mentioned award;
- (a) The commuted gratuity which the deceased Officer would have been eligible to receive if he had been invalided for causes not within his control on the date of death and had exercised an option to commute his pension under Regulation 27, or
- (b) A gratuity of an amount equal to one year's pay which the Officer would have drawn in the Regular Force at the date of death,
- whichever is greater.
- (3) Where on the retirement of an officer, he is awarded a pension which is not reduced under the provisions of Regulation 27 and if he dies thereafter, the dependants of such deceased officer may be granted in addition to any award payable under the regulation relating to Disability Pension, a gratuity not exceeding the sum, if any by which the aggregate of the pension and the allowances, if any drawn and due falls short of one years' pay drawn by the deceased officer at the time of retirement.

#### **Reckonable Service for Officers Pensions or Gratuities**

15. (1) The following service shall be reckonable service for a pension or gratuity of an officer:-
- (a) Service on full pay in the Regular Air Force;
- (b) One-half of any period of service in the Regular Air Force on half-pay or more but less than full pay;
- (c) Any period of full pay in the regular Army or Naval Force or any mobilised service in the Volunteer Force of the Army, Navy or Air Force as an Officer or soldier or seaman or airman, as the case may be;
- (d) reckonable service as an airman in terms of Regulation 24;
- (e) pensionable service of a public servant in a permanent office which has been declared to be pensionable by a notification published in the Gazette;

Provided that—

- (i) such public servant is commissioned from such permanent and pensionable office with the written approval of the Head of the Department in which he was employed, and
- (ii) such public servant has not forfeited the pension or gratuity due for such service by reason of his dismissal or on any other ground;

Provided further that where a public servant is commissioned while serving his probationary period in a permanent and pensionable office under Government, his service on probation in that office shall be reckoned as 'reckonable service' only if that service is continuous with his commissioned service in the Air Force.

"Pensionable service" shall mean service in the permanent and pensionable office and any previous service that is admissible along with the service in such office for pension or gratuity under Minutes on Pensions;

- (f) Service as a teacher that is reckoned as "Recorded Service" under Regulation 2 (ix) of the School Teachers' Pension Regulations.

Provided that—

- (i) Where any such period of recorded service has been terminated due to misconduct, the period or periods of recorded service prior to the date of such termination shall not be reckoned for pension or gratuity payable under these regulations.
  - (ii) Where contributions have not been made towards the pension in respect of any period of recorded service during which he was liable to contribute in accordance with the provisions of Regulation 5 of the School Teachers' Pension Regulations, the period of such recorded service shall be reckoned for pension or gratuity under these regulations, if and only if, he makes payment of the contributions due for such period to the Director-General of Education.
  - (iii) Where he has been refunded the contributions made by him under regulation 5 of the School Teachers' Pension Regulations in respect of any such period of recorded service, such period of recorded service shall be reckoned for pension or gratuity under these Regulations if and only if, he makes payment to the Director-General of Education of a sum equal to the contributions refunded to him.
- (g) Service on secondment where an officer is seconded for temporary employment in any Government sponsored Board or Corporation or similar institution under Government Control or to an office in the service of the Government to which Pension rights are not attached;

Provided that—

- (i) his secondment for such employment is authorised by the Secretary, Ministry of Defence;
  - (ii) his secondment for such employment with claim to pension is notified in the Gazette by the Secretary, Ministry of Defence; and
  - (iii) the pensionary contributions, if any, as may be determined from time to time by the Deputy Secretary to the Treasury, are credited to the consolidated Fund by the Board or Corporation or Institution or the Department of Government to which the officer is seconded for temporary employment;
- (h) service on secondment where an officer is seconded for service in a post under Government which pensionable under the Minutes on Pensions provided that such secondment is authorised by the Secretary, Ministry of Defence;
- (i) service under the Government as a daily-paid or temporary monthly-paid employee or as a permanent non-pensionable monthly-paid employee or in a full-time acting capacity in a pensionable office under the Government;

Provided however, that where any such period of service has been terminated due to misconduct, the period or periods of such service prior to the date of such termination shall not be reckonable for the purpose of the grant of a pension or gratuity under these regulations.

Provided further, that it shall be a condition for the reckoning of such service for pension or gratuity, that the sum of any bonus or award of other benefit, if any, paid to the credit of the employee's account by the Government under Section 14 of the Public Provident Fund Ordinance (Chapter 434), shall be refunded by the employee together with simple interest on such sum at four per centum per annum from the date he received payment of that sum.

- (j) Previous service as a state officer in a post which has been declared pensionable under the Minutes on Pensions, if such service has been terminated by resignation and his work and conduct during such period of service has been satisfactory.

- (2) (a) Where in respect of any reckonable service a gratuity has already been paid, it shall be a condition for the reckoning of such service for a pension or gratuity that the gratuity drawn shall be refunded. The refund shall be made on final discharge from the Air Force by a deduction from the award of pension or from the fresh award of the gratuity;

Provided, however that where a "War Gratuity" has already been paid from the United Kingdom Funds in respect of service during World War II between September 3, 1939, and August 15, 1946, such gratuity shall not be refunded.

- (b) Where in respect of any reckonable service, a pension has already been granted, it shall be a condition for the reckoning of such service for pension or gratuity that the pension granted shall cease from the date of re-commissioning.

### DISABILITY PENSIONS (OFFICERS)

16. (1) (a) An annual pension may on the recommendation of the Commander of the Air Force, be awarded in accordance with the scale set out hereunder to an officer in the event of disablement or in respect of an officer in the event of death, where such disablement or death is caused by illness is certified by an Air Force Medical Board and in all other cases, by a Board of Officers appointed for the purpose, to be attributable to Air Force Service or to the performance of duties under section 23 A of the Air Force Act, but so however that the aggregate amount of pension so awarded together with the Air Force service pension, if any, shall not exceed 50/60th of the rate of consolidated pay per annum.

Percentage of loss of earning capacity	20 per centum	30 per centum	40 per centum	50 per centum	60 per centum	70 per centum	80 per centum	90 per centum	100 per centum
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Flight Lieutenant or rank below that of Flight Lieutenant	585	875	1165	1460	1750	2040	2335	2625	2915
Squadron Leader	665	1000	1335	1665	2000	2335	2665	3000	3335
Wing Commander	835	1250	1665	2085	2500	2915	3335	3750	4165
Group Captain	1000	1500	2000	2500	3000	3500	4000	4500	5000
Air Commodore	1165	1750	2335	2915	3500	4085	4665	5250	5835
Air Vice Marshal	1335	2000	2665	3335	4000	4665	5335	6000	6665

- (b) An Officer in receipt of Disability Pension or who has already received a disability gratuity and who subsequently dies and if it is certified by an Air Force Medical Board that the death of the officer was attributable to Air Force Service or to the performance of non-Air Force duties under section 23 (a) of the Air Force Act or hastened by Air Force Service, the dependants of such officer shall receive an annual pension on the recommendation of the Commander of the Air Force, as laid down in paragraphs (2), (2) (a) or (b), (4) (a) or (b) or (5) as the case may be.

- (2) An annual pension may be awarded to the widow of a deceased officer in accordance with the following scale:-

	Re.
In case the deceased officer was Flying Officer or rank below that of Flying Officer	1500.00
Flight Lieutenant	1665.00
Squadron Leader	2335.00
Wing Commander	3000.00
Group Captain	3335.00
Air Commodore	4000.00
Air Vice Marshal	4670.00

- (3) An annual pension, subject to paragraph (15) be awarded in respect of the children of any deceased officer referred to in paragraph (2) in accordance with the following scale:-

	Rs.	cts.
(a) In case mother is alive-		
for each son (under 18 years of age)     ...     ...	400.00	
for each daughter (under 21 years of age) ...     ...	400.00	
(b) In case mother is dead-		
for each son (under 18 years of age)     ...     ...	665.00	
for each daughter (under 21 years of age) ...     ...	665.00	

- (4) (a) An annual pension may, subject to paragraph (17) be awarded to dependent parents of a deceased officer in accordance with the following manner:-

Pilot Officer  
Flying Officer  
Flight Lieutenant  
Squadron Leader  
Wing Commander  
Group Captain  
Air Commodore  
Air Vice Marshal

} Rs. 1165/- or 3/4 of the amount stated in paragraph (2) whichever is greater.

- (b) Where both parents are alive a pension shall be paid in equal shares to each parent . Where only one parent is alive the full pension shall be paid to that parent.

- (5) An annual pension may, subject to paragraph (18), be awarded to dependant brothers and sisters under 18 years of age of a deceased officer in accordance with following scale:-

In case the deceased officer was Flying Officer or rank below that of Flying Officer  
Flight Lieutenant  
Squadron Leader  
Wing Commander  
Group Captain  
Air Commodore  
Air Vice Marshal

} one person Rs. 375, more than one person an aggregate sum not exceeding 1/2 the amount stated in paragraph (2).

- (6) (a) In the event of disablement of less than twenty per centum a gratuity shall be payable to officers (irrespective of rank) provided such disablement is a measure of the permanent disablement. In such a case gratuities may be awarded as follows on the percentage of the permanent disablement.

	5 per centum less of earning capacity Rs.	10 per centum less of earning capacity Rs.	15 per centum less of earning capacity Rs.
Officers specified in paragraph (2)	565.00	1125.00	1690.00

- (b) Where a pension has been originally granted on a disablement of twenty per centum or over and the disablement subsequently drops below twenty per centum, a proportionate reduced pension based on the extent of the permanent disablement may be awarded at the following rates:-



# PROPORTIONATE REDUCED PENSION

(per annum)

## EXTENT OF PERMANENT DISABLEMENT

Percentage of loss of earning capacity	15 per centum	10 per centum	5 per centum
	Rs.	Rs.	Rs.
Flight Lieutenant or Flying Officer or rank below that of Flying Officer	440.00	290.00	145.00
Squadron Leader	500.00	335.00	165.00
Wing Commander	625.00	415.00	210.00
Group Captain	750.00	500.00	250.00
Air Commodore	875.00	585.00	290.00
Air Vice Marshal	1000.00	665.00	335.00

- (c) Where a gratuity has been originally awarded, on a disablement of less than twenty per centum in accordance with the provisions of Sub-Para (a) and the disablement subsequently rises to twenty per centum or exceeds twenty per centum a pension may be awarded from the date on which the increased disablement occurs in accordance with the rates laid down for disablement of twenty per centum and above, but any gratuity already awarded shall be revised to a reduced proportionate pension for the period commencing on the date following the date of cessation of pay and allowances and terminating on the date from which the new pension shall be payable. Where the total proportionate pension payable for this period falls short of the gratuity already paid, the difference shall be recovered from the new pension payable.
- (7) (a) Any officer who is retired with effect from January 1, 1982 and is eligible for a disability pension only, shall be paid in addition to such disability pension, a compensatory allowance of Rs. 400/- per mensem.
- (b) Any dependant who becomes eligible for a dependant award with effect from January 1, 1982 under regulation 16 shall in addition to such dependant award be paid a compensatory allowance of Rs. 400/- per mensem.
- (8) When an officer who is eligible for a pension or gratuity on the ground of disablement unreasonably refuses to undergo an operation or other medical treatment which in the opinion of the medical board is likely to remove wholly or otherwise reduce in degree such disablement, such pension or gratuity may be withheld wholly or in part.
- (9) Any wound, injuries or disease which is due to the misconduct of the officer concerned shall not be regarded as attributable to the conditions of service, and no pension or gratuity shall be payable in respect of disablement or death resulting therefrom.
- (10) Disablement or death which is due to a wound, injury or disease which is not attributable to conditions of service but which has been aggravated or accelerated thereby shall be regarded as attributable to the conditions of such service.
- (11) The pension payable to an officer may be reduced or withheld if such officer recovers partially or wholly from the disablement in respect of which such pension is paid.
- (12) The pension payable to the widow of an officer may be withheld if the widow re-marries; Provided, however, that where a pension is so withheld the pension payable in respect of the children, if any, of such officer may be increased to that payable under paragraph (3) (b).
- (13) Pension may be withheld from the widow of an officer:-
- (a) if she has married such officer after he received the wound or injury or contracted the disease from which he died, and
- (b) if at the time of marriage, she knew that the officer was suffering from such disability or disease.

- (14) Pension may be withheld from the widow of an officer who at the time of the death of such officer was separated from him, unless:-
- (a) such officer was at the time of his death contributing to her support, or
  - (b) such widow was entitled to support under a separation decree, maintenance order, or any duly executed deed of separation.
- (15) The pension payable to the daughter of a deceased officer shall cease upon the marriage of such daughter notwithstanding that she may be under the age of twenty one years.
- (16) The following provisions shall apply in the case of awards in respect of step-children, adopted children and illegitimate children:-
- (a) For a step-child the mother shall have married the officer before he sustained the wound or injury or before he resigned or was relegated to the Regular Air Force Reserve on account of the disease, and the child shall have been regularly maintained, by the officer up to the date of any award or up to the date of his death, as the case may be.
  - (b) For a legally adopted child, the child shall have been adopted by the officer before he sustained the wound or injury, or before he resigned or was relegated to the Regular Air Force Reserve on account of the disease, unless the child would, but for the adoption, have qualified for an allowance as a step-child or as an illegitimate child of the officer.
  - (c) For an illegitimate child, the child shall have been born before or within nine months after the date on which the officer sustained the wound or injury, or the date on which he resigned or was relegated to the Regular Air Force Reserve on account of the disease, and the child shall have been regularly maintained by the officer upto the date of any award, or upto the date of his death, as the case may be, or shall have been the subject of a maintenance order in force against the officer at the date of his death.
- (17) (a) The award of pension to a parent or parents may be made only if-
- (i) the deceased officer does not leave a widow or legitimate or illegitimate child, step-child or adopted child eligible for a pension; and
  - (ii) the parent or parents are in pecuniary need, and were wholly or mainly dependent on the deceased at the time of his death,
- (b) The pension of a parent who re-marries shall cease as from date of re-marriage-
- (18) The award to brothers and sisters may be granted only if-
- (a) the deceased did not leave a widow, legitimate or illegitimate child, step-child or adopted child of parent eligible for a pension; and
  - (b) the brothers and sisters were solely dependent on the deceased at the time of his death, and their pecuniary and other circumstances are such as, in the opinion of the Minister, would justify the grant.
- (19) (a) The pension payable to a person under any of the preceding provisions relating to disability awards shall be withheld during the period of imprisonment if such person is convicted by a Court of Law for any offence and sentenced to imprisonment. Payment of pension shall be resumed in full from the date of release from prison except-
- (i) Where the conviction was for treason; or
  - (ii) Where the conviction was for obtaining public money by fraud from the Government when not less than one-half of the restored pension shall be withheld until recovery of the amount obtained by fraud has been effected.
- (b) In the event however, of imprisonment of a disabled Officer who is in receipt of a pension, a sum not exceeding one-half of his pension may be paid to his wife or children provided he was not convicted for treason.

## PART

### AIRMEN'S PENSIONS

18. (1) An airman shall retire at the age of 55 years. A pension calculated in the manner provided in paragraph (2) of this regulation may be paid upon retirement to-
- (a) An airman transferred to the Regular Air Force Reserve or discharged otherwise than for misconduct or for inefficiency due to causes within his control if he has at least Twenty Two years of reckonable service.
- (2) Subject as hereinafter provided, pension payable upon retirement to an airman shall be calculated with effect from September 1, 1981 in accordance with the following formula:-

$$\frac{\text{Number of completed months of reckonable service} + 90 + \text{half the difference between age of retirement and 55 years}}{660} \times \text{Salary at Retirement}$$

660

Provided however, that in no case shall the pension payable to such airman exceeds two-third of the pay drawn by him at retirement in the substantive or temporary rank then held by him.

- (3) Notwithstanding anything to the contrary in paragraph (1) where an airman has been enlisted in the Regular Air Force when he was over 33 years old and such airman retires in the circumstances specified in paragraph (1) or in consequence of a decision that further employment is not available for him he may if he has completed fifteen years reckonable service and rendered satisfactory service, be granted a pension in accordance with paragraph (2).
19. (1) (a) Where an airman who has not less than Twenty Two years reckonable service is invalided due to causes not within his control as determined by an Air Force Medical Board he may be paid a pension calculated in the manner provided in Regulation 18 (2).
- (b) Where an airman who has at least twelve years but less than twenty two years reckonable service is invalided for causes not within his control as determined by an Air Force Medical Board, may be granted a pension calculated in the manner provided in Regulation (18) 2 but however the bonus addition of half the difference between the age of retirement and fifty five years will not be added on to the number of completed months of reckonable service.
- (2) Where an airman who has not less than twelve years' reckonable service is invalided due to causes, wholly or partly within his control as determined by an Air Force Medical Board, he may, if his record of service is satisfactory, be granted a pension of an amount determined by the Minister in accordance with the provisions of regulation 30 such amount being not more than the amount of the pension for which such airman would have been eligible had his invaliding been due to causes not within his control.
20. Where an airman is discharged for inefficiency due to causes within his control, he may, if he has not less than twenty two years' reckonable service and if his record of service is creditable, be granted a pension of an amount determined by the Minister in accordance with the provisions of regulation 30 such amount being not more than the amount of pension for which such airman would have been eligible had he been discharged otherwise than for misconduct or with ignominy or for inefficiency due to causes within his control.
21. Where an airman is discharged for misconduct or with ignominy and the circumstances leading to the discharge do not involve moral turpitude, he may, if he has not less than twenty two years' reckonable service and if his record of service is distinguished, be granted a pension of an amount determined by the Minister in accordance with the provisions of regulation 30 such amount being not more than ninety per centum of the pension for which such airman would have been eligible had he been discharged, otherwise than for misconduct or with ignominy or for inefficiency due to causes within his control.

## GRATUITIES

22. An airman who would on discharge or on being invalided be ineligible for a pension may, on cessation of his service, be granted a gratuity in accordance with the following provisions:-
- (1) Where he is discharged otherwise than for inefficiency due to causes within his control, or for misconduct or with ignominy, may if he has not less than ten years reckonable service immediately preceding the discharge be granted a gratuity computed on the basis of one month's pay drawn at the date of discharge for each complete year of service and 1/12th of one month's pay for each complete month of reckonable service which falls short of one year;
  - (2) where he is invalided for causes not within his control he may be granted a gratuity for which he would have been eligible under paragraph (1);
  - (3) Where he is invalided for causes wholly or partly within his control, he may, if his record of service is satisfactory be granted a gratuity of an amount determined by the Minister in accordance with the provisions of regulation 30 such amount being not more than 5/6th of the gratuity for which he would have been eligible under paragraph (1).
  - (4) Where he is compulsorily retired for inefficiency due to causes not within his control, be granted a gratuity equal to 3/4th of the gratuity for which he would be eligible as computed under paragraph (1);
  - (5) Where he is discharged for inefficiency due to causes within his control, if his record of service is creditable, be granted a gratuity of an amount determined by the Minister in accordance with the provisions of regulation 30 such amount being not more than 2/3rd of the gratuity for which he would be eligible under paragraph (1);
  - (6) Where he is discharged for misconduct or with disgrace and the circumstances leading to the discharge do not involve moral turpitude, he may, if his record of service is distinguished, be granted a gratuity of an amount determined by the Minister in accordance with the provisions of regulation 30 such amount being not more than 1/2 of the gratuity for which he would be eligible under paragraph (1);
23. (1) Where an airman who has completed five years reckonable service, dies whilst in service, the dependants of such airman may be granted in addition to any award payable under the regulation relating to disability pensions the undermentioned award:-
- (a) The commuted gratuity which the deceased airman would have been eligible to receive if he had been invalided for causes not within his control on the date of his death and had exercised an option to commute his pension under Regulation 27; or
  - (b) A Gratuity of an amount equal to one year's pay drawn by him at the time of his death, whichever is greater.
- (2) Where an airman who has completed five years reckonable service dies whilst seconded for service in any institution the dependants of such airman may be granted in addition to any award payable under the regulation relating to disability pensions the under-mentioned award:-
- (a) The commuted gratuity which the deceased airman would have been eligible to receive if he had been invalided for causes not within his control on the date of death and had exercised an option to commute his pension under regulation 27; or
  - (b) The gratuity of an amount equal to one year's pay which the airman would have drawn in the Regular Force at the date of death, whichever is greater.
- (3) Where at the retirement of an airman, he is awarded a pension which is not reduced under the provisions of regulation 27 and if he dies thereafter, the dependants of such deceased airman may be granted in addition to any award payable under the regulation relating to Disability Pensions, a gratuity not exceeding the sum if any, by which the aggregate of the pension and allowance, if any drawn and due falls short of one year's pay drawn by the deceased airman at the time of retirement.

## RECKONABLE SERVICE FOR ARMEN'S PENSIONS OR GRATUITIES

24. (1) The following service shall be reckonable service for a pension or gratuity of an airman:-
- (a) Unforfeited full-pay service in the Regular Air Force;
  - (b) One-half of any period of unforfeited service in the Regular Air Force on half-pay or more but less than full-pay;
  - (c) Previous unforfeited full pay or mobilised service in the Armed Force of the British Commonwealth or previous unforfeited full-pay or mobilised service in the Sri Lanka Defence Force and/or service on full-pay in the regular force of the Sri Lanka Army or Navy and any period of mobilised service in the Volunteer Force of the Sri Lanka Army or Sri Lanka Navy or Sri Lanka Air Force as an officer or as a soldier, seaman or airman, as the case may be or service on full-pay in the Sri Lanka Air Force Regular Reserve;
  - (d) Service as a Commissioned Officer which is considered to be reckonable service under Regulation 15;
  - (e) Pensionable service of a public servant in a permanent office which has been declared to be pensionable by a notification published in the Gazette;

Provided that—

- (i) such public servant is enlisted from such permanent and pensionable office with the written approval of the Head of the Department in which he was employed, and
- (ii) such public servant has not forfeited the pension or gratuity due for such service by reason of his dismissal or on any other ground;

Provided further that where a public servant is enlisted while serving his probationary period in a permanent and pensionable office under Government, his service on probation in that office shall be reckoned as "reckonable service" only if that service is continuous with his service in the Air Force.

"Pensionable Service" shall mean service in the permanent and pensionable office and any previous service that is admissible along with the service in such office for pension or gratuity under the Minutes on Pensions;

- (f) Service as a teacher that is reckoned as "Recorded Service" under Regulation 2 (ix) of the School Teachers' Pension Regulations;

Provided that -

- (i) Where any such period of recorded service has been terminated due to misconduct, the period or periods of recorded service prior to the date of such termination shall not be reckoned for pension or gratuity payable under these regulations.
- (ii) Where contributions have not been made towards the pension in respect of any period of recorded service during which he was liable to contribute in accordance with the provisions of regulation 5 of the School Teacher's Pension Regulations the period of such recorded service shall be reckoned for pension or gratuity under these regulations, if and only if, he makes payment of the contributions due for such period to the Director-General of Education,
- (iii) Where he has been refunded the contributions made by him under regulation 5 of the School Teachers' Pension Regulations in respect of any such period of recorded service, shall be reckoned for pension or gratuity under these regulations if and only if, he makes payment to the Director-General of Education of a sum equal to the contributions refunded to him.

- (g) Service on secondment where an airman is seconded for temporary employment in any Government Sponsored Board or Corporation or similar institution under Government control or to an office in the service of the Government to which pension rights are not attached:

Provided that -

- (i) his secondment for such employment is authorised by the Secretary, Ministry of Defence;
- (ii) his secondment for such employment with claim to pension is notified in the Gazette by the Secretary, Ministry of Defence; and
- (iii) the pensionary contributions, if any, as may be determined from time to time by the Deputy Secretary to the Treasury are credited to the consolidated Fund of Sri Lanka by the Board or Corporation or Institution or the Department of Government to which the airman is seconded for temporary employment;

- (h) Service on secondment where an airman is seconded for service to a post under Government which is pensionable under the Minutes on Pensions provided that such secondment is authorised by the Secretary, Ministry of Defence;

- (i) Service under the Government as a daily paid or temporary monthly paid employee or as a permanent non-pensionable monthly paid employee or in a full time acting capacity in a pensionable office under the Government;

Provided however that where any such period of service has been terminated due to misconduct, the period or periods of such service prior to the date of such termination shall not be reckoned for the purpose of the grant of a pension or gratuity under the regulations;

Provided further that it shall be a condition for the reckoning of such service for pension or gratuity that the sum of any bonus or award or other benefit, if any paid to the credit of the employee's account by the Government under section 14 of the public Service Provident Fund Ordinance (Chapter 434) shall be refunded by the employee together with simple interest on such sum at four per centum per annum from the date he received payment of that sum;

- (j) Previous service as a State Officer in a post which has been declared pensionable under the Minutes on Pensions if such service has been terminated by resignation and his work and conduct during such period of service has been satisfactory.

- (2) (a) Where in respect of any reckonable service a gratuity has already been paid, it shall be a condition for the reckoning of such service for pension or gratuity that the gratuity drawn shall be refunded. The refund shall be made on final discharge from the Air Force by a deduction from the award of pension or from the fresh award of the gratuity;

Provided, however that where a "War gratuity" has already been paid from the United Kingdom funds in respect of service during World War II between September 3, 1939 and August 15, 1946, such gratuity shall not be refunded.

- (b) Where in respect of any reckonable service a pension has already been granted, it shall be a condition for the reckoning of such service for pension or gratuity that the pension granted shall cease from the date of re-enlistment.

- (3) The following periods shall not be reckoned as reckonable service for the purpose of calculating a pension or gratuity to an airman:-

- (a) In the case of a deserter, the full period of service;
- (b) Service forfeited by fraudulent enlistment;
- (c) Service forfeited by a sentence of Court Martial;
- (d) Service on days of absence for which ordinary pay has been forfeited;
- (e) Past service in the Sri Lanka Army or Sri Lanka Navy or mobilised service in the Volunteer and Regular Reserve which has been terminated with ignominy.

Provided however that the preceding provisions of this paragraph shall not apply in any case where the forfeited service has been restored to him by the Commander of the Air Force.

### DISABILITY PENSIONS (AIRMEN)

25. (1) (a) An annual pension may, on the recommendation of the Commander of the Air Force, be awarded in accordance with the scale set out hereunder to an airman in the event of disablement or in respect of an airman in the event of death, where such disablement or death, is caused by illness, if certified by the Air Force Medical Board and in all other cases by a Board of Officers appointed for the purpose, to be attributable to Air Force service, or to the performance of duties under section 23 A of the Air Force Act; but so however, that the aggregate amount of pension so awarded together with the Air Force service pension, if any, shall not exceed 50/60th, of the rate of consolidated pay per annum.

Percentage of loss of earning capacity	20 per centum Rs.	30 per centum Rs.	40 per centum Rs.	50 per centum Rs.	60 per centum Rs.	70 per centum Rz.	80 per centum Rs.	90 per centum Rs.	100 per centum Rs.
Aircraftman of Equivalent Leading aircraftman or equivalent	280	420	565	705	845	985	1130	1270	1410
Corporal or Equivalent	305	445	590	730	870	1010	1155	1295	1435
Sergeant or Equivalent	330	470	615	755	895	1035	1180	1320	1460
Flight Sergeant or Equivalent	355	495	640	780	920	1050	1205	1345	1485
Warrant Officer or Equivalent	405	545	690	830	970	1110	1255	1395	1535

- (b) An airman who was in receipt of a disability pension or who had already received a disability gratuity and who subsequently dies, and if it is certified by an Air Force Medical Board that the death of this airman was attributable to Air Force service or to the performance of non-Air Force duties under section 23 A of the Air Force Act, or hastened by Air Force Service, the dependants of such airman shall receive an annual pension on the recommendation of the Commander of the Air Force in accordance with the scales as laid down in paragraph (2), (3) (a) or (b), (4) (a) or (b) or (5), as the case may be;

- (2) An annual pension may be awarded to the widow of a deceased airman in accordance with the following scales:-

In case deceased airman was -

Aircraftman or equivalent rank	975/-
Corporal or equivalent rank	1040/-
Sergeant or equivalent rank	1105/-
Flight Sergeant or equivalent rank	1170/-
Warrant Officer or equivalent	1300/-

- (3) An annual pension may, subject to paragraph 16 (15) be awarded in respect of the children of any deceased airman referred to in paragraph (2) in accordance with the following scale:-

- (a) In case the mother is alive--
- |   |       |
|---|-------|
| for each son (Under 18 years of age)      | 325/- |
| for each daughter (under 21 years of age) | 325/- |
- (b) In case the mother is dead--
- |   |       |
|---|-------|
| for each son (under 18 years of age)      | 650/- |
| for each daughter (under 21 years of age) | 650/- |

- (4) (a) An annual pension may, subject to paragraph (17) of Regulation 16 be awarded to dependant parent of a deceased airman in accordance with the following scale:-

In case deceased airman was Aircraftman or equivalent rank,  
Leading Aircraftmen or equivalent rank, Corporal or equivalent rank,  
Sergeant or equivalent rank, Flight Sergeant or equivalent rank,  
Warrant Officer or equivalent rank.

540/-

- (b) Where both parents are alive the pension shall be paid in equal shares to each parent. Where only one parent is alive the full pension shall be paid to that parent.

- (5) An annual pension may, subject to paragraph (18) of Regulation 16, be awarded to the dependent brothers and sisters under 18 years of age of a deceased airman in accordance with the following scale:-

In case deceased airman was Aircraftman or equivalent rank, Leading Aircraftman or equivalent rank, Corporal or equivalent rank, Sergeant or equivalent rank, Flight Sergeant or equivalent rank, Warrant Officer or equivalent rank.	}	In the case of one person only Rs. 215/- In case of more than one person Rs. 430/-
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- (6) (a) In the event of a disablement of less than twenty per centum, a gratuity shall be payable to airman (irrespective of rank) provided such disablement is a measure of the permanent disablement. In such a case gratuities may be awarded in accordance with the following scales on the percentage of the permanent disablement:-

	5 per centum loss of earning capacity Rs.	10 per centum loss of earning capacity Rs.	15 per centum loss of earning capacity Rs.
Any airman specified in para (2) other than a Warrant Officer	305	610	915
Warrant Officer	350	700	1050

- (b) Where a pension has been originally granted on a disablement of twenty per centum or over, and the disablement subsequently drops below twenty per centum, a proportionate reduced pension based on the extent of the permanent disablement may be awarded in accordance with the following scale:-

#### PROPORTIONATE REDUCED PENSION

(per annum)

#### EXTENT OF PERMANENT DISABLEMENT

Percentage of loss of earning capacity	5 per centum Rs.	10 per centum Rs.	15 per centum Rs.
Aircraftman or equivalent rank, Leading Aircraftman or equivalent rank.	70	140	210
Corporal or equivalent rank	75	150	225
Sergeant or equivalent rank	85	170	255
Flight Sergeant or equivalent rank	90	180	270
Warrant Officer or equivalent rank	100	200	300

- (c) Where a gratuity has been originally awarded on a disablement of less than twenty per centum in accordance with the provisions of sub-paragraph (a) and the disablement subsequently rises to twenty per centum or exceed twenty per centum, a pension may be awarded from the date on which the increased disablement occurs in accordance with the rates laid down for disablement of twenty per centum and above, but any gratuity already awarded shall be received to a reduced proportionate pension for the period commencing on the date following the date of cessation of pay and allowance and terminating on the date from which the new pension shall be payable. Where the total proportionate pension payable for this period falls short of the gratuity already paid, the difference shall be recovered from the new pension payable.
- (7) (a) Any airman who is discharged with effect from January 1, 1982 and is eligible for a disability pension only shall be paid in addition to such disability pension a compensatory allowance of Rs. 325/- per mensem.
- (b) Any dependant who becomes eligible for dependent award with effect from January 1, 1982, under Regulation 25, shall in addition to such dependent award be paid a compensatory allowance of Rs. 325/- per mensem.



- (8) If an airman who is eligible for a pension or gratuity on the ground of disablement unreasonably refuses to undergo an Operation or other Medical treatment which in the opinion of the Medical Board is likely to remove wholly or otherwise reduce in degree such disablement, such pension or gratuity may be withheld wholly or in part.
- (9) Any wound, injury or disease which is due to misconduct of the airman concerned shall not be regarded as attributable to the conditions of service and no pension or gratuity shall be payable in respect of disablement or death resulting therefrom.
- (10) Disablement or death which is due to a wound, injury or disease which is not attributable to conditions of service but which has been aggravated or accelerated thereby shall be regarded as attributable to the conditions of such service.
- (11) The pension payable to an airman may be reduced or withheld if such airman recovers partially or wholly from the disablement in respect of such pension is paid.
- (12) The pension payable to the widow of an airman may be withheld if the widow re-marries;  
Provided however, that -  
Where the pension is so withheld, the pension payable in respect of the children, if any, of such airman may be increased to that payable under paragraph (3) (b).
- (13) Pension may be withheld from the widow of an airman-
- If she married such airman after he had received the wound or injury or contracted the disease from which he died; and
  - If at the time of the marriage she knew that the airman was suffering from such disability or disease.
- (14) Pension may be withheld from the widow of an airman who at the time of the death of such airman was separated from him unless -
- Such airman was at the time of his death contributing to her support, or
  - Such widow was entitled to support under a separation decree, maintenance order, or duly executed deed of separation.
- (15) The pension payable to the daughter of a deceased airman shall cease upon the marriage of such daughter notwithstanding that she may be under the age of twenty one years.
- (16) The following provisions shall apply in the case of awards in respect of step-children, adopted children and illegitimate children :-
- For a step child, the mother shall have married the airman before he sustained the wound or injury or before he was discharged on account of the disease, and the child shall have been regularly maintained by the airman up to date of any award to him, or up to the date of his death, as the case may be.
  - For a legally adopted child, the child shall have been adopted by the airman before he sustained the wound or injury, or before he was discharged on account of the disease, unless the child would, but for the adoption, have qualified for an allowance as a step-child or as an illegitimate child of the airman.
  - For an illegitimate child, the child shall have been born before or within nine months after the date on which the airman sustained the wound or injury, or the date on which he was discharged on account of the disease, and the child shall have been regularly maintained in whole or in part by the airman up to the date of any award, or up to the date of his death, as the case may be, or shall have been the subject of a maintenance order in force against the airman at the date of his death,.
- (17) (a) The pension payable to a person under any of the preceding provisions relating to disability awards shall be withheld, during the period of imprisonment, if such person is convicted by a Court of Law for any offence and sentenced to imprisonment. Payment of pension shall be resumed in full from the date of release from prison except :-
- Where the conviction was for treason ; or
  - Where the conviction was for obtaining public money by fraud from the Government when not less than one half of the restored pension shall be withheld until recovery of the amount obtained by fraud has been effected.
- (b) In the event however of imprisonment of a disabled airman who is in receipt of a pension, a sum not exceeding one half of his pension may be paid to his wife or children provided he was not convicted for treason.

**PART III**  
**GENERAL**

26. (a) An Officer or airman of the Volunteer Air Force seconded for full time service with the Regular Air Force and who is in receipt of full pay in like manner as though he were an Officer or airman of the Regular Air Force, shall during the period of such seconded service be deemed to be an Officer or airman of the Regular Air Force for the purposes of these Regulations.
- (b) An Officer or an airman of the Volunteer Force who has an aggregate of not less than ten years mobilised service at the time he is retired or discharged or transferred to the reserve on account of age or on completion of the prescribed service periods or on the recommendation of the Commander of the Air Force may be paid a gratuity on the same basis and same conditions as that of a member of the Regular Force.
27. (1) An Officer or airman to whom a pension is grantable in respect of his reckonable service may, at his option, be paid, in lieu of such service pension, a reduced pension and a gratuity on the same terms and conditions obtaining for public servants under section 2 A of the Minutes on Pensions, as may be amended from time to time by notification in the Gazette.
- (2) Notwithstanding anything to the contrary in these regulations, the pension awarded to any Officer or airman on or after January, 01, 1978 upto and including December 31, 1981 and whose pension is computed on the consolidated salary shall be increased in accordance with the provisions of the table attached to Schedule 'P' of the Minutes on Pensions published in Gazette Extra Ordinary of 293/12 of December 02, 1977.
- (3) Notwithstanding anything to the contrary in these regulations, the pension awarded to any Officer or airman on or after January 01, 1982 and whose pension is computed on the consolidated pay shall be paid a compensatory allowance at rates determined by the Government.
28. There shall be deducted from any pension or gratuity payable under the preceding regulations in respect of any Officer or airman any sum or sums due from such Officer or airman to the Government or to the Credit Council.
29. Cost of living allowance at rates determined by the Government shall be payable on any pension provided for under these regulations. Where a pension in respect of reckonable service is reduced in terms of the provisions of regulation 27 the allowances herein before mentioned shall be payable only on such reduced pension.
30. Where by virtue of the powers conferred by any of these regulations, the Minister determines the amount of a pension or gratuity to be granted to an Officer or airman, he shall take into consideration :-
- (a) the degree of culpability of that Officer or airman in respect of the causes of the cessation of his service ;
- (b) the need for assistance for the maintenance of that Officer or airman and his dependants, and
- (c) the ability of that Officer or airman to earn a livelihood for himself and his dependants.
31. (a) Where any airman who has been discharged from the Air Force or transferred to the Regular Reserve during the period commencing April 01, 1966, and ending on November 20, 1968, on the ground of his alleged political activities is reinstated in service then the period commencing on the date of his discharge from the Air Force or transfer to the Regular Reserve, as the case may be, and ending on the date of his reinstatement shall, notwithstanding anything to the contrary in these regulations, be reckoned as a period of service on full pay in the Regular Force for the grant of pension or gratuity.
- (b) Where any officer or airman who has been retired or discharged from the Air Force or transferred to the Regular Reserve during the period commencing on May 27, 1970 and ending on July 22, 1977 on the ground of his alleged political activities -
- (i) is reinstated in service, the period commencing on the date of his retirement or discharge from the Air Force or transfer to the Regular Force, as the case may be, and ending on the date of his reinstatement shall notwithstanding anything to the contrary in these regulations, be reckoned as a period of service on full pay for the grant of a pension or gratuity ;

- (ii) has, since the date of his retirement or discharge from the Air Force or transfer to the Regular Reserve, died during the period commencing on May 27, 1970 and ending on July 22, 1977, the period commencing on the date of his retirement or discharge from the Air Force or transfer to the Regular Reserve and ending on the date of his death may be reckoned as a period of service on full pay in the Regular Force for determining the quantum of any payment or benefit to be granted to the dependants of such officer or airman as are authorised by these regulations.
- (iii) is reinstated in service, the pension paid to the officer or airman during the period commencing on the date of his retirement or discharge from the Air Force or transfer to the Regular Reserve and ending on the date of his re-instatement or death, as the case may be, shall notwithstanding anything to the contrary in these regulations not be recovered from the pension payable to such officer, or dependants on his subsequent retirement, discharge or transfer in the Regular Reserve as the case may be.

32. Where, at the time of retirement or discharge of an Officer or Airman from the Air Force, proceedings were pending or contemplated against such Officer or Airman in respect of his negligence, irregularity or misconduct, the Minister may, if the findings in such proceedings so warrant, either withhold or reduce any pension or gratuity payable to such Officer or Airman under these regulations, provided however, that the Minister may, in his absolute discretion authorise the payment of a provisional pension to such Officer or Airman of such amount as may be determined by him from the date of the retirement of such Officer or Airman, as the case may be, until the findings in such proceedings are known. At any time before the findings are known, the Minister may discontinue such payment if in his opinion the circumstances so warrant.

The provisional pension paid under this proviso shall be recovered from any award payable under these regulations.

- 33. (i) If any person in the receipt of a pension shall be convicted of any offence for which he shall be sentenced to death or to any term of rigorous imprisonment or analogous punishment exceeding twelve months for an offence punishable under the Penal Code (Chapter 15) the payment of such pension or allowance shall be forthwith discontinued unless the Secretary to the Ministry of the Minister-in-Charge of the subject of Public Administration otherwise directs.
- (2) Where the Secretary to the Ministry of the Minister in charge of the subject of Public Administration is satisfied either on the report of a duly constituted Air Force/Civil Medical Board or on the certificate of a Registered Medical Practitioner and that of a Justice of the Peace, that an Officer or Airman to whom a pension or gratuity has been or is to be awarded is of unsound mind, he may-
  - (a) in a case where a Court of Competent Jurisdiction has appointed a pension to be in charge of such mentally disabled person pay such pension or gratuity to the person so appointed to be applied for the maintenance of the mentally disabled person and his family, and
  - (b) in case where no such appointment has been made, pay such portion of the pension or gratuity as he may think fit to the Institution or person having the care of such mentally disabled person and the balance to the dependants of such person.

34. In these regulations, unless the context otherwise requires -  
 'Active Service' 'Air Force' 'Air Force Training', 'Regular Air Force', 'Regular Air Force Reserve', 'Volunteer Air Force', 'Volunteer Air Force Reserve' shall have the same meaning respectively, as in the Air Force Act (Chapter 359) ;

'Airman' means an enlisted airman including a recruit;

'Officer' means Commissioned Officer and Cadet Officer;

'Pay' means the consolidated salary and all pensionable allowances drawn by an Officer or Airman at the date of retirement or discharge or at the time of death as the case may be.

'Secretary' means Secretary to Ministry of Defence ;

35. The Air Force Pensions and Gratuities Code, 1962, is hereby rescinded. Notwithstanding the repeal of that code, any Officer or Airman who retired or discharged or died prior to September 1, 1981, shall be paid a pension or gratuity or any award on the rates and conditions set out in the Air Force Pensions and Gratuities Code, 1962, as amended from time to time.