

To Secretaries of all Ministries,
Chief Secretaries of Provinces,
Head of Departments,
District Secretaries / Commanders of Three Armed Forces,
Divisional Secretaries,

Payment of Disabled and Orphans' Pension

These instructions are hereby issued in addition to the instructions indicated in the Pension Circular No. 01/2009 dated 07.01.2009 and Pension Circular No. 01/2009 (Revision I) dated 02.12.2020 issued by me to implement the payment process of disabled and orphans' pension in more efficient manner and also to grant benefits of pension to disabled children of demised pensioners.

02. When applications for the payment of disabled and orphans' pension are submitted to the Department of Pensions, action should be taken to obtain the recommendations of the Medical Board on the children, who are to be paid disabled and orphans pension, and then to submit the medical report to the Department of Pensions along with the relevant documents.

03. The application for the purpose of directing disabled children to a Medical Board has now been revised with the concurrence of the Director General of Health Services. It is hereby informed to submit the application in accordance with the new format included in annex 01 when directing the disabled children to the Medical Board.

04. When submitting applications, instructions indicated in annex 02 should be followed.

Sgd :

A. Jagath D. Dias

Director General of Pensions

Copies:

- | | |
|---|----------|
| 01. Secretary to the President | - F.I.P. |
| 02. Secretary to the Prime Minister | - F.I.P. |
| 03. Secretary , Ministry of Finance | - F.I.P. |
| 04. Secretary, Ministry of Public Administration, Home
Affairs, Provincial Councils and Local Government | - F.I.P. |
| 05. Auditor General | - F.N.A. |

Reference No.....

Date.....

Director General of Health Services,
Department of Health Services,
Suwasiripaya,
Colombo 10.

Directing a permanently disabled orphan to a medical examination for the payment of a lifelong pension

Mr./Mrs./Miss....., who is a child of Mr./Mrs....., a contributor to widows' and orphans' pensions scheme, has applied for a disabled orphans' pension. Therefore it is kindly requested to report whether he/she is a **permanently disabled person** directing the respective person to an examination conducted by a medical board.

1. Particulars of the applicant for the disabled orphans' pension: -

I. Name of the applicant :-

II. Number of the National Identity Card :-

(A photo certified either by the Divisional Secretary or a Staff Officer should be submitted in case where the applicant has not a NIC)

III. Age :-

IV Sex :-

V. Address :-

VI. Contact Number :-

VII. Nature of the disability as per 'Health 307' medical certificate :-

.....

- 2. The certificate issued by the District Medical Officer regarding the nature of disability is attached herewith.
- 3. Inform the disabled person directly the date of the medical examination. Take action to send me a copy of the same.
- 4. Indicate the date or the period of permanent disability.
- 5. When signing the medical report, kindly pay attention to indicate the date and place the official stamp containing the name of the Director of the hospital.

.....
Signature and official stamp of the Divisional Secretary/ Staff Officer

Copy :-
(Disabled person or Trustee)

Appear for the medical examination on the date prescribed by the Medical Superintendent. Kindly note that further action will be taken once the decision of the medical board is issued.

Communicate with the Department of Health Service, if the medical examination is delayed.

Directing disabled orphans of officers/ employees serving in public service to medical examination

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1. The legal background applied for the purpose of granting a disabled orphans' pension to the disabled children of a public servant holding a permanent and pensionable post in public service is as follows.

- 1.1. Section 29 of the Widows' and Orphans' Act No. 44 of 1981.
- 1.2. Section 13 of the Widowers' and Orphans' Act No. 24 of 1983.
- 1.3. Gazette Extraordinary No. 1719/3 dated 15 August 2011.

2. Extract from the Act

Section 29 and 13 – Payment of a lifelong pension to permanently disabled children

‘ Where a Medical Board comprising three medical officers appointed by the Director of Health Services determines that an orphan suffers from such physical or mental disability as renders him incapable of earning his livelihood, such orphan shall, irrespective of age, be entitled to a pension under this Ordinance during his life time.’

3. Matters to be taken into consideration when issuing the report of the medical board:-

The orphans up to their age of 26 years (Unemployed) are legally entitled to receive an orphans' pension after the demise of the public officer and spouse and the children suffering from a permanent disability are also entitled to a disabled orphans' pension. Therefore, a growing tendency is observed recently, where the children over age of 26 years make efforts to obtain disabled pension presenting various illnesses and disabilities. Under such circumstances, it is important to pay attention to the following matters identifying the difference between certain long term illnesses and permanent disabilities. .

- 3.1. Confirming the identity of the respective person.
- 3.2. Identifying clearly the permanent disabilities separating them from chronic diseases referring all clinical reports.
- 3.3. When granting your recommendation, attention should be paid to following,
 - 3.3.1. Granting recommendations only to the person with permanent disability after identifying separately the patient from disabled person
 - 3.3.2. Granting recommendations only the person suffers from physical or mental disability by birth or before going beyond the prescribed age of the orphan hood
- 3.4. If the disability is not a permanent but temporarily condition, it should be indicated clearly in the recommendation of the medical board.
- 3.5. Attention should be paid to clarify as to whether the disability is a genuine condition or a fake condition presenting after the demise of parents with the intension to receive a disabled pension. Therefore, all the data connecting to the clinical history should be taken into consideration in order to identify permanent disabilities separating them from chronic diseases.
- 3.6. If the illness is a condition, which can be cured by medical treatments, the period required for treatments should be indicated in the report and the patient should be directed to medical treatments.
- 3.7. The common disabilities, which are the result of aging, should also be included in the category 3.6 above.
- 3.8. If the person is married and having children, attention should be paid to verify whether the person is suffering further from permanent disability.

Particulars of the applicants of disabled pension

- I. Name of the applicant :-
- II. Number of NIC :-
- III. Age :-
- IV. Sex :-
- V. Address :-
- VI. Nature of the disability as per Health Form 307 :-
.....

Appointment of the Medical Board

My No:.....

To.....

...../...../20.....

You are hereby appointed as the chairman/ member of the medical board appointed to examine the health condition of the above mentioned person and report as to whether he/she is suffering from a physical or mental disability as renders him incapable of earning his livelihood.

Therefore, it is required to conduct meetings with the following members and examine and determine as to whether the person subjected to the medical examination is suffering from a physical or mental disability as renders him incapable of earning his livelihood

N.B. :- Since only those, who are suffering not from chronic diseases but from permanent disabilities are entitled to this right, thorough attention should be paid to the cases when reporting in this regard.

Members of the board

<u>Name with initials</u>	<u>Post</u>
1.
2.
3.

.....
Director General of Health Services

Report of the Medical Board

Part I

01. Name of the patient :-
02. Age :-
03. Sex :- Female Male
04. Number of NIC:-
05. Name of the member, who has been registered under W&OP scheme :-
06. W&OP no :-

Part II

01. Diagnosis of the disease / deformity :-
-
02. Brief history of the disease / deformity :-
03. Cause of the disease :-
04. Condition / complications of the disease (Describe the situation) :-
-
05. Is this a genetically determined disease? Yes No

If the answer is 'yes', complete question no 06.

If the answer is 'no', go to question no 07.

06. If the disease is fallen under genetically determined category, indicate as to whether the symptoms can be observed at present in clinical aspects.

Yes No

6.1 If the symptoms cannot be observed at the moment, after how many years should the person be called for a medical board?

After years

07. If it is not a genetically determined disease, indicate the age, in which the person infected

Age :- years

08. If it is not possible to determine the age of infection, fill the following as applicable

On or before the age of 26 years After the age of 26 years

09. Is this a curable disease ?

No.

Can be cured by medical treatments.

If incurable, answer the question no 10.

If curable by medical treatments, answer the question no 11.

10. If it is incurable disease/ deformity, what are the weakness observed ?

10.1 Physical weakness :Gross kinetic activities Fine kinetic activities

10.2 Vision

10.3 Hearing

10.4 Speaking

10.5 Cognitive function

11.

If the disease/ deformity can be cured by medical treatments,

11.1 Is the patient now being given medical treatments? Yes No

(If the answer is no, direct the patient to the relevant clinic for treatments)

11.2 Whether the patient is suffering at present from a disability as renders him incapable of earning his livelihood, even if he / she is under medical treatments.

Yes No

11.3 If answer is yes, indicate the activities which were hindered by the disability

11.3.1 Physical disability : Gross kinetic activities Fine kinetic activities

11.3.2 Vision

11.3.3 Hearing

11.3.4 Speaking

11.3.5 Cognitive function

11.4 How long will this disability remain?years

(If the Medical Officer recommends the pension to the patient, he / she should be directed again to a medical board after a specific period in order to consider his / her eligibility for pension and the gradual change occurs in the disease)

Part III

Final decision of the Medical Board

Having taken into consideration all the above facts, it is / is not determined that the patient is suffering from both physical and mental disability as renders him incapable of earning his livelihood. Therefore, it is / is not recommended a disabled orphans' pension to the patient for the life time / for years. The patient is due / is not due to be directed to a medical board after years.

It is hereby certified that Mr./Mrs./Miss. was submitted to the medical board at the Hospital on The Medical Board consisted of the following Medical Consultants.

Name of the Medical Consultant	Signature
01.
02.
03.

Part IV

The decision of the Medical Board is/is not approved

.....
Date Director/ Medical Superintendent

.....
Date Director General of Health Services

The set of instructions pertaining to the process to be followed when directing applicants of disabled orphans' pension to the medical board as per Pension Circular No. 01/2009 (Revision II) and sending relevant files.

(a)

- i. If the officers, who are at present in public service, have children with disabilities, they should be directed to a medical board by the institute, where the officers serve. In case where both mother and father serve in the public service, it is sufficient to submit only one application to the medical board by one institution and once the report of the medical board is received, it should be attached to the personal file of the officer. Further a certified copy of the report of the medical board should also be sent to the office of the spouse to be included in the personal file. .
- ii. When both the father and mother of the orphan are pensioners of public service and have obtained the membership of widows' / widowers' and orphans' pension scheme, it is sufficient to submit application to the medical board through the pension file of one person and a copy of the application and the report of the medical board certified by the Divisional secretary should be attached to the personal file of the spouse. .
- iii. When the father and mother receive their pension from different Divisional Secretariat or one person receives pension foreign pension division, the child should be submitted to the medical board either by the Divisional Secretariat or the foreign pension division, which makes the request, and at such occasions, the spouse should inform the same either to Divisional Secretariat or foreign pension division, from which the pension is paid to the spouse. Once the report of the medical board is issued, a certified copy of it should be sent to the institute, from which the spouse is paid pension, in order to attach it to the pension file. Both files should be submitted to the Department of Pension for making payments.
- iv. If a person receiving pension staying abroad has children, who are to be paid disabled orphans' pension, the foreign pension division of the Department of Pensions should submit them to the medical board and such child is submitted to the medical board only he/she is living in Sri Lanka. (In terms of the provisions in the Gazette Extraordinary No. 1719/3 dated 15.08.2011, the pension cannot be paid to the receiver of the disabled and orphans' pension, if he/ she is staying abroad.)

(b) If a disabled child has not been directed to the medical board as per (a) above, he/she should be submitted in response to the request to a medical board strictly by the relevant Divisional Secretariat/ foreign pension division and once the report of the medical board is issued, the file should be sent to the Department of Pensions for considering the matter of pension.

- (c) When directing to the medical board, below mentioned process should be followed.
- i. The specimen of new application indicated in the annex 01 of the Circular should strictly be used when such person is directed to the medical board. The application consists of six pages (06) and it should be submitted perfecting all the pages.
 - ii. Basic particulars of the applicant should be included in the page 03.
 - iii. A medical report in Health form no 307, which has been obtained recently (Within the maximum period of one year), should be submitted (Recommendation of the Medical Officer regarding the present condition of the disability) along with the application.
 - iv. In order to confirm the identity, the number of the national identity card of the disabled child should be included in the application and action should be taken to obtain a national identity card, if NIC has not been obtained on completion of 16 years of age.
 - v. Before directing to the medical board, confirmation should be obtained as to whether the applicant is a legitimate child of the contributor to the widows' and orphans' pension scheme.
 - vi. In case where the contributor has several disabled children, all such children should be submitted to the medical board.
- (d) The matters to be considered when the file is sent to the Department for considering the payment of disabled pension.
- i. At such occasions where the particulars submitted are not completed/ the condition of disability is not clearly mentioned/ the time of the occurrence of disability has not been specifically mentioned and where information given regarding the disability are contradictory (whether the disability is permanent or temporary), the reports of medical boards, which have not been approved by the Director General of Health Services, should be resubmitted to the Department of Health Services and then such reports should be attached to the relevant file after getting it perfected or clarified.
 - ii. When the file is sent in order to consider the payment of pension to the applicants, whose medical examination has lapsed one year, a confirmation should be obtained from the Medical Officer of Health of the relevant area to the effect that the person is still suffering from the disability.
 - iii. The files sent without directing the applicants of disabled pension to a medical board will be returned to the Divisional Secretariat.
 - iv. In addition to the above, action should be taken to submit following particulars correctly along with the file in order to avoid delays occur due to submission of files with defects to the Department of Pensions for entitlement to disabled pension.

1. PD 4 application along with the preliminary investigation report, which contains the recommendation of the Divisional Secretary
2. In case where changes are found in the names of the marriage certificate of the contributor, certificate of birth of the disabled person, death certificate of the contributor and the widow, an affidavit should be submitted in this regard and further a report with the recommendation of Divisional Secretary should be submitted in case where the changes are at considerable level.
3. If a trustee should be appointed for the disabled children, the recommendation of the Divisional Secretary regarding a suitable trustee and the agreement of trustee for disabled pension signed by the Divisional Secretary as per Pension Circular No. 07/2020.
4. Both the disabled person and the trustee should be residents of one and the same Divisional Secretary's Division. However the Divisional secretary can recommend a trustee from another division, where a suitable trustee cannot be found within the Divisional Secretary's Division of the disabled person. At such occasions, action will be taken to pay the pension by the Divisional Secretariat, where the trustee is residing, and a report to the effect that the trustee uses pension for the requirements of the disabled person should be called once in every three months and attached to the pension file.
5. If any excess payments have been made, a confirmation should be obtained as to whether such amounts have become a surcharge.
6. In addition to the above particulars, application to be submitted as per Pension Circular No. 01/2009 and all other relevant documents should also be submitted.

(e) In terms of the section 9 of the Gazette Extraordinary No. 1719/3 dated 15.08.2011 issued pertaining to the payment of disabled pension, the persons, who were not disabled at the time of birth should be submitted to a medical board once in every five years (05). Accordingly, the Divisional Secretaries should, on examination of the reports of the medical board issued to persons not disabled by birth, take action to direct such persons to a medical board once in every five years. For this purpose, new application indicated in the annexes of the circular should be used. (When a person is directed again to a medical board, the payment of pension should be continued without interruption and the receiver of the disabled pension should be informed that it is compulsory for him/her to appear before the medical board on the appointed day. Once the report of the medical board is issued, the pension should be paid continuously to the persons whose disability has been confirmed further and action should also be taken to stop the payment of disabled pension, when it is informed that the person is not suffering from the disability further.

(f) Further, the payment of disabled pension is commenced for the disabled orphans, whose disability has been confirmed by the report of the medical board after directing such person to the medical board whilst the pensioner or spouse was living, with effect from the day after the date of death of the receiver of pension for the last time i.e. pensioner, widow or widower. In the meantime, the payment of pension to disabled orphans, who are directed to the medical board after the death of pensioner and widow, will be commenced from the date, on which the approval of the medical board is given.