

ARMY

PENSIONS AND GRATUITIES CODE

1981

THE ARMY ACT (CHAPTER 357)

REGULATIONS made by the President under sections 29 and 155 of the Army Act (Chapter 357) read with Article 44 (2) of the Constitution of the Democratic Socialist Republic of Sri Lanka.

President

Colombo,

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Regulations

1. These regulations may be cited as the Army Pensions and Gratuities Code, 1981 and shall be deemed to have come into effect on September 1, 1981.

PART I — OFFICERS

Pensions

2. An officer, other than a Quartermaster, 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.

3. (1) (a) Subject as hereinafter provided, all officers shall retire on reaching the age of fifty-five years.
- (b) An officer, other than a Quartermaster or a Short Service Field Commissioned Officer, shall retire on the expiry of such period in the substantive rank he holds as is specified below unless he is promoted to the next higher rank, within that period.

Substantive Rank				Period - Years
Lieutenant	...	...	...	06
Captain	...	...	...	11
Major	...	...	...	10
Lieutenant Colonel	...	...	...	08
Colonel	...	...	...	05
Brigadier	...	...	...	04

- (c) An officer other than a Quartermaster or a Short Service Field Commissioned Officer, or an officer who is commissioned after he has reached the age of thirty years shall retire unless he is promoted to the substantive rank of Major by his forty-fifth year of age, or to the substantive rank of Lieutenant Colonel by his fiftieth year of age.
- (d) A soldier of the rank of a substantive Staff Sergeant and above who is granted a Short Service Field Commission shall retire on completion of eight years commissioned service or on reaching the age of fifty years, whichever occurs earlier;

Provided, however that every Warrant Officer who has been granted a commission on April 1, 1972, or August 1, 1973, shall in any event retire on reaching the age of fifty years.

- (2) (a) For the purpose of computations of service in the ranks referred to in paragraph (1) (b), 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 ranks.
- (b) Notwithstanding anything in this regulation, the Secretary in consultation with the Commander of the Army, may retain the service of an officer, other than a Short Service Field Commissioned Officer, in any rank beyond the period specified for that rank in paragraph (1) (b) or beyond the age specified, in paragraph (1) (c), if, in the opinion of the President, it is essential in the interest of the Army to do so.
- (c) Notwithstanding anything to the contrary contained in this regulation, the President may retain in service the officer holding the appointment of the Commander of the Army 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 Army.
- (3) (a) Notwithstanding anything to the contrary in these regulations but subject as hereinafter provided, any old entrant officer may, by written notice given as provided in this paragraph elect to retire on the ground that he is unable to work in the Official Language;
Provided however that the Secretary may refuse permission to retire if, in the opinion of the President the retention of the officer's service is considered essential in the interests of the Army.
- (b) The notice of election by any old-entrant officer under paragraph (a)—
- (i) shall specify the date with effect from which such officer proposes to retire.
 - (ii) shall be accompanied by a declaration signed by such officer to the effect that he is unable to work in the Official Language; and
 - (iii) shall in the case of the Commander of the Army addressed to the Secretary, and in the case of any other officer, be addressed to the Commander of the Army.
- (c) Any old-entrant officer who intends to give notice of election under paragraph (a) shall do so three months before the date with effect from which such officer proposes to retire;
Provided however that the Secretary may, in his discretion exempt any old-entrant officer from the provisions of this paragraph.
- (d) Any old-entrant officer who retires under the provisions of this regulation shall upon his retirement be granted such pension or gratuity as would have been awarded to him under these regulations, had he been invalided for causes not within his control.
- (e) The provisions of regulation 33 of these regulations shall apply to any old-entrant officer who elects to retire under this regulation.
- (f) The provisions of this regulation shall not apply to the following old-entrant officers :—
- (i) Any officer in respect of whose appointment proficiency in the Official Language was an essential qualification;
 - (ii) Any officer who has qualified for appointment or who has been recruited to the Army through an examination taken by him in the Sinhala medium;
 - (iii) Any officer who has been paid a bonus for proficiency in the Official Language in terms of Treasury Circular No. 379 of May 23, 1957;
 - (iv) Any officer who has entered into a bond or agreement to serve in the Army on completion of a course of training for a specified period of time which has not expired; and
 - (v) Any officer who has not entered into a bond or agreement to serve in the Army for a specified period of time but who has at Government expense, proceeded overseas on a course of training or followed such course of training in Sri Lanka for such period as may be determined in accordance with the provisions of sub-paragraphs (c) and (d) of paragraph 1 of Treasury Circular No. 627 of November 25, 1963, by the Commander of the Army with the concurrence of the Secretary.

- (g) Any old-entrant officer, to whom the provisions of sub-paragraph (iv) or sub-paragraph (v) of paragraph (f) apply may on completion of the period of obligatory service as provided in the aforesaid sub-paragraph (iv) or sub-paragraph (v), as the case may be, elect to retire in accordance with the provisions of paragraphs (a), (b) and (c) of this regulation, if he is not otherwise disqualified from doing so;

Provided, however, that the Secretary may refuse permission to retire if, in the opinion of the President the retention of the Officer's service is considered essential in the interests of the Army.

- (h) In this regulation—

“old-entrant officer” means—

- (i) any officer, including any Quartermaster commissioned in the Regular Force prior to September 24, 1956;
- (ii) any officer, including any quartermaster, commissioned in the Regular Force of the Army on or after September 24, 1956 but who prior to that date was a member of the Regular Naval Force, the Regular Air Force or the Volunteer Force of any of the three services, or the Public Service, provided that his service in the Regular Force of the Army is continuous with his service in the Regular Naval Force, the Regular Air Force or the Volunteer Force of any of the three services of the Public Service, as the case may be; and
- (iii) any officer, including any Quartermaster, commissioned in the Regular Force on or after September 24, 1956, but who prior to that date was enlisted as a soldier into the Regular Force, provided that his service as a soldier is continuous with his commissioned service;
- (iv) any officer who had qualified to be commissioned in the Regular Force prior to September 24, 1956, but who was commissioned in the Regular Force on or after that date;
- (v) any officer including any Quartermaster commissioned in the Regular Force, who prior to his commissioning, was enlisted as a soldier in the Regular Force on or after September 24, 1956, provided—

(A) he had qualified for enlistment prior to September 24, 1956, and

(B) his service as a soldier is continuous with his commissioned service.

- (i) An “old-entrant officer” referred to in sub-paragraphs (iv) or (v) of paragraph (h) who has retired from the Regular Force on the ground that he is unable to work in the Official Language shall be deemed to have retired in terms of paragraph (a) of this regulation.

- (4) (a) Notwithstanding anything to the contrary in these regulations a person who is granted a Short Service Commission (Cadet Entry) may retire on completion of five years commissioned service.

- (b) A Short Service Commissioned Officer (Cadet Entry) shall be eligible for absorption to the Regular Force at the end of the period of five years referred to in sub-paragraph (a) provided that—

- (i) he does not retire and he makes an application to the Commander of the Army for such absorption, and
- (ii) the Commander of the Army having regard to the applicant's record of service is satisfied that he is suitable for absorption.

- (c) Where a Short Service Commissioned Officer (Cadet Entry) has prior to his undergoing a course of study or training abroad entered into a bond or agreement requiring him to serve the Government of Sri Lanka for a period of obligatory service specified in such bond or agreement such officer shall notwithstanding anything in paragraphs (a) or (b) serve the Government of Sri Lanka for the duration of such period of obligatory service.

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—

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

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

5. An officer who is a Quartermaster shall retire at the age of fifty five years. Where any such officer retires on attaining this age limit or is retired before attaining this age limit in consequence of a decision that further employment is not available for him, he may if he has completed not less than twenty years, reckonable service, be granted a pension calculated in the manner provided in regulation 4.

6. (1) Notwithstanding anything to the contrary in regulation 2, an officer other than a Quartermaster, who was granted a commission in the Regular Force when he was over 23 years old and who retires 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.

(2) Notwithstanding anything to the contrary in regulation 5, an officer who is a Quartermaster who has either been commissioned direct as a Quartermaster in the Regular Force when he was over 35 years old or who has been commissioned as a Quartermaster in the Regular Force from the rank when he was over 35 years old and who retires in the circumstances specified in regulation 5 or in consequence of a decision that further employment is not available for him, may, if he has completed not less than fifteen years' reckonable service and rendered satisfactory service, be granted a pension in accordance with regulation 4.

7. An officer, other than a Quartermaster, who is retired on the ground that he has been superseded for promotion may, if he has completed not less than fifteen years' reckonable service and if his record of service has been, in the opinion of the Commander of the Army, satisfactory, be granted a pension as if he has retired in consequence of a decision that further employment is not available for him.

8. (1) An officer, other than a Quartermaster, 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 is compulsorily retired in accordance with the provisions of regulation 3.

9. (1) An officer who is a Quartermaster and 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 would have reached his fifty-fifth year of age.

10. (1) (a) Where an officer, including a Quartermaster, who has not less than twenty years' reckonable service is invalided for causes not within his control as determined by an Army Medical Board, he may be granted a pension calculated in the manner provided in regulation 4.
- (b) Where an officer, including a Quartermaster, who has at ten years' but less than twenty years' reckonable service is invalided for causes not within his control as determined by an Army Medical Board, he may be granted a pension calculated in like manner provided in regulation 4, but however the bonus addition of half the difference between the age at retirement and 55 years shall not be added on to the number of completed months of reckonable service.
- (2) Where an officer, including a Quartermaster, who has at least ten years' reckonable service is invalided for causes wholly or partly within his control, he may if his record of service is satisfactory, be granted at pension of an amount determined by the Minister in accordance with the provisions of regulation 35 such amount being not more than the amount of the pension for which such officer would have been eligible has his invaliding been due to causes not within his control.
11. Where an officer, including a Quartermaster, is compulsorily retired for unsuitability or inefficiency due to causes not within his control, he may, if he has at least twenty years' reckonable service, be granted a pension in accordance with regulation 4.
12. Where an officer, including a Quartermaster, is compulsorily retired for unsuitability or inefficiency due to causes within his control but not amounting to misconduct, he may, if he has at least 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 35 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.
13. Where, for misconduct not involving moral turpitude, an officer, including a Quartermaster, is compulsorily retired or is dismissed or cashiered, he may, if he has at least 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 services is distinguished be granted a pension of an amount determined by the Minister in accordance with the provisions of regulation 35 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

14. An officer other than a Quartermaster, who on retirement or being invalided 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 at least ten years' reckonable service, be granted a gratuity on the basis of one month's pay drawn at the time of retirement 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 35, such amount being not more than 5/6 th 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 3/4 th of the gratuity for which he would be eligible 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 35, such amount being not more than 2/3rd of the gratuity for which he would be eligible under paragraph (1).

- (6) Where, for misconduct not involving moral turpitude, he is compulsorily retired or is dismissed or cashiered, he may, if he has at least ten years' reckonable service and if, in the case of dismissal or cashiering, his record of service is distinguished, be granted a gratuity of an amount determined by the Minister in accordance with the provisions of regulation 35, such amount being not more than one half of the gratuity for which he would be eligible under paragraph (1).
- (7) Short Service Commissioned Officers (Cadet Entry) are eligible for gratuities on the same basis as for officers in the Regular Force, but the minimum qualifying period of service shall be five years. However, if a Short Service Commissioned Officer (Cadet Entry) extends his service in the Regular Force after the period of five years or after the bonded period he shall not be eligible for the benefits of the gratuity payable to such officers after five years' service, instead, he would be eligible for the gratuity payable under paragraph (1).
15. An officer referred to in regulation 12 may, at his option, be granted in lieu of a pension, a gratuity in accordance with paragraph (5) of regulation 14, and an officer referred to in regulation 13 may, at his option, be granted in lieu of a pension, a gratuity in accordance with paragraph (6) of regulation 14.
16. A Quartermaster shall be eligible for a gratuity in the event of retirement with reckonable service insufficient for pension under the same conditions and rates applicable to other officers.
17. (1) Where an officer, including a Quartermaster, 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 regulation relating to disability pension, 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 30; or
 - (b) A gratuity of an amount equal to one year's pay at the time of his death, whichever is greater.
- (2) Where an officer, including a Quartermaster, who has completed five years' reckonable service, died whilst seconded for service in any institution other than the Army, the dependants of such officer may be granted in addition to any award payable under the regulation relating to disability pension 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 30; 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 the greater.
- (3) Where on the retirement of an officer, including a Quartermaster, he is awarded a pension which is not reduced under the provisions of regulation 30 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 allowances if any draw and due falls short of one year's pay drawn by the deceased officer at the time of retirement.

RECKONABLE SERVICE FOR OFFICER'S PENSIONS OR GRATUITES

18. (1) The following service shall be reckonable service for a pension or gratuity of an officer, including a Quartermaster:
 - (a) Service on full pay in the Regular Force;
 - (b) Service on full pay in the Regular Force of the Sri Lanka Navy or Sri Lanka Air Force 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;
 - (c) Reckonable service as a soldier in terms of regulation 27;
 - (d) Pensionable service of a public servant in a permanent office which has been declared to be pensionable by 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 permanent and pensionable office under Government, his service on probation in that office shall be reckonable as 'reckoned' service if that service is continuous with his commissioned service in the Army.

"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 of Pensions.

- (e) 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 pensions in respect of any period 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.

- (f) 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 authorized by the Secretary;
- (ii) his secondment for such employment with claim to pension is notified in the Gazette by the Secretary;
- (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 officer is seconded for temporary employment.

- (g) Service on secondment where an officer is seconded for service in a post under Government which is pensionable under the Minutes on Pensions provided that such secondment is authorized by the Secretary.

- (h) One-half of any period of service in the Regular Force on half-pay or more, but less than full pay.

- (i) Service under the Government as a daily-paid or temporary/monthly-paid employees 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 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 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 or pension or gratuity that the gratuity drawn shall be refunded. The refund shall be made on final discharge from the Army 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

19. (1) An annual pension may, on the recommendation of the Commander of the Army, 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 if caused by illness is certified by an Army Medical Board and in all other cases, by a Board of Officers appointed for the purpose, to be attributable to military service or to the performance of non-military duties under sections 23 or 23 A of the Army Act, but so however, that the aggregate amount of pension so awarded together with the Army Service Pension if any shall not exceed 50/60th of the rate of 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
Captain or Subaltern including an O/Cadet	585	875	1165	1460	1750	2040	2335	2625	2915
Major	665	1000	1335	1665	2000	2335	2665	3000	3335
Lieutenant Colonel	835	1250	1665	2085	2500	2915	3335	3750	4165
Colonel	1000	1500	2000	2500	3000	3500	4000	4500	5000
Brigadier	1165	1750	2335	2915	3500	4085	4665	5250	5835
Major-General	1335	2000	2665	3335	4400	4665	5335	6000	6665
Lieutenant-General	1500	2250	3000	3750	4500	5250	6000	6750	7500

- (b) An Officer 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 Army Medical Board that the death of this Officer was attributable to military duties under sections 23 or 23 A of the Army Act, or hastened by military service, the dependants of such officer shall receive an annual pension on the recommendation of the Commander of the Army in accordance with the scales as laid down in paragraphs (2), (3) (a) or (3) (b), (4) (a) or (4) (b) or (5), as the case may be.
- (c) Any officer who is retired with effect from January 01, 1982 and is eligible for a disability pension only, shall be paid in addition to such disability pension, a compensatory allowance of Rs. 500/- per mensem.
- (d) Any dependant who becomes eligible for a dependant's award with effect from January 01, 1982 under regulation 20, shall, in addition to such dependants award be paid a compensatory allowance of Rs. 500/- per mensem.

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

In case the deceased Officer was—

	Rs.
Officer Cadet or Subaltern	1,500.00
Captain	1,665.00
Major	2,335.00
Lieutenant Colonel	3,000.00
Colonel	3,335.00
Brigadier	4,000.00
Major-General	4,670.00
Lieutenant General	5,335.00

- (3) An annual pension may, subject to paragraph (14) be awarded in respect of the children of any deceased officer referred to in paragraph (2), in accordance with the following scales :—

	Rs.
(a) In case the 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 the 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 (16), be awarded to dependant parents of a deceased officer in accordance with the following scale :—

In case the deceased officer was—

Officer Cadet or Subaltern
 Captain
 Major
 Lieutenant Colonel
 Colonel
 Brigadier
 Major-General
 Lieutenant-General

} Rs. 1,165 or 3/4th 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 (17) be awarded to dependant brothers and sisters under 18 years of age of a deceased officer in accordance with the following scale :—

In case the deceased officer was—

Officer Cadet or Subaltern
 Captain
 Major
 Lieutenant Colonel
 Colonel
 Brigadier
 Major-General
 Lieutenant-General

One person Rs. 375/-; more than one person an aggregate sum not exceeding half 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 loss of earning capacity Rs.	10 per centum loss of earning capacity Rs.	15 per centum loss of earning capacity Rs.
Officer Specified in paragraph (2) ..	565.00	1,125.00	1,690.00

- (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 Rs	10 per centum Rs	05 per centum Rs
Officer Cadet, Captain or Subaltern	440.00	290.00	145.00
Major	500.00	335.00	165.00
Lieutenant Colonel	625.00	415.00	210.00
Colonel	750.00	500.00	250.00
Brigadier	875.00	585.00	290.00
Major-General	1000.00	665.00	335.00
Lieutenant-General	1125.00	750.00	375.00

- (c) Where a gratuity has been originally awarded on a disablement of less than twenty per centum in accordance with the provisions of sub-paragraph (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 for this period falls short of the gratuity already paid, the difference shall be recovered from the new pension payable.

- (7) 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.
- (8) Any wound, injury 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 relating therefrom.
- (9) 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.
- (10) 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.
- (11) 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).
- (12) 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.
- (13) 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 duly executed deed of separation.
- (14) The pension payable to the daughter of deceased officer shall cease upon the marriage of such daughter notwithstanding that she may be under the age of twenty one years.
- (15) 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 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 Reserve on account of the disease, unless the child would, but for the adoption, have been 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 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, or shall have been the subject of a maintenance order in force against the officer at the date of his death.
- (16) (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 parents or the parent are in pecuniary need and were wholly or mainly dependents on the deceased at the time of his death.
- (b) The pension of a parent who re-marries shall cease as from the date of re-marriage.

- (17) 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, or 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.
- (18) (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 of any offence and sentenced to imprisonment. Payment of pension shall be resumed in full from the date of release from the 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.
20. Regulations 1 to 18 shall not apply to a Medical or Dental Officer of the Army.

PART II—SOLDIERS

Pensions

21. (1) A soldier 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) a soldier transferred to the Regular Reserve or discharged otherwise than for misconduct or for inefficiency due to causes within his control, if he has at least twenty-two years' reckonable service.
 - (b) a soldier who has been re-engaged and who is discharged on or after the termination of his re-engagement, if he has at least twenty-two years' reckonable service.
- (2) Subject as hereinafter provided, pension payable upon retirement to a soldier shall be calculated with effect from September 1, 1981 in accordance with the following formula:—

$$\frac{\text{Number of completed months of reckonable service} + 90 + \frac{1}{2} \text{ the difference between the age of retirement and 55 years}}{\text{X Retirement Pay at}} \times \text{Retirement Pay at}$$

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Provided, however, that in no case shall the pension payable to such soldier exceed two thirds 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 a soldier has been enlisted in the Regular Force when he was over 33 years old, and such soldier 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).
22. (1) Where a soldier who has not less than twenty-two years' reckonable service is invalidated due to causes not within his control as determined by an Army Medical Board, he may be granted a pension calculated in the manner provided in regulation 21 (2).
- (a) Where a soldier who has at least twelve years' but less than twenty-two years' reckonable service is invalidated due to causes not within his control as determined by an Army Medical Board, he may be granted a pension calculated in like manner provided in regulation 22 (2) but however the bonus addition of half the difference between the age of retirement and 55 years will not be added on to the number of completed months of reckonable service.

- (2) Where a soldier who has not less than twelve years' reckonable service is invalidated due to causes wholly or partly within his control as determined by an Army 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 35 such amount being not more than the amount of the pension for which such soldier would have been eligible had his invaliding been due to causes within his control.
- (a) Notwithstanding anything to the contrary in these regulations, but subject as hereinafter provided, any old-entrant soldier may with the approval of the Secretary, be permitted to obtain his discharge if he by written notice, given as provided in paragraphs (b) and (c) of this regulation, elects to obtain this discharge on the ground that he is unable to work in the Official Language.
- (b) The notice of election by any old-entrant soldier under paragraph (a)—
- (i) shall specify the date with effect from which such soldier proposes to obtain his discharge;
 - (ii) shall be accompanied by a declaration signed by such soldier to the effect that he is unable to work in the Official Language ; and
 - (iii) shall be addressed to the Commander of the Army.
- (c) Any old-entrant soldier who intends to give notice of election under paragraph (a) shall do so three months before the date with effect from which such soldier proposes to obtain his discharge.
- Provided however that the Secretary may, in his discretion, exempt any old-entrant soldier from the provisions of this paragraph.
- (d) Any old-entrant soldier who obtains his discharge under the provisions of this regulation shall, upon his discharge be granted a pension or gratuity of such amount as would have been awarded to him under these regulations if he had been invalidated due to causes not within his control.
- (e) The provisions of regulation 33 of these regulations shall apply to any old-entrant soldier who elects to obtain his discharge under this regulation.
- (f) The provisions of this regulation shall not apply to the following old-entrant soldiers:-
- (i) Any soldier in respect of whose appointment proficiency in the Official Language was an essential qualification ;
 - (ii) Any soldier who was qualified for appointment or who has been recruited to the Army through an examination taken by him in the Sinhala Medium ;
 - (iii) Any soldier who has been paid a bonus for proficiency in the Official Language in terms of Treasury Circular No. 379 of May 23, 1957;
 - (iv) Any soldier who has entered into a bond or agreement to serve in the Army on completion of a course of training for a specified period of time which has not expired; and
 - (v) Any soldier who has not entered into a bond or agreement to serve in the Army for a specified period of time but who has, at Government expenses proceeded overseas on a course of training or following such course of training in Sri Lanka, for such period as may be determined in accordance with the provisions of sub paragraphs (c) and (d) of paragraph 1 of Treasury Circular No. 627 of 25th November, 1963, by the Commander of the Army with concurrence of the Secretary.
- (g) Any old-entrant soldier, to whom the provisions of sub-paragraph (iv) and sub-paragraph (v) of paragraph (f) apply, may on completion of the period of obligatory service as provided in the aforesaid sub-paragraph (iv) or sub-paragraph (v), as the case may be, apply to obtain his discharge in accordance with the provisions of paragraphs (a), (b) and (c), if he is not otherwise disqualified from doing so;

Provided however, that the Secretary may refuse permission to grant discharge if the retention of the soldier's service is considered essential in the interests of the Army.

(h) In this regulation—

“Old-entrant soldier” means—

- (i) any soldier enlisted in the Regular Force prior to September 24, 1956; and
 - (ii) any soldier enlisted in the Regular Force of the Army on or after September 24, 1956, but who prior to that date was a member of the Regular Naval Force, the Regular Air Force or the Volunteer Force of any of the three Services or the Public Service, provided that his service in the Regular Force of the Army is continuous with his service in the Regular Naval Force the Regular Air Force or the Volunteer Force of any of the three Services or the Public service, as the case may be; and
 - (iii) any soldier who has qualified for enlistment in the Regular Force prior to September 24, 1956, but who was enlisted on or after that date.
- (i) An ‘old-entrant’ soldier referred to in sub-paragraph (iii) of paragraph (h) who has retired from the Regular Force on the ground that he is unable to work in the Official Language shall be deemed to have retired in terms of paragraph (a) of this regulation.

24.

- (a) Where a soldier is discharged for inefficiency due to causes within his control, he may, if he has at least twenty-two years’ reckonable service and if his record of service is creditable, or granted a pension of an amount determined by the Minister in accordance with the provisions of regulation 35, such amount being not more than the amount of the pension for which such soldier would have been eligible had he been discharged otherwise than for misconduct or with ignominy or for inefficiency due to causes within his control.
- (b) Where a soldier is discharged for misconduct or with ignominy and the circumstances leading to the discharge do not involve moral turpitude, he may, if he has at least twenty-two year’s reckonable service restored to him 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 35, such amount being not more than ninety per centum of the pension for which such soldier 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

25. A soldier who would on discharge or on being invalided be ineligible for a pension may on cessation of service be granted a gratuity in accordance with the following provisions:—

- (1) Where he is discharged other than for inefficiency due to causes within his control or for misconduct or with ignominy may, if he has not less than 10 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 such 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 regulation 25 (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 35, 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 for which he would be eligible 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 35, such amount being not more than 2/3rd of the gratuity for which he would be eligible under paragraph (1).
- (6) Where a soldier is discharged for misconduct or with ignominy and the circumstances leading to 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 35, such amount being not more than one half of the gratuity for which he would be eligible under paragraph (1).

26. (1) Where a soldier who has completed five year's reckonable service, dies whilst in service, the dependants of such soldier 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 soldier 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 30 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 a soldier who has completed five years, reckonable service dies whilst seconded for service in any institution, the dependants of such soldier 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 soldier 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 30; or
 - (b) The gratuity of an amount equal to one year's pay which the soldier would have drawn in the Regular Force at the date of death, whichever is greater.
- (3) Where on the retirement of a soldier, he is awarded a pension which is not reduced under the provisions of regulation 30 and if he dies thereafter, the dependants of such deceased soldier may be granted in addition to any award payable under the regulations 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 soldier at the time of retirement.

RECKONABLE SERVICE FOR SOLDIERS' PENSION OR GRATUITIES

27. (1) The following service shall be reckonable service for a pension or gratuity of a soldier :-
- (a) unforfeited full-pay service in the Regular Force;
 - (b) service on full pay in the Regular Force of the Sri Lanka Navy or Sri Lanka Air Force and any period of mobilized 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 ;
 - (c) service as a commissioned officer which is considered to be reckonable service under regulation 18;
 - (d) 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 in the case of a public servant who has been enlisted after the date on which these regulations are published in the Gazette-

- (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' if, and only if, that service is continuous with his service in the Army. 'Pensionable Service' shall mean service in 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.

- (e) previous service on full pay in the Ceylon Defence Force Staff Corps or on the Staff of the Headquarters, Ceylon Defence Force.
- (f) service as a teacher that is reckoned as 'Recorded Service' under regulation 2 (ix) of the School Teachers' Pension Regulations:-
 - (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 has liable to contribute in accordance with the provision 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' Pensions 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 a soldier 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.
- (ii) his secondment for such employment with claim to pension is notified in the Gazette by the Secretary, 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 soldier is seconded for temporary employment.
- (h) service on secondment where a soldier is seconded for service in a post under Government which is pensionable under the Minutes on Pensions provided that such secondment is authorized by the Secretary.
- (i) one-half of the any period of unforfeited service in the Regular Force on half-pay or more, but less than full pay.
- (j) 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/periods of such service prior to the date of such termination shall not be reckoned for 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 or other benefit, if any, paid to the credit of 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 of such sum at four per centum per annum from the date he received payment of that sum.

- (k) 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 the 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 Army by a deduction from the award of pension or from the 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 03, 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.

DISABILITY PENSIONS

28. (1) (a) An annual pansion may, on the recommendation of the Commander of the Army, be awarded in accordance with the scale set out hereunder to a soldier in the event of disablement or in respect of a soldier in the event of death, where such disablement or death, if caused by illness, is certified by an Army Medical Board and in all other cases by a Board of Officers appointed for the purpose, to be attributable to military service or to the performance of non-military duties under sections 23 or 23A of the Army Act but so however, that the aggregate amount of pension so awarded together with the Army Service Pension, if any, shall not exceed 50/60th of the rate of pay per annum,
- (b) A soldier 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 Army Medical Board that the death of this soldier was attributable to military service or to the performance of non-military duties under sections 23 or 23A of the Army Act, or hastened by military service, the dependants of such soldier shall receive an annual pension on the recommendation of the Commander of the Army in accordance with the scales as laid down in regulation 28 sub-paragraphs (2), (3) (a) or (3) (b), (4) (a) or (4) (b) or (5) as the case may be ;

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
Private or equivalent rank, Lance Corporal or equivalent rank including recruit.	280	420	565	705	845	985	1130	1270	1410
Corporal or equivalent rank	305	445	590	730	870	1010	1155	1295	1435
Sergeant or equivalent rank	330	470	615	755	895	1035	1180	1320	1460
Staff Sergeant or equivalent rank	355	495	640	780	920	1060	1205	1345	1485
Warrant Officer—Class II or equivalent rank	380	520	665	805	945	1085	1230	1370	1510
Warrant Officer—Class I or equivalent rank	405	545	690	830	970	1110	1255	1395	1535

- (c) Any other rank who is discharged with effect from January 01, 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's award with effect from January 01, 1982 under regulation 33, shall, in addition to such dependant's award a compensatory allowance of Rs. 400/- per mensem.

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

In case deceased soldier was—

Recruit, Private or equivalent rank	}	Rs.
Lance Corporal or equivalent rank		975.00
Corporal or equivalent rank	—	1040.00
Sergeant or equivalent rank	—	1105.00
Staff Sergeant or equivalent rank	—	1170.00
Warrent Officer—Class II or equivalent rank	—	1235.00
Warrent Officer—Class I or equivalent rank	—	1300.00

- (3) An annual pension may, subject to paragraph (14) be awarded in respect of the children of any deceased soldier referred to in paragraph (2), in accordance with the following scale:—

(a) In case the mother is alive—	Rs.
For each son (under 18 years of age)	— 325.00
For each daughter (under 21 years-of age)	— 325.00
(b) In case the mother is dead—	
For each son (under 18 years of age)	— 650.00
For each daughter (under 21 years of age)	— 650.00

- (4) (a) An annual pension may, subject to paragraph (16) of regulation 19 be awarded to dependant parent of a deceased soldier in accordance with the following scale:—

In case the deceased soldier was—

Recruit, Private or equivalent rank; Lance Corporal or equivalent rank; Sergeant or equivalent rank; Staff Sergeant or equivalent rank; Warrant Officer Class II or equivalent rank; Warrent Officer Class I or equivalent rank	Rs. 540.00
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- (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 payable to that parent.

- (5) An annual pension may, subject, to paragraph (17) of regulation 19 be awarded to the dependent brothers and sisters under 18 years of age of a deceased soldier in accordance with the folloowing scale ;

In case deceased soldier was—

Recruit, Private or equivalent rank; Lance Corporal or equivalent rank—In case of one person only Rs. 215.00

Corporal or equivalent rank; Sergeant or equivalent rank; Staff Sergeant or equivalent rank; Warrant Officer Class II or equivalent rank; Warrant Officer Class I or equivalent rank	}	In case of more than one person
		Rs. 430.00

- (6) (a) In the event of a disablement of less than twenty per centum, a gratuity shall be payable to soldiers (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 scale on the percentage of the permanent disablement—

Percentage of loss of earning capacity	5	10	15
	per centum Rs.	per centum Rs.	per centum Rs.
Any soldier specified in para (2) other than a Warrent Officer	305.00	610.00	915.00
Warrent Officers	350.00	700.00	1050.00

- (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 in accordance with the following scale:—

Percentage of loss of earning capacity	Proportionate Reduced Pension (per annum) Extent of Permanent Disablement		
	5 per centum Rs.	10 per centum Rs.	15 per centum Rs.
Recruit Private or equivalent rank, Lance Corporal or equivalent rank—	70.00	140.00	210.00
Corporal or equivalent rank	— 75.00	150.00	225.00
Sergeant or equivalent rank	— 85.00	170.00	225.00
Staff Sergeant or equivalent rank	— 90.00	180.00	270.00
Warrent Officer Class II or equivalent rank	— 95.00	190.00	285.00
Warrent Officer Class I or equivalent rank	— 100.00	200.00	300.00

- (c) Where a gratuity has been originally awarded on a disablement of less than twenty per centum in accordance with the provisions of sub-paragraph (a) and disablement subsequently rises to twenty per centum or exceeds twenty per centum, 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 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) If a soldier 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.
- (8) Any wound, injury or disease which is due to the misconduct of the soldier 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.
- (9) Disablement or death which is due to 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.
- (10) The pension payable to a soldier may be reduced or withheld if such soldier recovers partially or wholly from the disablement in respect of which such pension is paid.
- (11) The pension payable to the widow of a soldier may be withheld if the widow re-marries ;
Provided however that where the pension is so with-held, the pension payable in respect of the children, if any, of such soldier may be increased to the scale payable under paragraph (3) (b).
- (12) Pension may be withheld from the widow of a soldier—
- if she married such soldier after he had received the wound or injury or contracted the disease from which he died; and
 - if the time of the marriage she knew that the soldier was suffering from such disability or disease.

- (13) Pension may be withheld from the widow of a soldier who at the time of the death of such soldier was separated from him unless—
- (i) such soldier was at the time of his death contributing to her support, or
 - (ii) such widow was entitled to support under a separation decree maintenance order or duly executed deed of separation.
- (14) The pension payable to the daughter of a deceased soldier shall cease upon the marriage of such daughter notwithstanding that she may be under the age of twenty-one years.
- (15) 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 soldier 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 soldier up to the date if any award to him, 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 soldier 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 soldier.
 - (c) for an illegitimate child, the child shall have been born before or within nine months after the date on which the soldier 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 soldier 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 soldier at the date of his death.
- (16) (a) The pension payable to 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 soldier 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

29. (a) An Officer or soldier of the Volunteer Force seconded for full time service with the Regular Force and who is in receipt of full pay in like manner as though he were an officer or soldier of the Regular Force, shall during the period of such secondment service be deemed to be an officer or soldier of the Regular Force for the purpose of these regulations.
- (b) An Officer or soldier 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 posted to the reserve on account of age or on completion of the prescribed service periods or on the recommendation of the Commander of the Army may be paid a gratuity on the same basis and conditions as that of a member of the Regular Force.

30. An Officer or soldier 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 2A of the Minutes on Pensions, as may be amended from time to time by notification in the Gazette—
- (a) Notwithstanding anything to the contrary in these regulations, the pension awarded to any officer or soldier 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 Extraordinary No. 293/2 of December 02, 1977.
 - (b) Notwithstanding anything to the contrary in these regulations, the pension awarded to any officer or soldier 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.
31. There shall be deducted from any pension or gratuity payable under the preceding regulations in respect of any officer or soldier any sum or sums due from such officer or soldier to the Government or to the Service credit Council.
32. Cost of Living Allowance at rates determined by the Governemnt 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 regulations 30, the living allowinnce herein before mentioned shall be payable only on such reduced pension.
33. Where, at the time of retirement or discharge of an officer or soldier from the Army, proceedings were pending or contemplated against, such officer or soldier 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 soldier under these regulations.
- Provided, however, that the Minister may in his absolute discretion, authorise the payment of a provisional pension to such officer or soldier of such amount as may be determined by him from the date of the retirement of such officer or soldier 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.
34. Notwithstanding the provisions in any other regulations where—
- (a) an officer is retired not later than December 31, 1983 in consequence of a decision that further employment is not available for him; and
 - (b) a soldier is discharged not later than December 31, 1983 in consequence of a decision that his services are no longer required—
- a period of three years shall be added to his reckonable service for the purpose of his pension or gratuity.
35. Where, by virtue of the powers conferred by any of those regulations, the Minister determines the amount of a pension or gratuity to be granted to an officer or soldier, he shall take into consideration—

- (a) the degree of culpability of that officer or soldier in respect of the causes of the cessation of his service.
- (b) the need for assistance for the maintenance of that officer or soldier and his dependants, and
- (c) ability of that officer or soldier to earn a livelihood for himself and his dependants.

36. (a) Where any soldier who has been discharged from the Army 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 Army or transfer to the Regular Reserve, as the case may be and ending on the date of his re-instatement 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 soldier who has been retired or discharged from the Army 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 re-instated in service, the period commencing on the date of his retirement or discharge from the Army or transfer to the Regular Reserve, as the case may be, and ending on the date of his re-instatement 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 Army 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 Army or transfer to the Regular Reserve and ending on the date of his death shall be reckoned as a period or service on full pay in the Regular Force for determining the quantum of any payment of benefit to be granted to the dependents of such officer or soldier as are authorised by those regulations.
 - (iii) is re-instated in service, the pension paid to the officer or soldier during the period commencing on the date of his retirement or discharge from the Army or transfer to the Regular Reserve and ending in 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, soldier or dependents on his subsequent retirement, discharge or transfer to the Regular Reserve, as the case may be.
37. (1) If any person in receipt of a pension or retiring allowance 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, 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 military or civil Medical Board or on the certificate of a registered medical practitioner and that of a Justice of the Peace, that an officer or soldier 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 person 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 a 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.
38. "In these regulations "Secretary" means the Secretary to the Ministry of Defence. "Officer" means an officer including an officer cadet and "Soldier" means a soldier including a recruit. "Minister" means the Minister of Defence "Active Service", "Army", "Military Training", "Regular Force", "Regular Reserve", "Volunteer Force", "Volunteer Reserve", shall have the same meaning respectively as in the Army Act.
39. In these regulations "pay" shall mean the consolidated pay and all pensionable allowances drawn by the officer or soldier at the time of his retirement or discharge or death as the case may be.
40. Army Pensions and Gratuities Code 1961 is hereby rescinded. Notwithstanding the repeal of this Code, any officer or soldier who retired, was discharged or died prior to September 01, 1981 shall be paid a pension or gratuity or an award calculated on the rates and conditions set out in the Army Pensions and Gratuities Code 1961, as amended from time to time.