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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART I : SECTION (I) — GENERAL

Government Notifications

L.D.B. 91/49 II.

THE ARMY ACT (CHAPTER 357)

REGULATIONS made by the President under Section 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.

MAHINDA RAJAPAKSA,
President.

Colombo,
23rd August, 2007.

Regulations

The Pensions and Gratuity Code, 1981, published in *Gazette Extraordinary* No. 562/11 of June 15, 1989 as amended from time to time is hereby further amended as follows :-

(1) by the repeal of regulation 2 thereof and substitution therefore of the following :-

“2(a) A male officer other than a Quartermaster, who has completed not less than twenty (20) years of reckonable service and a lady officer who has completed not less than fifteen (15) years of reckonable service and who retires in terms of regulation 3 or in consequence of a decision to the effect that further employment is not available, may be granted a pension in accordance with the provisions of regulation 4 :

Provided however any lady officer who has been enlisted into a specialized profession or who has been trained in a specialized profession may not be permitted to retire from service on the completion of fifteen (15) years, if the continuation of the service of such officer is deemed to be required in the best interest of the Army.

(b) In the case of a lady officer fifteen years service shall be constructed to be reckonable service for the purposes of regulations 8(1), 9(1), 10(1)(a), 10(1)(b), 11, 12 and 13 of these regulations.”.

(2) by the insertion immediately after regulation 10(1) (b) thereof, the following new subparagraph :-

“(c) Any male officer or lady officer of the Regular Force or Volunteer Force of the Sri Lanka Army who becomes disabled consequent to injuries sustained whilst performing operational duties or any other law enforcement duties or as a result of terrorist activity shall be entitled to a pension as provided for by the provisions of regulation 4, if an Army Medical Board determines such officer to be unfit for military service and such officer is duly discharged on Medical grounds. In calculating such pension :-

(a) in the case of a male officer, the period commencing from the date of discharge and terminating on the date such male officer reaches fifty five (55) years of age ; and

(b) in the case of a lady officer, the period commencing from the date of discharge and terminating on the date such lady officer reaches forty five (45) year of age.

shall be added to his or her period of reckonable service or mobilized service as the case may be and a pension calculated accordingly shall be granted to such officer of the pension already granted shall be revised accordingly.

(3) by the repeal of paragraph (1) of regulation 21 thereof and substitution therefor of the following :-

“21. (1) (a) A male soldier shall retire at the age of fifty five (55) years and a female soldier shall retire either at the age of forty five (45) years or on the completion of twenty years of service depending on whichever occurs earlier. Every male soldier or female soldier retiring in terms of this provision shall be entitled to receive a pension calculated in the manner provided for in paragraph (2) of regulation 21 :

Provided however any female soldier who has been enlisted in to a specialized profession or who has been trained in a specialized profession may not be permitted to retire from service on the completion of fifteen (15) years if the continuation of the service of such female soldier is essential in the best interest of the Army.

(b) in the case of—

(i) a male soldier or a female soldier who is transferred to the reserve or is discharged otherwise than for misconduct or for inefficiency due to causes within his or her control, shall—

(a) if such soldier, being a male has not less than twenty years reckonable service ; and

(b) if such soldier being a female has, not less than fifteen years reckonable service ; or

(ii) a male soldier or a female soldier who has been re-engaged and discharged on or after the termination of his or her engagement in the service shall,

be entitled to a pension calculated on the basis of the reckonable service of such soldier ;

(c) For the purpose of regulations 22 (1)(a), 24(a) and 24 (b) of these regulations “reckonable service” shall be deemed to be fifteen years service.

(4) by the insertion immediately after regulation 22(1) (b) thereof, the following new sub paragraph :-

“(c) Any soldier or female soldier of the Regular Force or volunteer Force of the Sri Lanka Army who becomes disabled consequent to injuries sustained whilst performing operational duties or any other law enforcement duties or as a result of terrorist activity, shall be entitled to a pension as provided for by the provisions of regulation 21(2), if such soldier is determined by an Army medical Board to be unfit for military service and is duly discharged on Medical grounds. in calculating such pension.—

(a) in the case of a male soldier, the period commencing from the date of discharge and terminating on the date such male soldier reaches fifty five (55) years of age ; and

(b) in the case of a female soldier, the period commencing from the date of discharge and terminating on the date such female soldier reaches forty five (45) years of age,

Shall be added to his or her period of reckonable service or mobilized service, as the case may be, and a pension calculated accordingly shall be granted to such soldier or the pension already granted shall be revised accordingly.” ;

(5) by the repeal of paragraphs (c) and (d) of regulation 29 and the substitution therefor of the following :-

“(c) A male officer of the Volunteer Force inclusive of a Quartermaster who has an aggregate of not less than twenty years (20) mobilized service and a lady officer who has an aggregate of not less than fifteen years (15) of mobilized service on the date of retirement or transfer to the Reserve or on the date a decision is taken to the effect that further employment is not available to him or her, as the case may be, such date being a date not earlier than September 01, 1981, shall be entitled to a pension as in the case of an officer of the Regular Service :

Provided however any lady officer who has been enlisted into a specialized profession or who has been trained in a specialized profession may not be permitted to retire from service on the completion of fifteen (15) years if the continuation of the service of such officer is deemed to be required in the best interest of the Army” ;

(d) A male soldier of the Volunteer Force who has an aggregate of not less than twenty two years (22) of mobilized service and a female soldier who has an aggregate of not less than fifteen years of mobilized service on the date of his or her discharge or transfer to the Reserve or on the date a decision is taken to the effect that further employment is not available to him or her, such date being a date not earlier than September 1, 1981, shall be entitled to a pension as in the case of a soldier in the Regular Service ;

Provided however a female soldier having specialized professional qualifications or who has undergone specialized training may not be permitted to retire from service on the completion of fifteen (15) years if the continuation of the service of such female soldier is deemed to be required in the best interest of the Army.”

(6) by the repeal of paragraph (i) of regulation 29 and the substitution therefore of the following :-

“(i) (a) For the purposes of regulations 29(e), 29(f),(i), 29(f)(ii), 29(f)(iii), (c) and 29 (f)(iv), of these regulations which apply to officers of the Volunteer Force, the reference to “mobilized Service” in such regulation shall in its application to lady officers, be deemed to be fifteen years service.

(b) For the purpose of regulation 29 (g) which applies to soldiers of the Volunteer Force the reference to “mobilized service” in such regulation in its application to female soldier be deemed to be fifteen years service.

(c) Notwithstanding anything contained in the provisions of regulation 29, “reckonable service”, in relation to a Volunteer officer or a soldier shall be as set out in regulation 18 to 21 of the Code.

(7) by the substitution for regulation 39, the following regulation :-

“39. in these regulations “pay” shall mean—

- (a) the consolidated salary and all allowances drawn by the officer or soldier at the time of his retirement, discharge or death, as the case may be ; and
 - (b) for the purpose of regulation 10(1) (c) and 21(1) (c), the consolidated pay and all allowances as payable to a male officer or a male soldier, or a lady officer or a female soldier as the case may be, whose services has been terminated due to disability, at the time such officer or soldier completes respectively in the case of a male fifty-five years of age and in the case of a lady/female forty-five years of age.”
- (8) The regulations amending regulation 3(5) and 21(4) of the Pensions and Gratuity Code (1981) made under Section 29 and 155 of the Army Act, and published in *Gazette Extraordinary* No. 954/7 of November 26, 1996, is hereby rescinded.

09-609/1

L.D.B. 126/50 II.

THE NAVY ACT (CHAPTER 358)

REGULATIONS made by the President under Section 161 of the Navy Act (Chapter 358) read with paragraph (2) of Article 44 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

MAHINDA RAJAPAKSA,
President.

Colombo,
23rd August, 2007.

Regulations

The Navy Pensions and Gratuities Code, 1981, published in *Gazette Extraordinary* No. 654/10 of March 20, 1989 as amended from time to time is hereby further amended as follows :-

- (1) by the insertion immediately after paragraph (b) of regulation 8 thereof, of the following new paragraph :-

“(c) any male officer or lady officer of the Regular Force, Regular Reserve Force, Volunteer Force or Volunteer Reserve Force of the Sri Lanka Navy who becomes disabled whilst performing operational duties or any other law enforcement duties or as a result of terrorist activity shall be entitled to a pension as provided for by the provisions of regulation 4, if such officer is determined by a Navy Medical Board to be unfit for Naval service and duly discharged on medical grounds with the payment of pay and allowances up to the age of 55 years and in calculating such pension—

- (a) in the case of a male officer, the period commencing from the date of discharge and terminating on the date such male officer reaches fifty five (55) years of age ; and
- (b) in the case of a lady officer, the period commencing from the date of discharge and terminating on the date such lady officer reaches forty-five (45) years of age,

shall be added to his or her period of reckonable service as the case may be and, a pension calculated accordingly shall be granted to such officer or the pension already granted shall be revised accordingly.” ;

(2) by the insertion immediately after regulation 19(1) (b) thereof, of the following new sub-paragraph :-

“(c) any seaman or woman sailor of the Regular Force, Regular Reserve Force, Volunteer Force or Volunteer Reserve Force of the Sri Lanka Navy who becomes disabled whilst performing operational duties or any other law enforcement duties or as a result of terrorist activity shall be entitled to a pension as provided for by the provisions of regulation 18, if such seaman or woman sailor is determined by a Navy Medical Board to be unfit for naval service and is duly discharged on medical grounds with the payment of pay and allowances up to the age of 55 years and in calculating such pension-

(a) in the case of a seaman, the period commencing from the date of discharge and terminating on the date on which such seaman reaches fifty-five (55) years of age ; and

(b) in the case of a woman sailor, the period commencing from the date of discharge and terminating on the date such woman sailor reaches forty five (45) years of age, and

shall be added to his or her period of reckonable service as the case may be and, a pension calculated accordingly shall be granted to such seaman or woman sailor as the case may be, or the pension already granted shall be revised accordingly.” ;

(3) (a) by re-numbering paragraph (2) of regulation 26 thereof as 26(2)(a) ; and

(b) by the addition, immediately after the re-numbered regulation 26(2)(a), the following :-

“(b) A lady officer of the Volunteer Naval Force who has an aggregate of not less than fifteen (15) years of reckonable mobilized service at the time of retirement or her transfer to the Reserve, such date of retirement or transfer to the Reserve being a date not earlier than September 01, 1981, shall be entitled to a pension as in the case of a lady officer of the Regular Force of Sri Lanka Navy :

Provided however, in the case of a Volunteer lady officer enlisted for a specialized profession or having been granted specialized training, who applies to retire from the service after completion of fifteen (15) years of reckonable service, may not be permitted to so retire if in the opinion of the Commander of the Navy such retirement is prejudicial to the interest of the Navy”.

(4) (a) by re-numbering paragraph (2) of regulation 26 thereof as 26(3)(a) ; and

(b) by the addition, immediately after the re-numbered regulation 26(3)(a), the following :-

“(b) A woman sailor of the Volunteer Naval Force who has an aggregate of not less than fifteen (15) years of reckonable mobilized service at the time of her discharge or transfer to the Reserve, such date of discharge or transfer to the Reserve being a date not earlier than September 01, 1981, shall be entitled to a pension as in the case of a woman sailor of the Regular Force :

Provided however, in the case of a Volunteer woman sailor enlisted for a specialized profession or having been granted specialized training, who applies to retire from the service after completion of fifteen (15) years of reckonable service, may not be permitted to so retire if in the opinion of the Commander of the Navy such retirement is prejudicial to the interest of the Navy”.

(5) by the addition, immediately after paragraph (9) of regulation 26 thereof, of the following new paragraph :-

“(10) In respect of a lady officer or a woman sailor of the Volunteer Naval Force, the words and figures “not less than twenty (20) years mobilized service” appearing in paragraphs (4) and (5) and the words and figures “not less than twenty-two (22) years mobilized service” appearing in paragraph (6) of regulation 26 shall be read and construed as “not less than 15 years of mobilized service” for the purpose of these regulations.” ;

(6) in regulation 33, by the substitution for the definition of the expression 'pay', the following :-

'pay' shall mean—

- (a) the consolidated salary and all pensionable allowances drawn by a male officer or seaman or lady officer or woman sailor at the date of retirement or discharge or at the time of death as the case may be ;
- (b) for the purpose of regulations 8(1)(c) and 19 (1) (c), the consolidated pay and all allowances as payable to a male officer or seaman or lady officer or woman sailor as the case may be whose service have been terminated due to disability, at the time such male officer or seaman completes fifty-five years of age or such lady officer or woman sailor completes forty-five years of age.”

09-609/2

L.D.B. 130/50 IV.

THE AIRFORCE ACT

REGULATION made by the President under Section 29 and 155 of the Air Force Act (Chapter 359) read with paragraph (2) of Article 44 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

MAHINDA RAJAPAKSA,
President.

Colombo,
23rd August, 2007.

Regulations

The Air Force Pensions and Gratuities Code, 1981, published in *Gazette Extraordinary* No. 654/8 of January 16, 1991 amended from time to time is hereby further amended as follows :-

(1) in regulation 8 thereof, by the insertion immediately after paragraph (2), the following paragraph :-

“(3) Any male officer or lady officer of the Regular Force or Volunteer Force of the Sri Lanka Air Force who becomes disabled whilst performing operational duties or any other law enforcement duties or as a result of terrorist activity shall be entitled to a pension as provided for by the provisions of regulation 4, if such officer is determined by an Air Force Medical Board to be unfit for military service and is duly discharged due to such disabilities on medical grounds. In calculating such pension—

- (a) in the case of a male officer, the period commencing from the date of discharge and terminating on the date such male officer reaches fifty-five (55) years of age ; and
- (b) in the case of a lady officer, the period commencing from the date of discharge and terminating on the date such lady officer reaches forty five (45) years of age,

shall be added to his or her period of reckonable service as the case may be and, a pension calculated accordingly shall be granted to such officer or the pension already granted shall be revised accordingly.” ;

(2) in regulation 18 thereof, by the insertion immediately after paragraph (4) thereof, of the following new paragraph :-

“(c) Any airman or airwoman of the Regular Force or Volunteer Force of the Sri Lanka Air Force who becomes disabled whilst performing operational duties or any other law enforcement duties or as a result of terrorist activity shall be entitled to a pension as provided for by the provisions of paragraph (2) of regulation 18, if such airman or airwoman is determined by an Air Force Medical Board to be unfit for military service and is duly discharged due to such disabilities on medical grounds. in calculating such pension—

(a) in the case of a airman, the period commencing from the date of discharge and terminating on the date such airman reaches fifty-five (55) years of age ; and

(b) in the case of an airwoman, the period commencing from the date of discharge and terminating on the date such air woman reaches forty-five (45) years of age,

shall be added to his or her period of reckonable service as case may be and a pension calculated accordingly shall be granted to such airman or airwoman or the pension already granted shall be revised accordingly.” ;

(3) (a) by the re-numbering of paragraph (a) of regulation 34 as (a)(i) and the insertion immediately after the renumbered paragraph (a)(i), of the following new sub-paragraph :-

“(ii) A lady officer of the Volunteer Force Sri Lanka Air Force, who has on the date of her retirement or transfer to the Reserve, an aggregate of not less than fifteen (15) years of mobilized service, such date being a date not earlier than September 01, 1981, shall be entitled to a pension as in the case of a regular lady officer in the Air Force Women’s Wing :

Provided however, in the case of a Volunteer Lady Officer enlisted for a specialized profession or having been granted specialized training, who applies to retire from service after the completion of fifteen (15) years of reckonable service, may not be permitted to so retire if in the opinion of the Commander of the Air Force such retirement is prejudicial to the interest of the Air Force.” ;

(4) by the re-numbering of regulation 34 (b) as 34(b)(i) and insertion immediately after the renumbered regulation 34 (b)(i), the following new sub-paragraph :-

“(ii) An Airwoman of the Volunteer Force of the Sri Lanka Air Force, who has on the date of her retirement or transfer to the Reserve, an aggregate of not less than fifteen (15) years of mobilized service, such date being a date not earlier than September 01, 1981, shall be entitled to a pension as in the case of a regular Airwoman of the Air Force Women’s Wing :

Provided however, in the case of a Volunteer airman recruited into a specialized profession or has been granted specialized training who applies to retire from the service after completion of fifteen (15) years of reckonable service, may not be permitted to so retire if in the opinion of the Commander of the Air Force, such retirement is prejudicial to the interest of the Air Force.” ;

(5) in regulation 35, by the substitution for the definition of the expression ‘pay’ the following new definition :-

‘pay’ means—

- (a) the consolidated salary and all allowances drawn by an officer or Airman or Airwoman on the date of retirement or discharge or at the time of death as the case may be ; and
- (b) for the purposes of calculating the pension receivable under regulations 8(3) or 18(5), as the case may be—
 - (i) in the case of any male Officer or Airman of the Regular Force or Volunteer Force, the consolidated salary and all other allowances received by such officer or Airman at the time he completes fifty-five (55) years of age and ;
 - (ii) in the case of any lady Officer or Airwoman of the Regular or Volunteer Force, the consolidated salary and all other allowances received by such lady Officer or Airwoman at the time she completes forty-five (45) years of age.”

09-609/3