

No _____ rank _____ Name _____

_____ Bn

Unit – _____

C/o 56 APO

Date : Sep 2023

To
The Commanding Officer

(Through Proper Channel)

Sir,

Subject : Request for reconsideration of Unwillingness certificate
to accepting sheltered appointment being permt LMC

With due respect it is humbly submitted that I, No _____ Rank _____ Name _____ of unit _____, was enrolled in the Army on _____. I have completed _____ Years _____ Months of bonafide military service. My unwillingness certificate for sheltered appointment has been returned without sanctioned by _____ Records on _____ (copy att) unactioned duly mentioned that I am not eligible for service pension and minimum service required for pension is 15 years as per policy, hence not accepted.

As per the provision of PRA 2008 permt LMC soldiers in the event of unwilling to accept sheltered appointment is released on RMB and it is treated as Invalidated out of service, thereby eligible to get disability pension when the diagnosis is considered as attributable to or aggravated by military service. In such case there is no requirement of minimum service to earn service element. Disability Pension Comprises two elements viz Service Element and Disability Element and both are applicable in such cases.

In view of the, it is to state here that according to Pension Regulation, in the event of release from service due to unwilling to accept sheltered appointment, I will not be entitled to get service pension but according to Regulations 81, 82 and 95 of PRA 2008 Part-I, I am definitely entitled to get disability pension consisting service element and disability element both. As it is well known that the amount of service element and service pension is equal, question of financial hardship not arises here.

Since the question of non-applicability of service element (equal to service pension) is not arises here in my case, I am still unwilling to accept Sheltered Appointment and thereby willing to be released from service as per Army Rule 13 (3) Item III(v) read with sub rule 2A of AR (13). Since the discharge due to unwilling to accept is counted as medical invalidate out of service , I am entitled to get service element and disability both the elements of disability pension. It is also clarified that release on such grounds is not counted as "Discharge at Own Request" as per Regulations mentioned above. In the cases of Discharge at own request of eligible LMC personnel, only disability element is applicable for those who have not completed minimum qualifying service i.e 15 years to earn service pension.

It is again submitted that I will not create any litigation / court case in future for non-receipt of service pension and I am still Unwilling to accept sheltered appointment, thereby may kindly be accepted my unwillingness accordingly. It is again declared that, I have no objection in the event of non-applicability of service pension on my release from service due to unwilling to accept sheltered appointment.

In view of the above it is humbly requested that my unwillingness certificate may kindly be accepted please.

I will be ever grateful for this act of your kindness.

Thanking you in anticipation.

Yours sincerely,

Name _____

Rank _____