

COURT No.2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

By Court's Order

8.

OA 1022/2023

Ex Hony Nb Sub Ram Kumar Singh Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Ramniwas Bansal, Advocate
For Respondents : Mr. Arvind Kumar, Advocate
Capt Abhishek Kumar, OIC, Legal Cell

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
24.10.2024

Though, the Counter affidavit has been filed on behalf of the respondents, a perusal of Page 97 of the record which is the document that has been annexed by the respondents to the counter affidavit dated 23.10.2024, indicates that it has been stated therein to the effect:-

*"Tele: 011-25682870
Mil: 36833*

*Central Organisation, ECHS
Adjutant General's Branch
Integrated Headquarters
Ministry of Defence (Army)
Maude Lines
Delhi Cantt-110010*

*B/49761/AG/ECHS/Treatment/2021
Regional Centre ECHS-II
Delhi Cant-10*

Aug 2021

WAIVER SANCTION IN R/O HONY NB SUB RAM KUMAR SINGH

1. *Pl refer your letter No 603/28/ECHS/Med-Sanction (142/2021) dated 13 Aug 2021*
2. *Prior sanction of MD ECHS is Not Recommended*
3. *For your info and necessary Action*

(SK Gupta)
Col
J. Dir (Med)
for MD ECHS

Copy to:-

ECHS Polyclinic For info wit DO letter mentioned at Para 1 above
(Near Sai Baba Mandir)
Bhishma Pitamah Marg
Pragat Vihar, Lodhi Road
New Delhi-110003

2. Significantly, the respondents have filed Annexure R-2 at Page-95, wherein it has been stated by the Regional Centre, ECHS-II, Delhi Cantt vide Para-15 to the effect:-

“

15	<i>Justification with brief summary for recommending the case as an emergency by JD(HS)</i>	~	<i>As per docus recd, the a/m patient was admitted in Fortis Hosp, Sector-62, Noida(UP) on 07 Aug 2021 as a case of general condition is deteriorating fast and needs urgent Liver transplant to avoid life threatening complication/Decompensation and as a life saving procedure. His son Mr Ritesh Kumar Singh is the donor. Both donor and recipient are worked up for Living Donor Liver Transplant and are found to be fit to proceed for the same.</i> <i>A large lobulated heterogeneously enhancing mass lesion with increased FDG uptake seen in left lobe of liver parenchyma measuring approx 4.6 x 4.9 cm, SUV max 7.5. An estimate of expenditure regarding this procedure amounting to Rs 14,00,000/- (Rupees fourteen lakh only) as per Fortis Hosp. Noida is att.</i> <i>The case is justified & recommended for necessary sanction for the competent auth.</i>
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3. Despite the Regional Centre, ECHS-II, Delhi Cantt having vide Para-16 stated to the effect:-

“

16	<i>Remarks/Justification by Dir RC(for serial no 11,12 and 14 above)</i>	~	<i>The case is justified & recommended and fwd herewith for your kind consideration and issue of necessary sanction.</i>
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that the case was justified and recommended and forwarded for consideration and issue of necessary action, the document dated 13.08.2021 at page-97 as issued by the Joint Director(Med) has stated that the prior sanction of MD ECHS is ‘not recommended’.

4. The specific reasons for the non-recommendation of a case which has been stated to be justified by the Regional Centre, ECHS-II, Delhi Cantt in writing, be put up by the respondents for the next date of hearing along with the original records of the file B/49761/AG/ECHS /Treatment/ 2021 on the next date of hearing. The authorized representative of the MD, ECHS is also directed to be present with the original records directed to be requisitioned to explain the reasons as placed at Page-97.

The matter be re-notified in the category of “By Court’s Order” on **08.11.2024** at 2:15 pm

Copy of this order be given **DASTI**

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)

TS