

COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

126.

OA 4824/2024

Maj Dibya Lahiri	Applicant
Versus		
Union of India & Ors.	Respondents

For Applicant	:	Mr. Ajit Kakkar, Advocate
For Respondents	:	Mr. Neeraj, Sr. CGSC

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
13.12.2024

The applicant has invoked the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007 and claims grant of Medical Entitlement Certificate (MEC for short) for applicant's mother. Notice was issued to the respondents on 20.11.2024 asking them as to why as an interim relief medical benefits should not be granted to the applicant's mother.

2. Today, respondents have produced before us the Medical Entitlement Card Policy dated 18.10.2023, based on which, the applicant is claiming the benefit and also a policy dated 18.09.2017 wherein income limits have been fixed for dependency for the purpose of medical entitlement.

In the said policy, the definition of dependent has been amended and in Para 3 thereof the following indications have been made:-

“3(a) The Definition in Para 3(a), Page xxiii(Definition) in RMSAF-2010 (copy encl) is amended to read as:-

“Wholly dependent parents means parents who normally reside with the officer and whose total monthly income does not exceed Rs.9000/- plus the amount of dearness relief on basic pension of Rs.9000/- as on the date of consideration.”

(b) The Definition in Para 4(a), Page xxiii(Definitions) in RMSAF-2010 (copy encl) is amended to read as:-

“Wholly dependent parents means parent who normally reside with the JCOs etc. and whose total monthly income does not exceed Rs.9000/- plus the amount of dearness relief on basic pension of Rs.9000/- as on the date of consideration.”

3. In view of the above, the applicant shall file an affidavit indicating that his mother is dependent upon him, she is residing with him and her total monthly income does not exceed the limit of Rs.9,000/- as indicated in Para 3 of the policy quoted hereinabove.

4. Learned counsel for the applicant invites our attention to the pleadings made by the applicant in ground ‘O’ of the OA wherein a specific averment, on affidavit, has been made by the applicant that his mother has no source of income and she is wholly dependent on him financially and it is also indicated that his mother’s income is below Rs.9,000/-

which fulfills the criteria to decide eligibility for medical entitlement case. However, a perusal of the policy for grant of MEC as contained in the communication dated 18.10.2023, in clause 6(b) (ii) thereof the following has been indicated:-

“6(b) (ii) Income Criteria for parents The current income limit from all sources of parents to be deemed as dependent is Rs.9000/- per month as specified vide this Dte Gen letter No. B/76785/Policy/Income Limit/DGMS-5B dt 18 Sep 2017 (copy at Appx C). Service personnel will deposit the Income Certificate of parents issued by Revenue Dept of District or Annual Income Certificate (AIS) as issued by the Income Tax Dept. which will be used to ascertain the income limit of parents.”

5. That being so, learned counsel for the applicant shall seek instructions and either file the aforesaid certificate in this application so that direction can be issued or can submit it to the respondents along with an application and a copy of this order and on the same being done, the respondents shall take action for grant of benefit to the applicant in accordance with the entitlement of the applicant/his mother and the policy in question.

6. In case the applicant submits the same immediately and on the same being done, the respondents shall pass appropriate order on the application within one week of its presentation.

7. List the matter on 02.01.2025.

8. Let a copy of this order be provided ***DASTI*** to learned counsel for the parties.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]
MEMBER (A)

Neha/VB
OA 4824/2024