

approximately 30 years and 08 months of service in APS. The applicant has since been drawing pension from his parent department, i.e., the Department of Posts. However, he has not been permitted to be a member of the Ex-Servicemen Contributory Health Scheme (ECHS) upon superannuation. While the applicant is admittedly a beneficiary of the Central Government Health Scheme (CGHS), he is aggrieved that he has been denied membership of ECHS, which he claims to be more beneficial. Hence, this Original Application has been filed.

3. Learned counsel for the applicant submits that the applicant's case is squarely covered by the decision in the case of **Ex. Sub Atma Singh & Ors.** Vs. **Union of India & Ors.** (TA 110/2009) and **Ex Sub Ajit Singh & Ors** Vs. **Union of India** in (TA 52/2009), wherein similarly placed applicants were entitled to status of Ex-Servicemen. It is contended that as per different notifications issued by the Government of India right from 1961 to 1979, all personnel who had completed six or more than six months of service before 01.07.1987 were recognized as Ex-Servicemen (ESM) and therefore entitled to consequential benefits, including ECHS membership. Accordingly, it is urged that the applicant, being similarly placed, is entitled to parity of treatment.

4. Reliance is further placed on an Unstarred Question No.888 answered in the Parliament on 26.07.2024, wherein the Hon'ble Minister of State for Defence, Shri Sanjay Seth, categorically stated that personnel outside the Tri-Services, including APS, are entitled to ECHS membership. Learned counsel therefore submits that denial of ECHS membership to the applicant and his dependent spouse is illegal and arbitrary.

5. Further reliance is placed upon the *Information Brochure of ECHS*, which specifies that APS pensioners who were existing 16/32 KB ECHS card holders prior to 17.11.2016 and who retired directly from APS without reversion to the Department of Posts are entitled to ECHS benefits. Particular reference is made to Para 2 of the Brochure, which stipulates that any personnel who has served in any rank in the regular Army, Navy, or Air Force, and has retired after earning pension, is entitled to ECHS benefits. Attention is also drawn to Question No.2 of the Frequently Asked Questions (*FAQs*) in the same Brochure, which confirms eligibility of APS pensioners for ECHS membership.

6. Learned counsel also relies upon Ministry of Defence, Department of Ex-Servicemen Welfare (hereinafter referred to as DoESW) letter dated 07.03.2019, which, according to him, extends

ECHS facilities to APS personnel. Further reference is made to AG's Branch letter dated 26.04.2023, wherein it is stated that APS personnel applying for upgradation of 16 KB/32 KB cards or for fresh 64 KB cards were denied membership after 17.11.2016. It is argued that this denial is discriminatory, particularly when DoESW subsequently allowed similarly placed personnel, who were members prior to 17.11.2016 and retired directly from APS without reversion, to continue availing ECHS facilities.

7. Per contra, learned counsel for the respondents submits that the applicant had voluntarily joined APS on 19.12.1983 as a deputationist from the Department of Posts for a short-term engagement of 18 months or until his services were required. Subsequently, the Government of India, Ministry of Defence, accorded sanction for retention of such non-regular deputationists of APS till the age of 60 years, subject to their willingness, with the specific proviso that such personnel would retire directly from APS without reversion to their parent department and would be governed by Central Civil Services (Pension) Rules, 1972.

8. It is submitted that in terms of the above, although the applicant retired from APS without reversion to the Department of Posts, he continues to draw pension from his civil parent

department under PPO dated 14.10.2014. Learned counsel points out that entitlement to ECHS are subject to twin conditions:-

- (a) The individual must be an Ex-Serviceman.
- (b) He must be in receipt of service/family/disability pension from the Controller of Defence Accounts (CDA).

9. It is further submitted by the learned counsel for the respondents that while the applicant may fall within the definition of "Ex-Serviceman" as per Government of India, MoD OM dated 20/21.07.2011 (Annexure R-5 to the counter affidavit), he does not satisfy the second condition, as he draws his pension from the Department of Posts rather than from CDA.

10. Contesting the applicant's reliance on **Ex Sub Atma Singh** (supra) and **Ex Sub Ajit Singh** (supra), learned counsel for the respondents argues that while the said decisions recognized the status of APS personnel as Ex-Servicemen, they do not confer automatic entitlement to ECHS membership. It is pointed out that the benefits were specifically limited to deputationists prior to 1987, and the present applicant does not fall within that category.

11. We have heard learned counsel for the parties at length and perused the relevant policy letters, Government notifications, and judicial pronouncements relied upon by both sides. It is necessary to

first take note of the Government of India, Ministry of Defence letter dated 30.12.2002, whereby the ECHS scheme was introduced vide letter No.22(1)/01/US(WE)/D(Res). The said letter lays down the terms and conditions of the scheme but contains no explicit inclusion of APS personnel or similarly placed deputationists within the ambit of ECHS. Further the judgment of Hon'ble AFT (RB) Chandigarh in the case of **Sub Atma Singh & Ors** Vs. **Union of India** in TA No.110 of 2009 (arising out of CWP No.15237 of 2009) which is reproduced below defines the status of Ex Servicemen prior to and after 01.07.1987, however is *sub silentio* on the subject of ECHS :-

**"ARMED FORCES TRIBUNAL, CHANDIGARH BENCH AT
CHANDIMANDIR**

**T.A. No. 110 of 2009
(arising out of CWP No. 15237 of 2009)**

**Ex Sub Atma Singh & ors Petitioners
Vs
Union of India and Ors. Respondents**

**T.A. No. 52 of 2009
(arising out of CWP No. 14112 of 2009)**

**Ex Sub Ajit Singh & ors Petitioners
Vs
Union of India and Ors. Respondents**

**ORDER
26-3-2010**

For the Petitioner (s) : Mr Sham Lal Sharma, Advocate

**For Respondents : Ms. Renu Bala Sharma, Senior Panel
Counsel, for respondent Nos 1 to 4
Mr R.P Singh, Adv. For respondents
No 5 and 6.**

Justice Ghanshyam Prasad :

Both these cases have been received on transfer from Hon'ble Punjab and Haryana High Court and they have been treated as applications under section 14/15 of the Armed Forces Tribunal Act.

Originally, the petitioners were the employees of the Indian Post and Telegraph Department, who had also served on deputation with the Army Postal Service for more than six months. In these two petitions their prayer is for grant of status of Ex-servicemen.

Heard the learned counsel for both the parties.

It is submitted by the learned counsel for the petitioners that all the petitioners had served in Army Postal Service on deputation for six and more than six months and, therefore, they are entitled to be included in the definition of Ex-servicemen as per Government of India Circulars issued right from 1961 to 1979.

Whereas the learned counsel for respondent Nos. 1 to 4 objected to the prayer of the petitioners and submitted that in view of the notification dated 19-07-1989 (Annexure P-1) issued by the Ministry of Defence, these petitioners are not entitled to be granted the status of Ex. Servicemen, which is apparent from para 2 of the notification.

We have gone through the pleadings of the parties as also the notification Annexure P-1 as well as copies of different notifications issued by the Government of India right from 1961 to 1979. From the perusal of those notifications, it is quite clear that before 1st July, 1987, all such personnel, who had completed six or more than six months service in the Army or deputation in Army Postal Service were entitled to be granted the status of Ex-servicemen. Only after 1987, the criteria was changed and now the minimum period required for the status of Ex-servicemen is 15 years for JCos & Ors and 20 years for officers. This would also apply for deputation in Army Postal Service.

It appears from the record that almost all the petitioners had served in the Army Postal Service on deputation prior to 1987 for a period of more than six months. Therefore, in view of the Govt. Notifications issued prior to 1987, the petitioners in these two writ petitions are entitled to get the status of Ex-servicemen.

Accordingly, both these petitions are respondents are directed to grant status of Ex-servicemen to all the petitioners who were on deputation in Army Postal Service for more than six months prior to 14th April 1987 and release all consequential benefits in their favour as per Rules and Regulations applicable in this regard.

12. At this stage, it is also relevant to note the Office Memorandum dated 20/21.07.2011 issued by Government of India, Ministry of Defence, in consequence to the judgment in the case of **Ex Sub Atma Singh & Ors** (supra). The said OM, being central to the applicant's claim, is reproduced below:

1(9)/2010/D(Res-I)
Government of India
Ministry of Defence
(Deptt. Of Ex-servicemen Welfare)

New Delhi, the 20th/21st July, 2011

OFFICE MEMORANDUM

Subject: Grant of Ex-servicemen status to Army Postal Service Personnel.

The undersigned is directed to refer to this Ministry's OM No.523/1/2006/D (Res) dated 26.07.2006 on the above subject and to state that as per Order dated 26.03.2010 passed by Hon'ble AFT Chandigarh in connection with TA No. 110 of 2009 (arising out of CWP No 15237/2009) filed by JC-105931 Ex-Sub Atma Singh & others Vs UOI & others, personnel who were on deputation in Army Postal Service for more than 6(Six) months prior to 14th April 1987 would also be considered as Ex-servicemen with all consequential benefits.

2. This is in supersession of the O.M. of even number dated 14.07.2011 issued in this regard. The said O.M. dated 14.07.2011 may be treated as cancelled/withdrawn.

3. This has the approval of the competent authority.

sd/-
(Supriyo Mukherjee)
Under Secretary to the Government of India

13. Subsequently, there is a letter dated 19.11.2013 which has been placed on record by the respondents through their counter affidavit which reads as under:

Tele : 25684645
Telefax : 011-25684946
Email : diritechs-mod@nic.in

Central Organisation ECHS
Adjutant General's Branch

B/49711/AG/ECHS

19 Nov 2013

IHQ of MoD (Navy)/Dir ECHS (N)
Air HQ (VB)/DPS
HQ Southern Command (A/ECHS)
HQ Eastern Command (A/ECHS)
HQ Western Command (A/ECHS)
HQ Central Command (A/ECHS)
HQ Northern Command (A/ECHS)
HQ South Western Command (A/ECHS)
HQs Training Command AF, Bangalore
HQ Andaman & Nicobar Command (A/ECHS)
All Regional Centres ECHS

**GRANT OF EX-SERVICEMEN(ESM) STATUS TO ARMY POSTAL SERVICE
PERSONNEL**

1. Ref this Office letter No B/49711-SC/AG/ECHS dt 27 Sep 2013.
2. AFT has granted ESM status to APS Personnel who were on deputation in Army for more than six months prior to 14 Apr 1987 vide GoI MOD OM No 1(9)/2010/D(Res-1) dt 20/21 Jul 2011 with all consequent benefits.
3. As per policy on Govt health Scheme only one Health Scheme can be subscribed to by a person, thus personnel, who have served on deputation with APS and subsequently drawing pension from Civil Estimates are not eligible for ECHS membership, since these personnel are eligible for CGHS membership.
4. Hence, following letters issued erroneously by Central Org ECHS for providing the ECHS facilities to personnel who have served on deputation with APS and drawing pension are hereby cancelled :-
 - (a) B/49701-PR/AG/ECHS dt 20 Mar 2012.
 - (b) B/49711-SC/AG/ECHS dt 27 Sep 2013.

sd/-
(Amit Sood)
Col
Dir (Stats & Automation)
for MD ECHS

Implying thereby, personnel who have served on deputation with the Army Postal Service and are subsequently drawing pension from the Civil Estimates are not eligible for membership of the ECHS.

Having regard to the submissions advanced by learned counsel for the applicant, it is also an admitted position that the applicant and his wife are presently availing the benefits under the CGHS scheme. In such circumstances, we are unable to find any justification to extend to the applicant the additional benefit of ECHS, particularly when he is already covered under CGHS and has been deriving benefits there from.

14. It is also pertinent at this context to take note of the Ministry of Defence letter dated 17.11.2016, which is reproduced herein below for ready reference:-

**No. 22D(03)/2015/WE/D(Res)
Government of India
Ministry of Defence
Department of Ex-servicemen Welfare**

New Delhi, the 17th November, 2016

To

**The Managing Director
Central Organisation, ECHS
Maude Lines, Delhi Cantt.**

Subject: Clarification with regard to ECHS Membership

Sir,

In compliance of Hon'ble AFT Chandigarh Regional Bench at Chandimandir Order dated 19th March, 2015 in O.A. No. 3980 of 2013 and Order dated 04.04.2016 in MA (E) 3653 of 2015 in OA NO. 3980 of 2013 filed by JC-50078F Ex. Subedar Bhagat Singh, I am directed to clarify that pension/disability pension and family pensioners mentioned in para 2 of Ministry of Defence letter No. 22(1)/01/US(WE)/D(Res) dated the 30th December, 2002 means only the defence pensions drawn from Controller of Defence Accounts.

2. This issues with the Concurrence of MoD (Finance/Pension) vide their ID No. 33(15)/2015/Fin/Pen dated 15.11.2016.

Yours Faithfully

sd/-

(A K Karn)

Under Secretary to the Government of India

Telefax: 23014946

15. We also take note of the clarification issued in respect of APS personnel for ECHS vide letter dated 16.02.2017 issued by the AG's Branch, which in Para 2 reiterates the twin conditions of eligibility under ECHS, as already discussed hereinabove at Para 7, namely, that the beneficiary should (a) be an Ex-Serviceman and (b) be in receipt of pension/family pension/disability pension drawn from the Controller of Defence Accounts (CDA). In the instant case, it stands established that the applicant is not in receipt of any pension or other benefits from the CDA.

16. It is also relevant to consider the Government of India, Ministry of Defence, OM No.22D(03)/2015/WE/D(Res) dated 11.01.2017, wherein Para 3(b) clearly stipulates as under:

"3(b). Category-II APS Personnel who after deputation retire from APS. APS personnel who after deputation retire from APS also draw pension from P&T deptt. Hence they are ineligible for ECHS. However, if such persons were to become CGHS members then options for them are as under :-

(i) Revert to P&T Deptt. and opt for CGHS and continue as member on retirement subject to extant policy of Ministry of health & Family welfare.

(ii) Opt for CGHS while on deputation to APS, subject to current policy and continue in CGHS after retirement from APS without reversion to P&T"

This leaves no ambiguity that such personnel, though recognised for CGHS membership, stand excluded from the ambit of ECHS.

17. Further, letter issued on 26.04.2023 by the office of the Central Organisation, ECHS further clarifies at Para 2 that the eligibility of ECHS is only extended to those persons who meet the twin criteria of being Ex-Servicemen and drawing pension from Defence. The letter is thus reproduced below:

Tele: 011-25684847
ASCON: 36832
Fax: 011-25684946
Email: diropsechs-mod@nic.in

Central Organisation
Ex-Servicemen Contributory
Health Scheme (ECHS)
Adjutant General's Branch
Integrated HQ of MoD
Thimayya Marg,
Near Gopinath Circle
Delhi Cantt-110010

B/49701-PR/AG/ECHS/2023

26 Apr 2023

IHQ of MoD (Navy)/Dir ECHS (N)
DAV (Coord)
HQ Southern Command (A/ECHS)
HQ Eastern Command (A/ECHS)
HQ Central Command (A/ECHS)
HQ Northern Command (A/ECHS)
HQ South Western Command (A/ECHS)
HQ Andaman & Nicobar Command (A/ECHS)
All Regional Centres ECHS
DIAV
Addl Dte Gen APS/APS-ID
APS Records
MP Dte (586)

EXECUTIVE INSTRUCTIONS: CONFIRMATION/CONTINUATION OF ECHS
MEMBERSHIP TO THE EXISTING ECHS BENEFICIARIES OF ARMY POSTAL
SERVICE (APS)

- 1. Please refer to Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare D (WE/Res-I) letter No 22(01)/2020-D(WE/Res-I) dated 06 Apr 2023 forwarded vide Central Org ECHS letter No B/49701-PR/AG/ECHS/2023 dt 06 Apr 2023 (copy attached).**
- 2. Ex-Servicemen Contributory Health Scheme (ECHS) was introduced vide Government of India, Ministry of Defence letter No 22(1)/01/US(WE)/D(Res) dated 30 Dec 2002. The scheme is entitled only**

to those persons who were meeting twin criteria of being ESM and drawing pension from Defence. The benefit of the scheme was also extended to eligible Army Postal Service (APS) personnel.

3. On 17 Nov 2016, an order was issued by Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare letter No 22D(03)/2015/VE/D(Res) dated 17 Nov 2016, stating that pension/disability pension and family pensioners mentioned in Para 2 of Ministry of Defence letter No 22(1)/01/US(WE)/D(Res) dt 30 Dec 2002 means only the defence pensions drawn from Controller of Defence Accounts. As a result, the APS personnel who do not draw their pension from Defence Estimates through CDA became ineligible for ECHS membership.

4. With the introduction of 64 KB cards, the existing card holders as well as some new APS personnel applied for either upgradation of the 16 KB/32 KB card or for issue of fresh 64 KB card. In accordance with the provisions of letter dt 17 Nov 2016 mentioned above, those APS personnel who applied for 64 KB cards were denied membership.

5. Due to various petitions from those who were given ECHS membership earlier and were denied later based on letter dt 17 Nov 2016, Central Organisation, ECHS pursued a case with Department of Ex-Servicemen Welfare to allow continuation of ECHS membership to those APS personnel who were granted ECHS membership prior to 17 Nov 2016 and who retired from the APS on completion of terms of engagement of the Army after secondment from Department of posts without reversion to the Department of Posts.

6. MoD vide their letter under ref have concurred to the proposal. Details of sanction granted by Ministry of Defence, Department of Ex-Servicemen Welfare is as under.-

(a) Grant of ECHS membership to the existing ECHS beneficiaries of Army Postal Service holding 16 KB/32 KB ECHS card or temporary slip and joined ECHS prior to 17 Nov 2016 without reversion to the Department of Posts

(b) The eligible APS retirees, including their eligible dependents as per ECHS order, will continue to avail ECHS benefits.

(c) Personnel category and also not in receipt of Fixed Medical Allowance. The APS personnel should not be members of CGHS in the retired

(d) This is an onetime measure granted to the above ECHS beneficiaries of APS and should not be quoted as a precedence.

7. All other procedure and policies of ECHS will be applicable to above mentioned categories in letter and spirit. All relevant details are hosted on the ECHS website.

8. This information may be disseminated to the environment for information of all ECHS beneficiaries under your jurisdiction.

*Sd/-xxxxxx
(Santosh Kumar)*

*Capt (IN)
Offg Dir (Ops & Coord)
for MD ECHS*

Encls:- As above.

Copy to:-
MOD (DOESW) - for info wrt letter mentioned at para 1 above.
AG Coord - for info of AG please.
DG DC&W Sectt - for info of DG DC&W please.
M/S UTI-ITSL - for necessary action please.
**UTI Bhawan, Plot No 3,
Sector 11,
CBD Belapur, Navi Mumbai
Maharashtra-400614"**

18. In view of the foregoing discussion and the settled position of law, we find no merit in the prayer of the applicant. We are of the considered opinion that there exists no justification for permitting the applicant and his spouse to transfer from the CGHS scheme, of which they are already availing benefits, to the ECHS scheme. Accordingly, the Original Application is dismissed being devoid of merit. No order as to costs.

19. Accordingly, the OA stands dismissed as devoid of merit.

20. No order as to costs.

21. Pending miscellaneous application(s), if any, stands closed.

Pronounced in open Court on this 1st day of December, 2025.

**(JUSTICE NANDITA DUBEY)
MEMBER (J)**

**(LT GEN C.P. MOHANTY)
MEMBER (A)**

Neha