

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

22.

OA 655/2019 with MA 1245/2019

LR Smt Shkuntla Wd/o Ex Hav
Clk Mehtab Singh Dahiya Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Rajesh Nandal, Advocate
For Respondents : Mr. Arvind Patel, Advocate
Maj Abhishek Kumar, OIC, Legal Cell

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE LT GEN CP MOHANTY, MEMBER (A)

ORDER
09.12.2025

On behalf of the respondents, it is submitted that the ECHS Card had been dispatched to the deceased applicant Ex Hav Clk Mehtab Singh Dahiya and his spouse Ms. Shkuntla on 07.02.2025 as per letter dated 07.02.2025. On behalf of the applicant has also been submitted copy of the PPO no. S/002/2011 dated 19.09.2011 which is taken on record which also indicates that the date of commencement of pension is 30.03.2009.

2. The applicant since deceased Ex Hav Clk Mehtab Singh Dahiya vide the present OA instituted on 18.04.2019 had made the following prayers:-

“(a) direct respondents to pass suitable directions to MD, ECHS to bring him and his dependant's in the ambit of their scheme as he is entitled for the same being a regular pensioner. And/or

(b) direct further to charge him at the same rate which was chargeable in Mar 2009 when he was due for this benefit. And

(c) direct records office to pay the applicant monthly medical allowance as per the authorized rate with the due arrears of with interest @12% p.a. from the date it was due till the ECHS card is issued to him. And

(d) Issue the discharge certificate with all the details to the applicant which is an necessary document of an ex-servicemen and is required by him for various purposes. And

(e) Any other relief which the Hon'ble Tribunal may deem fit and proper in the fact and circumstances of the case along with cost of the applicant in favour of the applicant and against the respondents."

3. During the pendency of the present OA, the applicant has since expired and vide order dated 05.08.2025 in MA 1820/2025 Smt. Shkuntla, the widow of the deceased applicant was allowed to be substituted in place of the deceased applicant. During the course of submissions on 05.08.2025 in MA 1820/2025, it was also submitted on behalf of the LR of the applicant to the effect that the details of the change of her date of birth from 11.02.1959 to 30.05.1958 along with the Part-II order had been recorded.

4. Counsel for the present applicant i.e. Smt. Shkuntla submits that the ECHS Card in relation to Ex Hav Clk Mehtab Singh Dahiya who has expired has since been surrendered. Vide order dated 02.06.2021 it was directed to the effect:-

"In the meanwhile, we direct the respondents to seek instructions and inform us as to whether under the policy in question or any other inherent or otherwise powers available to the Competent Authority, as the mercy petition of the applicant has been allowed and the Competent Authority has shown him some mercy in the matter of restoring 90% of the pension, is

there any similar provision in the respondent organisation where such mercy can be shown in the matter of relaxation of granting the benefit of ECHS to the applicant. Let these instructions be received by the respondents by the next date of hearing."

5. Vide the proceedings dated 26.07.2021, it was observed to the effect:-

"In pursuance of the order passed on the last date, learned counsel appearing for the respondents submits that there is no provision for granting any relaxation or extending any mercy in the matter and as per the policy, the applicant is not entitled to any relief. Learned counsel for the respondents may file an affidavit of the Competent Authority indicating all these facts in the affidavit.

Learned counsel for the applicant informs us that there are instances that some benefits have been granted to some individuals. If that be so, he may bring the same on record by way of an application along with affidavit of the applicant so that the respondents can be directed to clarify the position. Affidavits, as directed above, be filed within four weeks.

List the matter on 3rd September, 2021."

6. Arguments had been advanced on behalf of either side.

Vide order dated 12.01.2024 the matter was reserved for orders.

Vide order dated 18.01.2024, however, the directions were issued as under:-

"This matter was reserved for orders.

The applicant vide the present OA 655/2019 has made the following prayers :-

"(a) direct respondents to pass suitable directions to MD, ECHS to bring him and his dependent's in the ambit of their scheme as he is entitled for the same being a regular pensioner. And/or

(b) direct further to charge him at the same rate which was chargeable in Mar 2009 when he was due for this benefit. And

(c) direct records office to pay the applicant monthly medical allowance as per the authorized rate with the due arrears of with interest @12% p.a. from the

date it was due till the ECHS card is issued to him.

And

(d) Issue the discharge certificate with all the details to the applicant which is an necessary document of an ex-servicemen and is required by him for various purposes. And

(e) Any other relief which the Hon'ble Tribunal may deem fit and proper in the fact and circumstances of the case along with cost of the applicant in favour of the applicant and against the respondents."

Without any observations on the merits or demerits of the prayers, made in view of averments made in the counter affidavit dated 28.05.2021 filed on behalf of the respondents to the effect that the discharge book (IAFY-1964) bearing Ser No. 1153/2019 has been issued and forwarded to the applicant vide BEG Records, Roorkee letter No. 1460499/DR/R/NE-6(D) dated 08 Jan 2019, the copy of the said discharge book submitted on record by the respondents for the next date of hearing.

Furthermore, in view of submissions made in the said counter affidavit by the respondents to the effect that the applicant had never approached their office for the monthly medical allowances and ECHS card and that a single and a joint passport size photographs duly attested by Zila Sainik Board were asked from the applicant but the same were not submitted by the applicant, the present status in relation in thereto be submitted by the applicant on the next date of hearing.

The matter is directed to be re-notified for 08.02.2024. the copy of the order be supplied to the respondents as prayed for compliance.

Copy of this order be given DASTI as prayed."

7. On 10.12.2024, a submission was made on behalf of the applicant i.e. Ex Hav Clk Mehtab Singh Dahiya that he has received the CSD Card and his name and particulars have been updated in the records of the service book of the respondents and that he had provided all requisite particulars for the issuance of the ECHS card, which was till then yet to be issued. A further submission was made on behalf of the applicant that the medical allowance from the period 01.04.2009 onwards was yet to be

received by him. The respondents had sought two weeks time on 10.12.2024 to put forth the status in relation to issuance of the ECHS card and payment of the medical allowance in relation to the said aspect. On 12.02.2025, a submission was made on behalf of the respondents by submission of a letter dated 07.02.2025 stating vide Para 4 thereof to the effect:-

“4. ECHS card and FMA both are not permissible simultaneously. ECHS card holders are to forgo FMA. However, ECHS members residing in districts not covered by ECHS are only entitled to avail FMA for IPD only. Stoppage /continuation of FMA is being handled by concerned Record office.”

8. Thereafter the applicant expired and subsequently MA 1820/2025 filed by his widow was allowed vide order 05.08.2025. At the outset when the matter was taken up for consideration today, learned counsel for the present applicant i.e. the LR of the deceased applicant submitted that the relief now sought is confined to the grant of the Fixed Medical Allowance for the period 01.04.2009 till the date 06.02.2025 as was due to her late husband.

9. It is essential to observe that it has not been refuted by the respondents that the deceased applicant and thereafter his widow had not been granted the Fixed Medical Allowance for the period 01.04.2009 i.e. the next day after commencement of the pension of the late applicant which commenced from 30.03.2009 as per the PPO no. S/0082/2011 and that the same has also not been paid till the date of issuance of the ECHS card which had been

dispatched on 07.02.2025. The submissions that were made vide the document dated 07.02.2025 vide Para-4 thereof were to the effect that the ECHS card and FMA both are not permissible simultaneously and that the ECHS card holders are to forgo FMA. However, ECHS members residing in districts not covered by ECHS are only entitled to avail FMA for IPD only and stoppage/continuation of FMA is being handled by the concerned Record office. Apparently, thus for the period that the late applicant was not issued the ECHS card, taking into account the factum that the late applicant was granted 90% of pension in view of the mercy petition filed by him w.e.f. 30.03.2009 as per letter no. PC-27616/BEG(R)/441/E1A/77/2011/AG/PS-4(Imp-1) dated 23.05.2011, the late applicant was apparently entitled to the Fixed Medical Allowance for the period from 01.04.2009 till the date of his demise i.e. 08.02.2025 and thus the late applicant having since been substituted by his legal representative Ms. Shkuntla, she is entitled to the receipt of the fixed medical allowance as per extant rules at the prevailing rate for the period from 01.04.2009 till the date 06.02.2025. We are fortified in the view that we hold hereinabove in view of order dated 01.08.2025 in OA 636/2023 with MA 925/2023 of the AFT(PB), New Delhi in the case of *JWO Jayanta Mukherjee(Retd) vs. UOI & Ors.*

10. The respondents are thus directed to make the payment of the Fixed Medical Allowance as per the extant rules at the then prevailing rates for the period from 01.04.2009 to 06.02.2025 to

the present applicant as was due to her late husband which be paid to the applicant within a period of three months from the date of this order, failing which, interest @8% per annum would be payable by the respondents to the applicant.

11. The OA.655/2019 is disposed of accordingly.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(LT GEN CP MOHANTY)
MEMBER (A)

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