

ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOCHI

D.No.138 of 2011 in Unnumbered O.A. of 2011

THURSDAY, THE 15TH DAY OF DECEMBER, 2011/24th AGRAHAYANA, 1933

CORAM:

HON'BLE MR. JUSTICE A.C.ARUMUGAPERUMAL ADITYAN, MEMBER (J)

HON'BLE LT.GEN.THOMAS MATHEW, PVSM, AVSM, MEMBER (A)

Ex.No.14504381 CFN ROBINSON. V.V.,
AGED 64 YEARS, RELIANCE HOUSE,
MUNDUPARAMBA, MALAPPURAM DISTRICT,
KERALA.

APPLICANT:

BY ADV. SRI. T.R. JAGADEESH.

versus

1. UNION OF INDIA, REPRESENTED BY ITS
SECRETARY, MINISTRY OF DEFENCE,
SOUTH BLOCK, NEW DELHI – 110 011.
2. THE CHIEF OF THE ARMY STAFF,
INTEGRATED HEADQUARTERS (ARMY),
SOUTH BLOCK, NEW DELHI – 110 011.
3. THE SENIOR RECORDS OFFICER,
EME RECORDS, SECUNDERABAD – 21.
4. PRINCIPAL CONTROLLER OF DEFENCE ACCOUNTS (PENSIONS),
OFFICE OF THE PCDA (P), DRAUPATI GARH,
ALLAHABAD – 211 014,
5. THE DIRECTOR, CENTRAL ORGANISATION ECHS,
AG'S BRANCH, INTEGRATED HQ OF MOD (ARMY),
MAUDE LINES, DELHI CANTT – 10.

RESPONDENTS:

ORDER

A.C.A. Adityan, Member (J):

Heard the learned counsel appearing for the applicant.

2. There are three prayers in the application. One is to declare that the applicant is entitled to continue medical treatment from military hospital;

second one is to issue a direction to the respondents to admit the applicant in ECHS Scheme and the third one is to grant disability pension.

2A. With regard to the third prayer regarding grant of disability pension, the applicant had already moved the Honourable High Court of Kerala by way of filing W.P.(C) No.5724 of 2005 which was dismissed on 7th March 2005. The said order of the High Court has become final and it was not challenged by way of filing Writ Appeal. If we entertain the relief of disability pension once again, then it will amount to res judicata.

2B. With regard to the second prayer for admitting the applicant in ECHS scheme, the reply dated 28.7.2010 from the Central Organisation ECHS, Adjutant General's Branch, Integrated Headquarters of Ministry of Defence(Army) reads that applicant is lacking the mandatory eligibility criteria for membership as an ex-serviceman pensioner. Under such circumstances, unless and until the applicant is having the eligibility criteria to become a member under ECHS scheme, this Tribunal cannot entertain the second relief also.

2C. With regard to the first relief, admittedly the applicant is not a pensioner. But the applicant will be having discharge certificate with him. With the help of that he can get necessary medical treatment from military hospital. There is absolutely no material to show that he has been denied

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medical treatment from Military Hospital. With regard to the first relief, the applicant can approach the Rajya Sainik Board, if so advised. If the applicant approaches the Rajya Sainik Board, that can be considered favourably.

With the above observation, the unnumbered Original Application of 2011 is rejected.

Sd/-
LT. GEN. THOMAS MATHEW,
MEMBER (A)

Sd/-
JUSTICE A.C.A. ADITYAN,
MEMBER (J)

DK.

(True copy)

Prl. Private Secretary

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ARMED FORCES TRIBUNAL,
REGIONAL BENCH, KOCHI.

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ORDER

DATED: 15.12. 2011