

Ministry of Defence  
(Deptt of Ex-Servicemen Welfare)

Subject:- Medical facilities to Short Service Commissioned  
Officers/Emergency Commissioned Officers.  
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Please refer to your letter No. 0049/ECHS/DGR/Adm dt. 27<sup>th</sup> Oct, 10 on the above mentioned subject. The case is under active consideration to file an appeal in the Hon<sup>ble</sup> Supreme Court of India on the judgement given by Armed Force Tribunal, Chandigarh Regional Bench order dated 17<sup>th</sup> Sept, 10 in OA No. 372/2010 ex-Capt AN Chopra v/s Union of India & others. Copy of advice of DGAFMS attached.



(H.K. Mallick)  
Under Secretary(WE)

✓ Adm & Coordination Officer  
O/o DGR

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MoD I.D. No. 18( 06 )/09/US(WE)/D(Res) dated 24<sup>th</sup> Dec, 2010.

मिनिस्ट्री ऑफ डिफेंस  
डिप्टी ऑफ एक्स-सर्विसमेन वेलफेयर  
041  
12.11.11

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MINISTRY OF DEFENCE  
OFFICE OF THE DGAFMS/DG-3A

MEDICAL FACILITIES TO SHORT SERVICE COMMISSIONED  
OFFICERS/EMERGENCY COMMISSIONED OFFICERS

1. Please refer your MoD ID No. 2847 /10/D (Medical) dated 06 Dec 2010.
2. As per judgment of the Armed Forces Tribunal, Chandigarh Regional bench Order Dated 17 Sep 2010 in OA No 372 /2010, Ex Capt AN Chopra Vs Union of India and Others, it was ruled that; " In view of the fact and circumstances, we are of the opinion that non pensioner ESM who are not beneficiaries of the ECHS continue to be entitled health care facilities of Armed Forces hospitals to the extent available. As such we direct the medical entitlement certificates issued to the petitioners be honored as and when presented, and extended the medical facilities as per policy. Any instructions to the contrary, if issued departmentally, be suitably modified accordingly within three months of receipt of this order".
3. Based on the above judgment, the Central Government Counsel, Punjab and Haryana High Court, Chandigarh, advised that an appeal should be filed in the Hon' Supreme Court of India, within a stipulated period of 90 days.
4. Subsequent to this, on advice of MoD/D (Medical), legal opinion of JAG (Army) was sought. Following this, the case has been referred to LA (Defence) through MoD/D (Medical) for expert opinion and decision on filing an appeal in the Hon Supreme Court.
5. This is for your info please.

2877/10  
- 9/12/10

MoD/ D (Medical)

*VS Grewal*  
(VS Grewal)  
Lt Col  
Jt Dir AFMS (H)

2877/10  
807/B)

9.12.10

Asst. (Sh. Ad.)