

ARMED FORCES TRIBUNAL, REGIONAL BENCH, CHENNAI

M.A.No. 319 of 2014
in
O.A.No.160 of 2013

Wednesday, the 1st day of October 2014

THE HONOURABLE JUSTICE V. PERIYA KARUPPIAH
(MEMBER - JUDICIAL)
AND
THE HONOURABLE LT GEN K. SURENDRA NATH
(MEMBER – ADMINISTRATIVE)

Ex WO II No.8363451 P. Sreerangan
aged 70 years, S/o V.Palani
R/o C 188, Sampath Nagar
Erode, Tamil Nadu
638011.

.. Applicant/Applicant

By Legal Practitioner:
Ms. Tonifia Miranda

vs.

1. Union of India,
Rep. by its Secretary
Ministry of Defence
New Delhi-110 011.

2. Under Secretary
Dept of Ex-Serviceman Welfare
Ministry of Defence
New Delhi-110 011.

3. Central Organization ECHS
Adjutant General's Branch
Integrated HQ of MOD (Army)
Maude Lines
Delhi Cantonment-10.

4. Addl Directorate General of APS
Pin 908700
C/o 56 APO.

5. The APS Records
Pin 900 746
C/o 56 APO
Kamptee.

6. Regional Centre
ECHS, St Fort
Secretariat, Chennai.

... Respondents/Respondents

By Mr. B.Shanthakumar, SPC

ORDER

(Order of the Tribunal made by
Hon'ble Justice V. Periya Karuppiyah, Member (Judicial))

1. Heard Mrs. Tonifia Miranda, learned counsel for the applicant and Mr. B.Shanthakumar, learned Senior Panel Counsel assisted by Mr. M. Dennison, Representative, Legal Cell, ATNK & K Area, Chennai. Lt Col D.Ajit Kumar, Joint Director, Regional Centre, ECHS, Chennai is also present. Counter of respondents is not filed despite an opportunity was given to file the same. Further, we heard Lt Col D.Ajit Kumar, Joint Director, Regional Centre, ECHS, Chennai who also clarified. We have already passed an order on 17.07.2014 in respect of taking treatment in the Command Hospital, Bangalore in which we have directed that the applicant and his NoK be permitted to get treatment as a non-entitled patient on payment of proper fees levied by the Command Hospital, Bangalore.

2. Today it has been explained to us by way of an affidavit medical documents and by argument that the wife of the applicant, viz., Mrs. Neelaveni, a cancer patient should have been urgently treated by a surgery "Hemithyroidectomy Category IV + Total Thyroidectomy Category IV in the empanelled hospital, i.e., HCG Hospital, Bangalore as referred by the Command Hospital. The approximate cost of the surgery is given as Rs.1,41,740/- as per the revised CGHS operation.

3. Considering the urgency in this matter and the Original Application is awaiting the final decision owing to the particulars to be furnished by the respondents, we are inclined to direct the respondents to treat the applicant and his NoK as ECHS card-holder and to provide all the expenditure or money for defraying the cost of expenditure and to treat the applicant's wife, Mrs. Neelaveni who is awaiting emergency surgery referred above. The said expenditure incurred by the applicant for the provision of the treatment to the applicant's wife Mrs. Neelaveni shall be borne by the respondents. This being a temporary measure, its continuance or discontinuance is awaiting the final orders to be passed by us in the O.A. Appropriate orders will be passed, regarding the liability of the expenditure borne by the respondents, at the time of disposal of the case by us. The order of this Tribunal made in M.A.No.166 of 2014 on 17.07.2014 stands modified accordingly.

4. The application is thus ordered. No costs.

Sd/

LT GEN K. SURENDRA NATH
MEMBER (ADMINISTRATIVE)

Sd/

JUSTICE V.PERIYA KARUPPIAH
MEMBER (JUDICIAL)

01.10.2014
(True copy)

Member (J) – Index : Yes/No

Member (A) – Index : Yes/No

VS

Internet : Yes/No

Internet : Yes/No

To:

1. The Secretary
Ministry of Defence
New Delhi-110 011.
2. Under Secretary
Dept of Ex-Serviceman Welfare
Ministry of Defence
New Delhi-110 011.
3. Central Organization ECHS
Adjutant General's Branch
Integrated HQ of MOD (Army)
Maude Lines
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C/o 56 APO.
5. The APS Records
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C/o 56 APO
Kamptee.
6. Regional Centre
ECHS, ST Fort
Secretariat, Chennai.
7. Ms. Tonifia Miranda
Counsel for applicant.
8. Mr. B.Shanthakumar, SPC
For respondents.
9. OIC, Legal Cell,
ATNK & K Area, Chennai.
10. Library, AFT, Chennai.

HON'BLE MR.JUSTICE V. PERIYA KARUPPIAH
MEMBER (JUDICIAL)
AND
HON'BLE LT GEN K. SURENDRA NATH
MEMBER (ADMINISTRATIVE)

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Dt:01.10.2014