

Form No.4
[(SEE RULE 11(1))]
IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA
ORDER SHEET

APPLICATION No. O.A. No. 54/2017

APPLICANT (S)	EX SUB SWAPAN KR. BHATTACHRJEE
RESPONDENT (S)	Union of India & Others
Legal Practitioner of applicant	Legal Practitioner for Respondent (s)
Mr. Aniruddha Datta	Mr. S. K. Choudhury

<u>ORDERS OF THE TRIBUNAL</u>	
Order Serial Number :	<u>2</u> Dated : 05-05-2017
	1. Heard Mr. Aniruddha Datta, learned counsel appearing for the applicant and also Mr. S. K. Choudhury, learned counsel assisted by the Maj Narendra Singh, OIC, Legal Cell and Col Rupam Rudraj, OIC, ECHS Cell appearing for the respondents.
	2. O.A. is admitted for hearing.
	3. Issue notice.
	4. Since Mr. S. K. Bhattacharyya, learned counsel, accepts notice on behalf of all the respondents no notice need be issued.
	5. Respondents shall file counter within four weeks from today.
	6. Applicant may file rejoinder within two weeks thereafter.
	7. List the case for orders on 21.07.2017.
	8. Mr. Datta, learned counsel appearing for the applicant has made a prayer for passing an interim order. Mr. Bhattacharyya, the learned counsel and Col R. Rudraj, respondent No.7, oppose the prayer.
	9. Mr. Datta, learned counsel, has submitted that though the respondents, after retirement of the applicant from service of APS, has granted the ex-serviceman status and also issued CSD canteen card apart from ECHS card facility, the same has been subsequently suspended and thereby depriving the applicant from getting the benefit of ECHS

scheme, despite making his contribution, and hence, an interim order may be passed suspending such action on the part of the respondents authority.

10. Col R Rudraj has submitted that ECHS card was issued to the applicant at the time of his retirement. At that time ECHS scheme was available to the persons whose pension has been drawn from civil estimates. Later, in the month of November, 2016 Govt. of India has introduced a policy decision to provide ECHS facility to the persons who are drawing pension from defence estimates and accordingly the CEHS facility has been withdrawn.

11. It is not in dispute that on the date when the applicant has retired from service, he was entitled to the benefits of ECHS scheme. The Govt. of India, however, in the month of November, 2016 has introduced a criteria for issuance of ECHS facility only to the persons who are paid pension from defence estimates.

12. Having regard to the aforesaid position, we are of the prima facie opinion that since the Govt. of India has taken the decision in the month of November, 2016, which is subsequent to the date of retirement of the applicant, it cannot affect the right of the applicant in getting the benefit of ECHS scheme.

13. Hence, we suspend the action on the part of the respondents authority in discontinuing the ECHS facility to the applicant until further order.

14. It is open to the respondents to file appropriate application for modification and/or cancellation of the interim order passed today, if so advised.

15. Let a plain copy of this order be handed over to the learned counsel for the parties.

(Lt Gen Gautam Moorthy)
Member(Administrative)
pkb

(Justice B.P. Katakey)
Member (Judicial)