



\$~2

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(C) 2403/2019

EX GC DHRUV JAMWAL

.....Petitioner

Through: Mr.Ankur Chhibber,
Mr.Anshuman Mehrotra,
Mr.Nikunj Arora, Advs

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mrs.Amrita Prakash, CGSC,
Mr.Vishal Ashwani Mehta,
Adv. with Major Anish
Muralidhar.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

%

14.10.2024

1. This petition has been filed by the petitioner under Article 226 of the Constitution of India, praying for a direction to the respondents to grant an ECHS Facility and Ex-Servicemen Status to the petitioner. The petitioner also challenges the Order/Letter No. B/49717/MoD-15(2018)/AG/ECHS dated 12.01.2018 whereby the request of the petitioner for the above has been kept pending, observing therein that the issue is being taken up with the Department of Ex-Servicemen Welfare, Ministry of Defence as a special case and the outcome thereof shall be communicated later as and when received from the Ministry of Defence.

2. It is the case of the petitioner that the petitioner was selected for



Technical Entry Scheme (in short, 'TES') in the Army in 2009. The petitioner was medically examined during the selection process and was found fit. He underwent training in the Indian Military Academy (in short, 'IMA') Dehradun from January 2010 to December 2010 and thereafter joined the Cadets Training Wing (in short, 'CTW') MCEME, Secunderabad from January 2011 to July 2013. During his training, the petitioner unfortunately sustained an injury in his right knee and was invalided out from service on medical grounds in July, 2013. The petitioner was sanctioned *Ex-Gratia* award *vide* an Order dated 07.01.2015, however, he was not granted the Ex-Servicemen Status nor was he extended the ECHS Facility, presumably on the ground that he was not drawing Disability Pension and was not categorized as an Ex-Serviceman in terms of the Notification dated 04.10.2012 issued by the Government of India, Ministry of Personnel, Public Grievances and Pensions.

3. The learned counsel for the petitioner has drawn our attention to the Report of the 'Raksha Mantri's Committee of Expert on Review of Service and Pensions Matters including potential disputes, minimizing litigation and strengthening institutional mechanisms related to redressal of grievances', to submit that a similar issue was considered by this Committee and it was opined/recommended that the benefit of ECHS and the Status of Ex-Servicemen should be granted to cadets who suffer injuries during their trainings. The learned counsel for the petitioner submits that, however, it appears that no final decision on such recommendation has been taken by the respondents.

4. Our attention has also been drawn to the Order dated



13.09.2024 passed by this Court in a Batch of petitions including WP(C) 13116/2018, *Ex.GC Ashutosh Kumar v. UOI & Ors.*, wherein this Court has directed the listing of the said petition along with W.P.(C) 469/2013, which considered a similar claim of a person who was injured while undergoing training with the Indian Air Force.

5. List this petition along with WP(C) 469/2013 on 12th November, 2024.

NAVIN CHAWLA, J

SHALINDER KAUR, J

OCTOBER 14, 2024/Arya/DG

Click here to check corrigendum, if any