

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO.210 OF 1999

CONFEDERATION OF EX-SERVICEMEN ASSNS.

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(With appln(s) for impleading party and office report)

Date: 22/11/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Petitioner(s)

Mr. K.S. Bhati,Adv.

Ms. Aishwarya Bhati,Adv.

Mr. R. Ranjan,Adv.

For Applicant(s)

Mr. Jagdev Singh Manhas,Adv. (N/P)

For Respondent(s)

Mr. R.P. Mehrotra,Adv.

Mr. Garvesh Kabra,Adv.

Mr. Arvind Kumar Sharma,Adv. (N/P)

UPON hearing counsel the Court made the following

O R D E R

We have perused the orders dated 10th May, 1999 and 20th July 2004. We have also heard learned counsel for a short while on the issue of the applicability of Articles 14 and 21 of the Constitution of India, particularly with reference to the Ex-servicemen Contributory Health Scheme dated 30th December, 2002, which, inter alia, stipulates contribution to be made by the Ex-servicemen depending

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upon the pension amount received. Under the Scheme, the Ex-servicemen have been placed in five categories and the rate of contributions ranged from Rs.1800/- to Rs.18,000/- as one-time contribution to avail the benefit of the health scheme. The question to be examined would also be whether requiring Ex-servicemen to make the contribution amounts to breach of right under Articles 14 and 21 of the Constitution of India and the further question of arbitrariness of the amounts. In the order dated 10th May, 1999, the matter was directed to be placed before a Bench of five Judges, having regard to the observations made in paragraph 25 of Consumer Education and Research Centre & Ors. vs. Union of India & Ors. (1995 (3) S.C.C.42).

It reads thus:

"25. Therefore, we hold that right to health, medical aid to protect the health and vigour to a worker while in service or post-retirement is a fundamental right under Article 21, read with Articles 39(e), 41,43, 48-A and all related articles and fundamental human rights to make the life of the workman meaningful and purposeful with dignity of person."

The writ petition has been placed before this Bench for the reasons recorded in the order dated 20th Jul, 2004. We are of the same view as expressed in the order dated 10th May, 1999. The writ petition shall be placed for hearing before a Bench of five Judges.

The papers shall be placed before Hon'ble the Chief Justice for directions.

[ T.I. Rajput ]

Court Master

[ V.P. Tyagi ]

Court Master