

ITEM NO.4

COURT NO.3

SECTION XVII

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

Civil Appeal No(s). 5418/2011

UNION OF INDIA & ORS.

Appellant(s)

VERSUS

AN CHOPRA & ANR.

Respondent(s)

IA 2/2011-stay application

WITH

C.A. No. 5738-5739/2015 (XVII)

Date : 06-12-2018 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHAN
HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Appellant(s) Ms.Pinky Anand, ASG
Mr. A.K. Sharma, Adv.
Mr. Sanjiv Das, Adv.
Mr. A.C. Pradhan, Adv.
Mr. Rajesh Ranjan, Adv.
Mr. Hemant Arya, Adv.
Ms. Kirti Dua, Adv.
Mrs. Anil Katiyar, AOR
Mr. B. V. Balaram Das, AOR

For Respondent(s) Mr. Aishwarya Bhati, AOR
Ms. Chitrangada Rashtervada, Adv.
Ms. Vaidruti Mishra, Adv.
Damodai Solanki, Adv.
Mr. Shaurya Singh Rathore, Adv.

Mr. Siddhartha Chowdhury, AOR

UPON hearing the counsel the Court made the following
O R D E R

On 13.11.2017 the following order was passed by this Court:

"This is an application for early hearing.

As the controversy lies in narrow compass, let the matter be added to the hearing list in the third week of February, 2018.

In the meantime, if any proposal is pending before the appropriate authority, the same may be taken into consideration."

It is clear from the above that the Union of India was asked to consider the proposal pending before the appropriate authority before the matter could come up for hearing in the third week of February, 2018. However, the matter came up for hearing only on 28.11.2018 when the learned senior counsel for the Union of India was not in a position to state as to whether the matter has been pending or any decision has been taken. This Court passed the following order:

"We have gone through the matter and heard learned counsel for the parties. However, learned senior counsel appearing for the appellant-Union of India seeks one day's accommodation as he submits that he wants to know the decision which has been taken by the competent authority on the recommendations which were made by the Expert Committee with respect to the medical facilities that are to be extended to the non-pensions Ex-servicemen."

Today, learned ASG has placed before us a copy of communication dated 01.12.2018 addressed by the Director (Medical), the Ministry of Defence, Government of India to her. It states that the Ministry of Defence is actively considering formulation of a special scheme to mitigate the hardship of SSCOs/ECOs in obtaining medical facilities after their release and a request for grant of six months' time is made for this purpose.

We may reiterate that on 13.11.2017 an order was passed to this effect and the Ministry of Defence should have taken decision by this date as more than 13 months have been passed. However, since the matter is under active consideration and we hope that the Union of India shall come out with a special scheme on the subject matter, we grant two months' further time to the Union of India in this behalf.

The matters shall be listed on 11.02.2019.

In the meantime, in order to ameliorate the sufferings of the respondents in this case who are in their advanced age, it is directed that the medical facilities as per the judgment of the Tribunal shall be extended to these respondents by way of an interim measure.

(ASHWANI THAKUR)
COURT MASTER (SH)

(RENU DIWAN)
ASSISTANT REGISTRAR