

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

WP(C).No. 23422 of 2013 (C)

PETITIONER(S):

**V.THULASI NAIR,
RETIRED SUBEDAR, VISHNU NIVAS, XI 660
SILK NAGAR, PERINGANDOOR P.O., THRISSUR-680 581
KERALA.**

**BY ADVS.SRI.HARISANKAR V. MENON
SMT.MEERA V.MENON
SRI.MAHESH V.MENON**

RESPONDENT(S):

- 1. CHIEF OF THE ARMY STAFF
REPRESENTED BY MANAGING DIRECTOR
CENTRAL ORGANIZATION ECHS, ADJUTANT GENERAL'S BRANCH
INTERGRATED HQ OF MOD (ARMY), MAUDE LINES
DELHI CANTT-110 010.**
- 2. DEFENCE SECRETARY
REPRESENTED BY THE SECRETARY (ESW) MINISTRY OF DEFENCE
DEPARTMENT OF EX-SERVICEMEN WELFARE 5-A, SOUTH BLOCK
NEW DELHI-110 011.**
- 3. DIRECTOR GENERAL OF ASSAM RIFLES
DIRECTORATE GENERAL OF ASSAM RIFLES, LAIKOR
SHILLONG-793010.**
- 4. HOME SECRETARY
REPRESENTED BY SECRETARY (WARB)
MINISTRY OF HOME AFFAIRS
WELFARE AND REHABILITATION BOARD, NEW DELHI-110 003.**

BY SRI.P.PARAMESWARAN NAIR,ASG OF INDIA

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/01/2015
THE COURT ON 30-01-2015, DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. A TRUE COPY OF RELEVANT PAGES OF THE DISCHARGE CERTIFICATE DATED 11/7/2002 OF THE PETITIONER ISSUED BY THE 3RD RESPONDENT
- EXHIBIT P2. A TRUE COPY OF MEMORANDUM NO.1045020/2/2011-PERS-II DATED 18/3/2011 ISSUED BY THE 4TH RESPONDENT
- EXHIBIT P3. A TRUE COPY OF LETTER NO.A/PERS.1/84/COMD&CONTROL/2011/64 DATED 29/3/2011 ISSUED BY THE 3RD RESPONDENT
- EXHIBIT P4. A TRUE COPY OF RELEVANT PAGES OF DRAFT REPORT OF THE INTER MINISTERIAL WORKING GROUP FOR ASSAM RIFLES ISSUED BY THE 4TH RESPONDENT
- EXHIBIT P5. A TRUE COPY OF THE LETTER NO.22(1)/01/US(WE)/D(RES) DATED 30/12/2002 ISSUED BY THE 2ND RESPONDENT
- EXHIBIT P6. A TRUE COPY OF LETTER NO.22(68)2006/U.S.(WE)/D(RES) DATED 22/1/2008 ISSUED BY THE 2ND RESPONDENT
- EXHIBIT P7. A TRUE COPY OF REPRESENTATION DATED 24/9/2012 SENT TO THE RESPONDENT TO THE PETITIONER
- EXHIBIT P8. A TRUE COPY OF LETTER NO.WARB-30/MEDICAL/2012/2794-95 DATED 2/11/2012 ISSUED BY THE 4TH RESPONDENT TO THE 3RD RESPONDENT
- EXHIBIT P8(A).A TRUE COPY OF THE LETTER NO.WARB-30/MEDICAL/2012/49 DATED 9/1/2013 SENT BY THE 4TH RESPONDENT TO THE PETITIONER
- EXHIBIT P9. A TRUE COPY OF APPLICATION DATED 17/12/2012 UNDER RTI ACT SENT BY THE PETITIONER TO THE 1ST RESPONEDENT
- EXHIBIT P9(A).A TRUE COPY OF LETTER NO.B/49714PRTI/AG/ECHS/24 DATED D9-01-2013 SENT BY THE 1ST RESPONDENT TO THE PETITIONER
- EXHIBIT P10. A TRUE COPY OF NOTIFICATION NO.36034/5/85-ESTT.(SCT) DATED 27/10/1986 ISSUED BY THE GOVERNMENT OF INDIA, MINISTRY OF PERSONNEL PG AND PENSIONS (DEPARTMENT OF PERSONNEL AND TRAINING).
- EXHIBIT P11. A TRUE COPY OF APPLICATION DATED 28/8/2012 UNDER RTI ACT SENT BY THE PETITIONER TO SRHI.T.C.SHARMA, UNDER SECRETARY/CPIO COAST GUARD HEADQUARTERS, NEW DELHI.

WP(C).No. 23422 of 2013 (C)

EXHIBIT P11(A).A TRUE COPY OF LETTER NO.AD/0103/VTN DATED 11/9/2012 SENT BY SHRI.M.V.PATHAK, DIG/CPIO, CAOST GUARD HEADQUARTERS, NEW DELHI TO THE PETITIONER

EXHIBIT P12 .A TRUE COPY OF APPLICTION DTED 22/2/13 UNDER RTI ACT SENT BY THE PETITIONER TO THE 1ST RESPONDENT

EXHIBIT P12(A).A TRUE COPY OF LETTER NO.B/49714-RTI/AG/ECHS DATED 21/3/2013 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER

EXHIBIT P13. A TRUE COPY OF LETTER NO.96013/Q/DDGCS DATED 5/4/2011 ISSUED BY IHQ OF MOD (ARMY) QMGS BRANCH, DY.DTE GEN., CANTEEN SERVICES, NEW DELHI TO 3RD RESPONDENT

EXHIBIT P13(A).A TRUE COPY OF LETTER NO.96013/Q/DDGCS DATED 28/6/2011 ISSUED BY IHQ OF MOD (ARMY) QMGS BRANCH, DY.DTE GEN., CANTEEN SERVICES, NEW DELHI TO 3RD RESPONDENT

EXHIBIT P13(B).A TRUE COPY OF CANTEEN SMART CARD NO.LB05041214884100500 ISSUED TO THE PETITIONER BY THE 1ST RESPONDENT

EXHIBIT P14. A TRUE COPY OF WIKIPEDIA THE FREE ENCYCLOPEDIA ON PARAMILITARY FORCES OF INDIA.

EXHIBIT P15. TRUE COPY OF THE DOCUMENT TAKEN FROM ARMY WEBSITE

EXHIBIT P16. TRUE COPY OF THE ARTICLE BY LT.GEN VIJAY OBEROI

EXHIBIT P17. TRUE COPY OF THE LETTER ISSUED BY MINISTRY OF HEALTH AND FAMILY WELFARE

EXHIBIT P18. TRUE COPY OF THE LETTER ISSUED BY THE ADDITIONAL DIRECTOR MINISTRY OF HEALTH AND FAMILY WELFARE

EXHIBIT P19. TRUE COPY OF THE LETTER ISSUED BY THE DIRECTORATE GENERAL OF CENTRAL GOVERNMENT HEALTH SCHEME

EXHIBIT P20. TRUE COPY OF THE OFFICE MEMORANDUM OF THE DIRECTORATE GENERAL OF CENTRAL GOVERNMENT HEALTH SCHEME

EXHIBIT P21. TRUE COPY OF THE NEWS REPORT

RESPONDENT(S)' EXHIBITS

EXHIBIT R1(A). TRUE COPY OF THE LETTER DATED 30/12/2002

EXHIBIT R1(B). TRUE COPY OF THE LETTER DATED 22/1/08

EXHIBIT R1(C). TRUE COPY OF THE RESOLUTION DATED 30/9/97

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WP(C).No. 23422 of 2013 (C)

EXHIBIT R1(D). TRUE COPY OF THE ORDER DATED 10/10/97

EXHIBIT R1(E). TRUE COPY OF THE OFFICE MEMORANDUM DATED 22/3/11

EXHIBIT R1(F). TRUE COPY OF THE LETTER DATED 29/3/11

EXHIBIT R1(G). TRUE COPY OF THE OFFICE MEMORANDUM DATED 23/11/12

**EXHIBIT R1(H). TRUE COPY OF THE LETTER DATED 15/7/13 ALONG WITH THE NOTE
SHEET**

EXHIBIT R1(I). TRUE COPY OF THE REPRESENTATION DATED 24/9/2002

EXHIBIT R1(J). TRUE COPY OF THE LETTER DATED 2/11/12

EXHIBIT R1(K). TRUE COPY OF THE LETTER DATED 9/1/13

EXHIBIT R1(L). TREU COPY OF THE LETTER DATED 15/7/68

EXHIBIT R1(M). TRUE COPY OF THE LETTER DATED 8/2/96

EXHIBIT R1(N). TRUE COPY OF THE ETTER DATED 5/4/11

EXHIBIT R1(O). TRUE COPY OF THE LETTER DATED 28/6/11.

/ TRUE COPY /

P.S. TO JUDGE

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C.R.

A.V.RAMAKRISHNA PILLAI, J

WPC No.23422 of 2013

Dated this the 30th day of January, 2015

JUDGMENT

Aggrieved by the non-extension of Ex-service men Contributory Health Scheme (ECHS) facility to the retired personnel of Assam Rifles and their dependents, the petitioner has approached this Court.

2. The petitioner is a retired Assam Rifles personnel. Serving personnel of Assam Rifles are given authorised medical treatment at services hospital run by the three defence services - Army, Navy and Air force. After retirement, they have the option of either becoming member of Central Government Health Scheme (CGHS) or draw monthly medical allowance (presently ₹300/-) with pension. Only 25 major cities, including Thiruvananthapuram in Kerala, have CGHS facilities in India. Majority of Assam Rifles pensioners cannot have access to CGHS Centers.

Ex-servicemen Contributory Health Scheme (ECHS) has a better coverage as there are more than a centre in each district. The petitioner alleges that ECHS was introduced for comprehensive medicare of all ex-servicemen in receipt of pension and the 1st and 2nd respondents have sanctioned ECHS facilities to forces like SFF, Coast Guard and DSC who have not been categorised as "ex-servicemen". The petitioner has sent Ext.P7 representation to the respondents for grant of ECHS coverage to retired personnel of Assam Rifles and their dependents. In the absence of any reply to Ext.P7 representation, the petitioner sent Ext.P9 application under the RTI Act to the first respondent. In Ext.P9(a) letter to the petitioner, the first respondent stated that personnel of para-military forces did not fulfill twin conditions of being an ex-serviceman and pensioner and hence, they were not eligible for ECHS membership. The petitioner further alleges that vide Ext.P13 and P13(a), 1st and 2nd respondents have already sanctioned canteen facilities to retired

personnel of Assam Rifles. Vide Ext.P14 Assam Rifles including SFF and Coast Guard are described as Central Para-military Forces of India. ECHS facilities have already been extended to SFF and Coast Guard. With regard to Assam Rifles, the respondents are yet to take a decision. It is with this background, the petitioner has come up before this Court.

3. A detailed counter affidavit has been filed by the respondents in which it is stated that Ex-servicemen Contributory Health Scheme (ECHS) have been sanctioned by the Government as a health care scheme for Ex-servicemen of Defence services i.e. Army, Navy and Air Force vide letter dated 30.12.2002 issued by the Ministry of Defence and not to Ex-Servicemen of Central Armed Police Forces and Assam Rifles. True copy of the letter dated 30.12.2002 is produced and marked as Ext.R1(a). Further, Ex-servicemen Contributory Health Scheme (ECHS) coverage has been extended to the uniformed Coast Guard pensioner and retired personnel of Defence

Security Corps vide letter dated 22.1.2008 issued by the Ministry of Defence (Department of Ex-servicemen Welfare), which are under Ministry of Defence. True copy of the letter dated 22.1.2008 is produced and marked as Ext.R1(b).

The Assam Rifles is the oldest Central Para Military Force (CPMS) of India under the Ministry of Home Affairs and ITBP, BSF, CRPF, CISF and SSB which are declared as Armed Forces of India, i.e. Central Armed Police Forces (CPAFs) as per the orders of the Ministry of Home Affairs dated 22.3.2011 which was circulated to all concerned vide letter dated 29.3.2011. The task and role of Assam Rifles are different from the Army. The Director General of Assam Rifles is the head of the Department of Assam Rifles and has been functioning under the Ministry of Home Affairs, Government of India under which the Force can employ/appoint the manpower of Assam Rifles. The personnel status, rank structures and fixation of pay and allowances of Assam Rifles (AR) Cadre Officers and

personnel of the Assam Rifles are being drawn in terms of Central Pay Commission Report under Ministry of Home Affairs since 1.1.1996 as per Part-A of Central Civil Services (RP) Rules, 1997 vide Resolution dated 30.9.1997 issued by the Ministry of Finance, Government of India and order dated 10.10.1997 issued by the Ministry of Home Affairs. Therefore, any comparison of Assam Rifles with Defence Forces like Army, Navy and Air Force is untenable. True copy of the Resolution dated 30.9.1997 passed by the Ministry of Finance, Government of India is produced and marked as Ext.R1(c). True copy of the order dated 10.10.1997 issued by the Ministry of Home Affairs, Government of India, New Delhi is produced and marked as Ext.R1(d). True copy of the office memorandum dated 22.3.2011 issued by the Ministry of Home Affairs, Government of India, New Delhi is produced and marked as Ext.R1(e). True copy of the letter dated 29.3.2011 issued by the Directorate General of Assam Rifles is produced and marked as

Ext.R1(f).

Further, it is contended that Assam Rifles personnel are deployed in areas/co-ordinates defined by Army. Assam Rifles by virtue of its working under the operational control of Army, the serving personnel of Assam Rifles are authorised medical treatment in Military Hospital run by the three-defence service as admissible to Army personnel in the areas of deployment. Ex-Servicemen Contributory Health Scheme was aimed to provide health care to all Ex-servicemen, i.e. pensioners from the three defence services only, i.e., Army, Navy and Air Force as defined in Ex-servicemen Rule 1979 as amended from time to time. The scheme was subsequently extended to include the uniformed Coast Guard Pensioners and retired personnel of Defence Security Corps (DSC) vide Ministry of Defence letter (corrigendum) dated 22 January 2008. Since, these Forces are under the administrative control of Ministry of Defence, Ex-servicemen and pensioners of Assam Rifles are not

entitled to the benefit under Ex-servicemen Contributory Health Scheme being under Administrative control of Ministry of Home Affairs. However, after retirement, Assam Rifles pensioners are the members of Central Government Health Scheme (CGHS) and drawing monthly medical allowance @ Rs.300/- per month with their pension; it is contended.

It is submitted that the matter has already been taken up with Ministry of Home Affairs as per Ministry of Home Affairs Office Memorandum dated 23.11.2012 for granting of Ex-Central Armed Police Forces/Central Para Military Forces status to Assam rifles personnel and the same is under consideration at Ministry of Home Affairs. The same will be implemented/intimated to all concerned on receipt of approval/sanction from Ministry of Home Affairs. True copy of the Office Memorandum dated 23.11.2012 is produced and marked as Ext.R1(g). True copy of the letter issued by the Directorate General of Assam Rifles dated 15.7.2013 along with the Note Sheet is produced and

marked as Ext.R1(h).

4. The petitioner has filed a reply affidavit.

5. Arguments have been heard.

6. The petitioner has submitted a representation on 24.9.2012 to the Chief of the Army Staff for grant of Ex-servicemen Contributory Health Scheme (ECHS) coverage to the serving and retired personnel of Assam Rifles. The said representation was forwarded by the Ministry of Home Affairs to the Welfare & Rehabilitation Board (WARD) as per Ext.R1(j). According to the respondents, ex-service men contributory health scheme was aimed to provide health care to all ex-servicemen, i.e. pensioners from the three defence services only, i.e. Army, Navy and Air Force as defined in Ex-servicemen Rules, 1979 as amended from time to time. The scheme was subsequently extended to include the uniformed Coast Guard Pensioners and retired personnel of Defence Security Corps (DSC) vide Ministry of Defence letter (corrigendum) dated 22.1.2008. According to the

respondents, these forces are under administrative control of Ministry of Defence. However, according to them, ex-servicemen and pensioners of Assam Rifles are not entitled to the benefit under Ex-servicemen Contributory Health Scheme being under administrative control of Ministry of Home Affairs. They would also point out that after retirement, Assam Rifle Pensioners are the members of Central Government Health Scheme (CGHS) and drawing monthly medical allowance @ Rs.300/- per month with their pension. Therefore, according to the respondents, any comparison of Assam Rifles with Defence Forces like Army, Navy and Air Force is untenable. The said argument appears to be incorrect because of the following reasons:

7. As per Ext.R1(a), the personnels who are entitled to the scheme should be ex-service men and pensioners. This has been clarified earlier vide Ext.P9 (a) issued by the first respondent. This is because of the fact that all ex-service men from Army, Navy and

Air Force are not pensioners, but all pensioners are ex-service men. ECHS facilities which was extended to the uniformed Coast Guard pensioners and retired personnel of Defence Security Corps (DSC) vide Ext.R1 (b) treating them at par with the pensioners of Army, Navy and Air Force. Simultaneously the ECHS facilities are denied to the pensioners of Assam Rifles. It is highly discriminatory as both DSC & Coast Guard like Assam Rifles are exempted from the purview of Ex-servicemen vide Exts.P10 and P11(a). As rightly pointed out by the learned counsel for the petitioner, unlike Central Armed Police Forces (CAPF) which are led by IPS officers and are under the ministry of Home affairs, both for operational and administrative purposes, the Assam Rifles is organized along military lines and led by military officers on secondment/deputation from the Indian army. The Director General, Assam Rifles is an Army Officer holding the rank of Lt.Gen. Assam Rifles is under the operational command of the Indian army. That is why the

Directorate of Assam Rifles is shown under the Deputy Chief of Army staff in the principal staff officers committee of the Army Headquarters.

8. Composition of Principal Staff Officers Committee downloaded and printed from the official website of the Indian Army is produced and marked as Ext.P15. It is true that for all administrative matters including budgetary support, the Assam Rifles is under the control of Ministry of Home Affairs. However, whereas for the operational matters, it comes under the direct jurisdiction of Indian Army (Ministry of Defence). The personnel status, rank structure etc. referred to in paragraph-5 of the counter affidavit filed by the respondents cannot be applied in the case of Assam Rifles to differentiate it from the regular army. Rank structure of personnel below officer rank (BPOR) of the Assam Rifles is analogous and similar to the Army and not as CAPF, as given in Ext.R1(d). The existing rank structure of BPOR in Central Armed Police Forces (CAPF), Assam Rifles and the Indian Army are as

under:

<i>CAPF</i>	<i>ASSAM RIFLES</i>	<i>INDIAN ARMY</i>
Constable/Security Asst.	Rifleman	Rifleman/Sepoy
-	-	Lance Naik
-	-	Naik
Head Constable	Havildar	Havildar
Asst.Sub Inspector	Warrant Officer	Warrant Officer
Sub Inspector	Naib Subedar	Naib Subedar
Inspector	Subedar	Subedar
Subedar Major	Subedar Major	Subedar Major

Note:- (a) The rank of Lance Naik and Naik in CAPF and Assam Rifles have been removed by the 5th Central Pay Commission (CPC) to bring about rank/pay parity with Delhi Police.

(b) 3rd CPC recommended and the Government accepted pay and allowances of combatised personnel of Assam Rifles on the Army pattern based on the existing rank structure. 4th CPC onwards pay & allowances of the Assam Rifles and other Central Police Organisation (now Central Armed Police Force) have been recommended on the pattern of Delhi Police.

9. It appears from the counter affidavit that it is an attempt on the part of the third respondent to amalgamate Ex-Assam Rifles personnel with Ex-Central Armed Police Forces personnel by recommending Ex-CAPF status to Ex-AR personnel to 4th respondent through Ext.R1(h) letter and Noting

sheet as referred to in the counter affidavit. It is grossly improper because CAPF and AR have two different characteristics as expatiately discussed by Lt.Gen.Vijay Oberoi, PVSM, AVSM, VSM, former Vice Chief of Army Staff (VCOAS) in his article - "Reconstructing the Central Police Forces and the State Armed Police to Combat Internal Insurgencies" published in the South Asia Defence and Strategic Year Book 2011. The relevant portion of the said article authored by Lt.Gen.Vijay Oberoi, former VCOAS, downloaded and printed from the internet is produced and marked as Ext.P16. It is relevant to note that based on the suggestions in the article, the Ministry of Home Affairs issued policy letter Ext.R1(e) declaring BSF, CRPF, ITBP, CISF and SSB under the new nomenclature of Central Armed Police Force. Assam Rifles remained as a Central Para Military Force (CPMF)-Ext.R1(f).

10. The learned counsel for the petitioner submitted that, of late, while this writ petition was

pending before this Court, the Ministry of Health & Family Welfare had issued a letter dated 26.11.2013 on 'Extension of CGHS facilities to Assam Rifles'. In this letter, it is clarified that "CGHS facilities shall be available only to those categories of CAPF personnel as notified vide this Ministry's OM No.H 11020/21/2011-CGHS (P) dated 21st February 2013". Hence, Assam Rifles personnel are not eligible for CGHS medical facilities. True copy of the said letter dated 26.11.2013 is produced and marked as Ext.P17. Besides another letter dated 24.12.2013 on the same subject, was addressed to the third respondent by the Ministry of Health & Family Welfare, Office of the Additional Director, CGHS, Nongrim Hills, Shillong-793 003 stating that "It has been clarified by the Ministry of Health & Family Welfare that Assam Rifles are not eligible for CGHS medical facilities vide their letter No.H 11020/21/2011-CGHS(P) dated 26.11.2013. True copy of the same letter dated 24.12.2013 is produced and marked as Ext.P18.

11. It is submitted by the learned counsel for the petitioner that the petitioner has received the official Memorandum No.H.11020/21/2011-CGHS(P) dated 21st February, 2013, referred to in Ext.P17 letter vide Ministry of Health & Family Welfare, Directorate General of Central Government Health Scheme, New Delhi, letter File No.12034/76/2014-CGHS III dated 29.5.2014 in response to the petitioner's application dated 25.3.2014 under Right to Information Act, 2005. True copies of letters dated 29.5.2014 and Office Memorandum dated 21.2.2013 are produced and marked as Exts.P19 and P20.

12. It is evident that Assam Rifles personnel are discharging the same functions as that of the Indian Army Personnel under the operational command of the Headquarters, Eastern Command, Kolkata, which is under the Ministry of Defence. Hence, Assam Rifles retired personnel cannot be treated differently. The history of the Assam Rifles from its birth and its evolution to become the Armed Forces of the Union of

India show that it is a combatant force operating side by side with the Army fighting against alien enemies in defence of the country and further by fighting against insurgents. The operational, administrative and disciplinary controls are with the Army Officers. It is the Army Act and Rules which govern the Force when they are in the operational field. The functions, organisations and duties of Assam Rifles are similar to that of the Indian Army. Hence, there cannot be any reasonable justification for denial of ECHS facilities to the retired personnel of Assam Rifles alone. It was further pointed out that although Assam Rifles personnel can serve up to 60 years of age (the petitioner retired at the age of 46 years), very few can accomplish that. A large number of personnel prematurely retire because of tough service conditions, mostly in low medical category (LMC) because of disability due to professional hazard. These medically boarded out personnel have no facilities for continuous medical treatment of their

diseases/disabilities contracted during service. A large sum of hard earned money through pension is being spent on medical treatment. Under such a situation, the extension of ECHS coverage to retired personnel of Assam Rifles and their dependents becomes a legal duty on the part of the Government. It is also pointed out that ECHS Polyclinics with empanelled hospitals are uniformly spread throughout the country, whereas CGHS Wellness Centres with empanelled hospitals are very limited in number and unevenly located. According to the petitioner, there are 25 centres in the country. In Kerala, CGHS facility is confined to its capital city Thiruvananthapuram only. Consequently, it is impracticable for Assam Rifles, pensioners settled in other parts of Kerala to avail CGHS facility. Therefore, extending ECHS facilities to retired personnel of Assam Rifles and their dependents is the only option available. It is crucial to note that Ministry of Defence finally sanctioned canteen facilities to retired personnel of Assam Rifles as applicable to the

ex-servicemen of the three defence services, as per Ext.P13 and P13(a), as a welfare measure considering the nature of duties performed by Assam Rifles personnel akin to Armed Forces. The same yardstick is equally relevant for extension of ECHS facilities to retired personnel of Assam Rifles and their dependents.

13. Crowning all these special Frontier Forces (SSF) and the Indian Coast Guard which have been described as Para Military Forces of India as per Ext.P14 and they have been brought under ECHS facility as per Ext.P6. Therefore, there is no justification for not granting ECHS coverage to the retired personnel of Assam Rifles.

14. Therefore, on a consideration of the entire materials now placed on record, this Court is of the view that the petitioner is entitled to succeed.

In the result, this writ petition is allowed. The respondents are directed to extend Ex-servicemen Contributory Health Scheme (ECHS) facility to the

retired personnel of Assam Rifles and their dependents including the petitioner.

sd/-A.V.RAMAKRISHNA PILLAI
JUDGE

css/

true copy

p.s.to judge