SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPSB/283/2024 Union of India & Others --Petitioners **Versus** Sub Maj Navin Chand Mathpal --Respondent **Hon'ble Manoj Kumar Tiwari, A.C.J.** **Hon'ble Subhash Upadhyay, J.** Mr. Rajesh Sharma, Central Govt. Counsel, for the petitioners. (2) Defects pointed out by the Registry are trivial in nature, therefore the same are overruled. (3) Union of India has filed this writ petition challenging the judgment and order dated 11.10.2023, rendered by Armed Forces Tribunal, Regional Bench, Lucknow (Circuit Bench at Nainital) in Original Application No. 1034 of 2022. By the said judgment, Army Authorities were directed to process the claim forwarded by respondent for reimbursement of medical expenses incurred by him while treating his wife in a non-empanelled hospital. Operative portion of the impugned judgment is reproduced below: *"9. This is hardly a satisfactory state of affairs. The relevant authorities are required to be more responsive and cannot in a mechanical manner deprive an employee of his legitimate reimbursement especially in emergencies. The ECHS has been set up with the purpose of providing a health care scheme for retired armed forces personnel, so that they are not left without médical care, after retirement. It was in furtherance of the object of a welfare State, which must provide for such medical care that the scheme was brought in force. It cannot be denied that the applicant was admitted in the Well Care Hospital, Dehradun in critical state. The law does not require that prior permission has to be taken in such situation, where the life of a person is in danger.*

			10. Thus, from the aforesaid it may be inferred that the referred hospitals were closed for non COVID-19 patients and to save life of wife of the applicant there was no option but to admit her in a non-empanelled hospital. Applicants, who are retirees/ pensioners, are also entitled to reimbursement of medical claims of the amounts spent on their treatment and any redundant rule or instructions, or impugned order having the effect of denial of such reimbursement of medical claims to them are arbitrary, illegal inoperative and hit by the Constitutional provisions. The ratio of law laid down by Hon'ble Apex Court is applicable to the present controversy and is the complete answer to the problem in hand. It also cannot be denied that wife of the applicant was taken to Well Care Hospital, Dehradun under emergency conditions for her survival, which consideration was over and above the rules for treatment in empanelled hospitals. The case of the applicant is covered under Para 3 (2) (a) of Department of Health and Family Welfare letter dated 20 Feb, 2009 (which is applicable for ECHS beneficiaries also) and which states that "In emergency treatment can be obtained in a private, non empanelled hospital". In the instant case there was also medical emergency as all the hospitals were full due to COVID-19 variants and wife of the applicant was admitted by others when in an unconscious state. *11. In the present view of the matter, we are of the considered opinion that ECHS is responsible for taking care of healthcare needs and well-being of the armed forces pensioners. In the facts and circumstances of the case, we are of the view that the treatment of wife of the applicant in a non-empanelled hospital was genuine because of an emergency and there was no other option left with him at the relevant time. We, therefore, direct the respondents to further process the claim forwarded by the applicant and reimburse the balance amount of Rs. 2,83,921/- to the applicant."* (4) Learned Counsel for the petitioners submits that the view taken by learned Tribunal is erroneous as medical reimbursement can be claimed when a patient is treated in Ex-Servicemen Contributory Health Scheme (ECHS) empanelled hospitals and since respondent's wife was taken for treatment to a non-empanelled hospital, therefore, ECHS is not liable to reimburse the balance amount.

(5) We are not impressed by the submission made on behalf of petitioners. It is not in dispute that at the relevant point of time, when respondent's wife fell ill, the entire nation was in the grip of COVID-19 pandemic and very few hospital were admitting patients other than COVID patients and with a view to save his wife, respondent had to admit her in a non-empanelled hospital. Reasoning given by learned Tribunal, therefore, cannot be said to be flawed, which may warrant interference under Article 226 of the Constitution. Thus in the peculiar facts of the case, learned Tribunal was justified in directing the authorities to process claim for reimbursement of balance amount. Thus there is no scope for interference. Writ petition fails and is dismissed.

(Subhash Upadhyay, J.) (Manoj Kumar Tiwari, A.C.J.)
29.10.2026

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PRABOD H KUMAR