BEFORE THE HON'BLE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION AT ERNAKULAM

IN RE: COMPLAINT NO............OF 2024

IN THE MATTER OF:

Major Ranjit H.S.

S/o P.T. Harinarayanan

Nandanam, House No. 46/2155 H(4)

Vaduthala P.O., Ernakulam - 682023

Email: .....................

Mobile: .........................

...COMPLAINANT

VERSUS

ECHS (Ex-Serviceman Contributory Health Scheme)

Adjutant General's Branch

IHQ of MoD (Army)

Thimayya Marg, Near Gopinath Circle

Delhi Cantt - 110010

...OPPOSITE PARTY

COMPLAINT UNDER SECTION 35 OF CONSUMER PROTECTION ACT, 2019

RESPECTFULLY SHOWETH:

INTRODUCTION:

1. The Complainant is an ex-short service commissioned officer who retired from the Indian Army on 27.05.2016 in the rank of Major after serving for 14 years.

2. The Opposite Party is the Ex-Serviceman Contributory Health Scheme (ECHS) under the Ministry of Defence which provides medical facilities to retired defence personnel and their dependents.

TRANSACTION:

3. As per rules, the Complainant was eligible for ECHS membership and medical benefits from 28.05.2016, being the date succeeding his retirement. However, due to delays by Army authorities, his disability pension was sanctioned only on 17.02.2017, and the Pension Payment Order issued on 11.09.2017 showed deduction of Rs.39,000/- as ECHS contribution.

4. In the interim period, on 16.06.2016, the Complainant's wife gave birth to their second daughter at XYZ Hospital, Ernakulam. The Complainant incurred total medical expenses of Rs.73,762/- for the delivery.

NATURE OF COMPLAINT:

5. Despite being eligible for ECHS benefits from 28.05.2016, the Opposite Party vide letter dated 27.04.2018 rejected the Complainant's claim for reimbursement of the aforesaid medical expenses of Rs. 73,762/- stating that there is no provision for reimbursement prior to obtaining ECHS membership.

6. This rejection is completely unjustified as the delay in obtaining ECHS membership was solely due to the lapses committed by the Army authorities and not attributable to any fault of the Complainant.

RECTIFICATION:

7. The Complainant requested the Opposite Party for reimbursement vide Registration Nos. DOPPW/E/2018/00489 and DDESW/E/2018/00219, but the same was rejected.

8. The Complainant has also sent a legal notice dated .......... to the Opposite Party calling upon them to reimburse the expenses alongwith compensation, but no response has been received so far.

CAUSE OF ACTION:

9. The unreasonable rejection of the Complainant's legitimate claim for reimbursement of medical expenses by the Opposite Party despite the Complainant's eligibility under the ECHS scheme from 28.05.2016, amounts to deficiency in service under Section 2(42) of the Consumer Protection Act, 2019.

EVIDENCE:

Copies of the following documents are annexed:

1) Pension Payment Order - Annexure A

2) Bills from XYZ Hospital - Annexure B

3) Request for reimbursement - Annexure C

4) Rejection letter from ECHS - Annexure D

5) Legal notice to ECHS - Annexure E

PECUNIARY JURISDICTION:

As the value of the claim is less than Rs.50 lakhs, this Hon'ble District Commission has pecuniary jurisdiction to try the matter.

LIMITATION:

The present complaint is being filed within the limitation period prescribed under Section 69 of the Consumer Protection Act, 2019.

COURT FEE:

As per Rule 7 of the Consumer Protection (Consumer Dispute Redressal Commission) Rules 2020, no court fee is applicable.

PRAYER:

In view of the above, it is most respectfully prayed that this Hon'ble Commission may be pleased to:

a) Direct the Opposite Party to reimburse the full medical expenses of Rs.73,762/- incurred by the Complainant for his wife's delivery;

b) Award compensation of Rs.50,000/- for mental agony, cost of proceedings etc;

c) Award interest at 12% p.a. on the total amount from 16.06.2016 till realization;

d) Award any other just and equitable relief in the facts and circumstances.

PLACE: ERNAKULAM

DATE:

(Major Ranjit H.S.)

**VERIFICATION**

Verified at Ernakulam on this \_\_\_ day of \_\_\_ 20\_\_ that the contents of the above complaint are true and correct to the best of my knowledge, information and belief. No part of it is false and nothing material has been concealed therefrom.

(Major Ranjit H.S.)