

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

SUO MOTO WRIT PETITION(CIVIL) No(s). 6/2025

IN RE: CADETS DISABLED IN MILITARY TRAINING STRUGGLE Petitioner(s)

VERSUS

Respondent(s)

(FOR ADMISSION)

Date : 04-09-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) : By Courts Motion, AOR

Mr. Ajay Justice Shaw, Adv.
Mr. Aakarsh Kamra, AOR

For Respondent(s) Mrs. Aishwarya Bhati Ld, A.S.G.
Mr. R. Bala, Sr. Adv.
Mrs. Ruchi Kohli, Sr. Adv.
Mr. Mukesh Kumar Maroria, AOR
Ms. Chitrangda Rashtravara, Adv.
Mr. Raghav Sharma, Adv.
Ms. Shreya Jain, Adv.
Mr. Koney Rama Mohan Rao, Adv.
Mr. Nitin Pavuluri, Adv.

Mrs. Aishwarya Bhati, A.S.G.
Mr. R.Bala, Sr. Adv.
Ms. Ruchi Kohli, Adv.
Ms. Chitrangda Rashtravara, Adv.
Mr. Raghav Sharma, Adv.
Dr. N. Visakamurthy, AOR

Mr. Ankita Sharma, AOR
Mr. Sudhanshu Pandey, Adv.

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

Mrs. Aishwarya Bhati, learned A.S.G. appearing for the respondents has filed Status Report, the same is taken on record.

Learned A.S.G. submitted that in response to the notices issued by this Court, the Government of India, Ministry to Defence, Department of Ex-Servicemen Welfare D (Res.I) has extended medical facility in the form of Ex-Servicemen Contributory Health Scheme (ECHS) to all Invalidated Out-boarded Cadets without charging any subscription fee, inasmuch as the one-time subscription fee of Rs.1,20,000/- which is currently payable by ESM Officers need not be paid by such Cadets. She submitted that further details of the said Scheme will be made available.

At the outset, we appreciate the positive response from the respondents insofar as extending the medical facilities for treatment in the form of ECHS to the Invalidated Out boarded Cadets due to attributability or aggravation by military training. Further details of the said scheme may be placed on record.

Learned A.S.G. submitted that since the ECHS scheme has now been made applicable to the Out-boarded Cadets with effect from 29.08.2025 *vide* letter No.18(5)2024-D(WE) dated 29.08.2025, the Out-boarded Cadets are at liberty to apply for membership under the ECHS Scheme.

It is needless to observe that the registration would be streamlined and the out boarded cadets who intend to register would be able to so register within one week from today, by 15.09.2025.

As far as monetary benefits are concerned, the Status Report has stated as under:

"B. MONETARY BENEFITS

Governed by GoI, MoD dated 16.04.1996 amended from time to time till 04.09.2017 (Annexure A/2)

In case of Death

(i) Rs.12.5 Lakh as One time Ex-gratia amount.

(ii) Rs.9,000/- per month to the NoK

In case of Disablement

(i) Rs.9,000/- per month as Ex-gratia amount.

(ii) Rs.16,200/- per month as Ex gratia disability award for 100% disability with proportional reduction as per the %age of disability.

(iii) Rs.6,750/- per month as Constant Attendance Allowance for 100% disability on recommendation of Invalid Medical Board."

We have perused the figures that are provided. The amount provided as *ex gratia* per month is with effect from 04.09.2017. Having regard to the lapse of time since 2017, we find that endeavours could be made to enhance the said figures, accordingly, particularly bearing in mind the current inflation and the price rise.

With regard to the Insurance benefits, learned ASG pointed out that there is insurance schemes in place under which the compensation amounts are provided in the event of death or disablement (100%) and where the disablement is of varying ranges including disablement which is less than 20%. The Status Report in that regard reads as under:

“Till, 1996, the Cadets were covered by Personal Accident Policies of General Insurance Corporation of India for Rs.1,00,000/- for death or invalidment due to accidents only. However, in cases of death or invalidment due to medical reasons no compensation was paid by insurance companies causing hardship to the cadets.

Army Group Insurance Fund

AGIF is an independent, autonomous and self-funded registered society under Societies Registration Act, 1860 which provides insurance to members of the army since 1975. To run the insurance scheme, monthly premium is paid by service personnel. The benefit of the scheme was extended to cadets at the pre commissioning training establishments w.e.f. 1992. AGIF creates no distinction amongst officers and officer cadets while dispensing the insurance benefits.

Year	Insurance Benefit (in Rs.)		Ex Gratia
	Death	Disablement (for 100%)	
1992			Rs.1,00,000/- in case of death and Rs.20,000/- in case of invalid out when disability is less than 20%
1997	2,00,000/-	1,00,000/-	Same as above
1999	8,00,000/-	4.00.000/-	Same as above
2005	15,00,000/-	7,50,000/-	Same as above
2011	15.00.000/-	7,50,000/-	50,000/- in case of invalid out when disability is less than 20%
2015	15,00,000/-	7,50,000/-	50,000/- in case of invalid out

			when disability is less than 20%
2019	15,00,000/-	15,00,000/-	50,000/- in case of invalid out when disability is less than 20%
2025	1,25,00,000/-	25,00,000/-	50,000/- in case of invalid out when disability is less than 20%.

The subscription for the AGIF is deducted from the stipend of Rs.56,100/- (pay Level 10) per month paid to the Gentleman and Lady Cadets.

However, since the cadets at NDA are not stipend they are charged a one-time subscription free of Rs.7,200/- which covers the death cover of Rs.15,00,000/- and Disablement cover of Rs.15,00,000/- for 100% disability which reduces proportionally as per percentage of disability with 3,00,000/- being for 20% disability.

For less than 20% disability an Ex-Gratia grant of Rs.50,000/- (for first two year) and Rs.1,00,000/- (for last year) is given.

Details of Disability benefit paid to invalid cadets wef April 2021 are attached.

Details of Death benefit paid to the cadets died during military training is w.e.f. April 2021 are attached.

Same insurance cover is provided to AIR Force and Naval Cadets by AGGIS and NGIS."

We find that the insurance scheme which is currently in existence may not be adequate in the context of disablement leading to a situation where the Out-boarded Cadets are unable to seek any other employment as such.

Therefore, the efforts could be made to enhance the insurance cover for the Out-boarded Cadets and also to expand it, both qualitatively as well as quantitatively. The insurance cover can be in the form of Group Insurance Scheme through the nationalised insurance companies on the basis of the annual admissions/entries for the training of the Cadets at the NDA, IMA, OTA and other such per-commissioning training institutes.

Similarly with regard to medical reassessment, it is stated as under:

"D. MEDICAL RE-ASSESSMENT:

A Cadet is relegated to the next term if he misses 42 days of training on Medical grounds during the Academy. Such relegation is done maximum thrice provided medical authorities are convinced that the cadet can become fit and can join back academy. If the medical authority is of the opinion that the cadet cannot become fit procedure for invalid out is initiated. The same is applicable for all training academies. In other words, a Cadets is given adequate time to recover from injury suffered during training and it is only when he/she cannot achieve the desired medical standards, he is boarded out from the military training."

In this regard submissions were made by learned counsel appearing for some of the Out-boarded Cadets that there could be a re-assessment for the purpose of re-settlement at appropriate stages of the treatment and on completion of the treatment.

The respondents are requested to consider this submission and accordingly to formulate a scheme for medical re-assessment once the medical treatment is

completed of the Out-boarded cadets for the purpose of re-settlement in any other alternative employment.

In this regard, the provisions of the Rights of Persons with Disabilities Act, 2016 may also be taken into consideration.

Having regard to the wide ramifications and impact that this matter would have on Out-boarded Cadets, we wish to appoint Smt. Rekha Palli, learned senior advocate as Amicus Curiae to assist this Court.

The Registry to transmit a set of these papers to Smt. Rekha Palli, learned Senior advocate appointed as Amicus Curiae in this case.

List on 07.10.2025 at 2.00 P.M.

(RADHA SHARMA)
ASTT. REGISTRAR-cum-PS

(DIVYA BABBAR)
COURT MASTER (NSH)