

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SUO MOTO WRIT PETITION(CIVIL) NO(S).6/2025

IN RE: CADETS DISABLED IN MILITARY
TRAINING STRUGGLE

PETITIONER(S)

VERSUS

RESPONDENT(S)

IA NO. 250579/2025 - INTERVENTION APPLICATION
IA NO. 331260/2025 - INTERVENTION/IMPLEADMENT

Date : 04-08-2026 This matter was called on for hearing today.

CORAM : HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE MANMOHAN

Smt. Rekha Palli, Sr. Adv. Amicus Curiae

For Petitioner(s) : By Courts Motion, AOR

Mr. Karan Kapoor, Adv.
Mr. Gagneshwar Walia, Adv.
Mr. K.S.Minhas, Adv.
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For Respondent(s) : Mr. Debesh Panda, AOR

Mr. Vineet Kumar Yadav, AOR
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Mrs. Aishwarya Bhati Id, A.S.G.
Mrs. Ruchi Kohli, Sr. Adv.
Ms. Chitrangda Rashtravara, Adv.
Mr. Raghav Sharma A, Adv.
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Mrs. Chitrangda Rastravara, Adv.
Mr. Raghav Sharma, Adv.
Mr. Sarthak Karol, Adv.

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

We have heard Smt. Rekha Palli, learned senior counsel/Amicus Curiae and Sri N.Venkataraman, learned ASG appearing from the respondents.

From the affidavits filed on behalf of Ministry of Finance and Ministry of Defence and as acknowledged by learned Amicus, it is noted that pursuant to the directions issued by this Court, the Ministry of Defence has extended ECHS benefits to invalidated cadets and their medical expenses through-out their life is taken care of. This is a laudable measure.

It is also submitted by learned Amicus that the monthly disability benefit, that is being paid to the officer trainee (Army Cadet), + D.A. is Rs.12,240/- only, whereas for a Jawan trainee/recruitee before attestation (Army), it is Rs.18,000/- per month; that there is disparity in the payment of *ex gratia* amount to out boarded cadets.

In response to this submission, learned ASG drew our attention to the fact that the Eighth Pay Commission has been constituted and the said Pay Commission would consider the enhancement in the rates of *ex gratia* payment that is payable to the out-boarded cadets. In the circumstances, liberty is reserved to the concerned persons to make their representations and ventilate their grievances before the Eighth Pay Commission. We think that the Eighth Pay Commission would consider the matter from all aspects and angles and accordingly may suitably enhance the *ex gratia* payment being paid monthly to the out boarded cadets.

One other concern that was considered today was with regard to the applicability of the Rights of Persons to the Disabilities Act, 2016 to the out-boarded cadets. In that regard, it was noted that the provisions of the said Act may not be applicable to the cadets particularly those whose bench mark disability is less than 40%. Therefore, those cadets who are nevertheless out-boarded and in respect of whom the aforesaid Act does not apply, a suitable scheme may be prepared and extended to them.

Learned ASG submitted that he would seek instructions on this aspect of the matter.

Insofar as Section 34 of the aforesaid Act is concerned, every appropriate government has to make reservation of not less than 4% of the total number of vacancies in the cadre strength in each group of posts meant to be filled with persons with bench mark

disabilities i.e., 40% and above. This is an aspect of horizontal reservation. We find that the out boarded cadets ought to be entitled to the benefit of the said provision and make their applications for employment accordingly in the reserved category in terms of the aforesaid Act.

In this context, we place on record our appreciation of those States which have considered the out boarded cadets in the category of "ex-servicemen" for the purpose of employment through the reserved category. This is another category of horizontal reservation.

The States are directed to consider granting reservation to out boarded cadets in the quota of "Ex-Military Personnel (Ex-MP)" so that the prospects of employment of these persons in the reserved category would be enhanced in the States and Union Territories within the respective cadres of posts in the services under the States.

For the aforesaid purpose the Registry of this Court to dispatch a copy of this order to the Chief Secretaries of the States for their consideration and implementation in terms of Section 34 of the aforesaid Disabilities Act. The said consideration shall be *de hors* the definition of "Ex-Servicemen" given by the Department of Personnel and Training (DoPT) of the Central Government.

We also direct that the respondent-Departments to reconsider the recommendations made by the Sabharwal Committee in its Report in light of the fact that the

matter is now taken up by this Court in order to ameliorate the conditions of the out boarded cadets and we expect that certain favourable recommendations would be emanating from the respondent-Departments in this regard.

We also make it clear that the pendency of this Petition before this Court would not come in the way of Writ Petitions filed by individual persons seeking their respective reliefs before the High Court being considered on their own merits. In case those Petitions have been disposed of on account of the pendency of this Suo moto Writ Petition, liberty is reserved to those petitioners to make an application seeking revival of their Writ Petitions before the respective High Courts.

List on 08.09.2026.

(B. LAKSHMI MANIKYA VALLI)
COURT MASTER (SH)

(DIVYA BABBAR)
COURT MASTER (NSH)