

**COURT No.2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

4.

OA 907/2025 with MA 1417/2025

SGT Anjani Kumar Choudhary
(Retd) & Ors. Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Samarendra Beura, Advocate with
Ms. Usha Rani Pradhan, Advocate
For Respondents : Ms. Deepti Kathpalia, Advocate
Mr. Pankaj Kumar, DAV Legal Cell

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HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

ORDER
04.04.2025

MA 1417/2025

MA 1417/2025 has been filed by the 29 applicants seeking to join together to institute the present OA, submitting to the effect that they all are aggrieved by the similar cause of action of having been denied the OROP benefits for having taken premature retirement. Counsel for the applicant submits that he represent all the 29 applicants. The said application MA 1417/2025 is allowed and all the 29 applicants are allowed to join together to institute the present OA.

OA 844/2025

2. The applicants vide the present OA make the following prayers:-

“(a) Quash and set aside the impugned order dated 21.02.2025 rejecting the Applicants’ revision of pension as per One Rank One pension; and

(b) Issue an appropriate direction(s) or order(s) to the respondents to grant the benefit of One Rank One Pension (OROP) to all the Applicants w.e.f. 01.07.2019 and all the subsequent revisions with consequential benefit arising therefrom; and

(c) Issue an appropriate direction(s) or Order(s) to the respondents to grant arrears of pension so revised, to all the applicants with interest thereon; and

(d) Issue an appropriate direction(s) or order(s) to the respondents to issue Corrigendum PPOs in accordance with the revised pension as per OROP w.e.f. 01.07.2019, 01.07.2024 and subsequently; or

(e) Pass any other order or direction as may be deemed appropriate in facts and circumstances of the case.”

3. It is submitted by the learned counsel for the applicants in reply to a specific court query that none of the applicants have been granted the OROP benefits.

4. The applicants submit that they are all aggrieved by the non-grant of OROP benefits in view of they having taken premature retirement. It is submitted on behalf of the applicant that the factum all the 29 applicants having been discharged because of they having sought premature voluntary retirement at their own request is reflected through the document placed at Annexure A-4 (colly) to submit to the effect that the same itself indicates that they were discharged at their own request. On behalf of the applicants counsel for the applicats has submitted a list in relation to the 29 applicants showing the date of

enrolment, date of discharge and the qualifying length of service of each applicant, copy of which has been supplied to the learned counsel for the respondents.

5. The matter in issue is no more *res integra* in view of the order dated 31.01.2025 of the AFT (PB) New Delhi in *Cdr. Gaurav Mehra & Ors. Vs. Union of India & Ors.* in OA 313/2022 vide Paras 83 and 84 thereof, it has been observed to the effect:-

“83. Pensioners form a common category as indicated in detail hereinabove. PMR personnel who qualify for pension are also included in this general category. The pension regulations and rules applicable to PMR personnel who qualify for pension are similar to that of a regular pensioner retiring on superannuation or on conclusion of his terms of appointment. However, now by applying the policy dated 07.11.2015 with a stipulation henceforth, the prospective application would mean that a right created to PMR pensioner, prior to the issue of impugned policy is taken away in the matter of grant of benefit of OROP. This will result in, a vested right available to a PMR personnel to receive pension at par with a regular pensioner, being taken away in the course of implementation of the OROP scheme as per impugned policy. Apart from creating a differentiation in a homogeneous class, taking away of this vested right available to a PMR personnel, violates mandate of the law laid down by the Hon’ble Supreme Court in various cases i.e. Ex-Major N.C. Singhal vs. Director General Armed Forces Medical Services (1972) 4 SCC 765, Ex. Capt. K.C. Arora and Another Vs. State of Haryana and Others (1984) 3 SCC 281 and this also makes the action of the respondents unsustainable in law.

84. Even if for the sake of argument it is taken note of that there were some difference between the aforesaid categories, but the personnel who opted for PMR forming

a homogenous class; and once it is found that every person in the Army, Navy and the Air Force who seeks PMR forms a homogenous category in the matter of granting benefit of OROP, for such personnel no policy can be formulated which creates differentiation in this homogeneous class based on the date and time of their seeking PMR. The policy in question impugned before us infact bifurcates the PMR personnel into three categories; viz pre 01.07.2014 personnel, those personnel who took PMR between 01.07.2014 and 06.11.2015 and personnel who took PMR on or after 07.11.2015. Merely based on the dates as indicated hereinabove, differentiating in the same category of PMR personnel without any just cause or reason and without establishing any nexus as to for what purpose it had been done, we have no hesitation in holding that this amounts to violating the rights available to the PMR personnel under Articles 14 and 16 of the Constitution as well as hit by the principles of law laid down by the Supreme Court in the matter of fixing the cut off date and creating differentiation in a homogeneous class in terms of the judgment of D.S. Nakara (supra) and the law consistently laid down thereafter and, therefore, we hold that the provisions contained in para 4 of the policy letter dated 07.11.2015 is discriminatory in nature, violates Article 14 of the Constitution and, therefore, is unsustainable in law and cannot be implemented and we strike it down and direct that in the matter of grant of OROP benefit to PMR personnel, they be treated uniformly and the benefit of the scheme of OROP be granted to them without any discrimination in the matter of extending the benefit to certain persons only and excluding others like the applicants on the basis of fixing cut off dates as indicated in this order. The OAs are allowed and disposed of without any order as to costs.”

6. Furthermore, vide the verdict of the Hon'ble Supreme Court in *Lt. Col. Suprita Chandel vs. Union of India* (Civil Appeal No. 1943/2022) vide Paras 14 and 15, it has been directed to the effect:-

“14. It is a well settled principle of law that where a citizen is aggrieved by an action of the government department has approached the court and obtained a declaration of law in his/her favour, others similarly situated ought to be extended the benefit without the need for them to go to court. [See Amrit Lal Berry vs. Collector of Central Excise, New Delhi and Others, (1975) 4 SCC 714]

15. In K.I. Shephard and Others vs. Union of India and Others, (1987) 4 SCC 431, this Court while reinforcing the above principle held as under:-

“19. The writ petitions and the appeals must succeed. We set aside the impugned judgments of the Single Judge and Division Bench of the Kerala High Court and direct that each of the three transferee banks should take over the excluded employees on the same terms and conditions of employment under the respective banking companies prior to amalgamation. The employees would be entitled to the benefit of continuity of service for all purposes including salary and perks throughout the period. We leave it open to the transferee banks to take such action as they consider proper against these employees in accordance with law. Some of the excluded employees have not come to court. There is no justification to penalise them for not having litigated. They too shall be entitled to the same benefits as the petitioners.”

(Emphasis Supplied),”

and thus there is no necessity of any of the persons seeking similar claims on the aspects that have already been settled to file applications.

7. In view thereof the prayers made by the applicants, subject to verification of the dates of enrolment, dates of discharge and nature of discharge of all the 29 applicants as well as the aspect of the discharge of all the 29 applicants being only due to voluntary premature retirement at their own request, the 29 applicants are held entitled to the grant of OROP benefits to the extent as permitted in terms of order dated 31.01.2025 in OA 313/2022 of the AFT (PB) New Delhi in the case of *Cdr. Gaurav Mehra vs. Union of India & Ors.*, which the respondents are directed to grant to the applicant.

8. The OA 907/2025 is disposed of accordingly.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(MS. RASIKA CHAUBE)
MEMBER (A)

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