

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

Supplementary

1.

OA 2408/2025 with MA 3337/2025

Ex Sgt Anil Kumar & Ors.	Applicant
VERSUS		
Union of India and Ors.	Respondents

For Applicant	:	Mr. Suresh Kumar Palta, Advocate
For Respondents	:	Mr. Vinod Kumari Tiwari, Advocate
		Mr. Pradeep Kumar, DAV Legal Cell

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
07.08.2025

MA 3337/2025

Three applicants seek to institute the present OA together to submit to the effect that they all are aggrieved by a similar cause of action and that they are represented by the same counsel. In the interest of justice, three applicants are allowed to join together to institute the present OA.

2. Notice of the OA issued to the respondents and accepted on their behalf. A bare perusal of the impugned order dated 20.06.2025 placed on record indicates to the effect that it has been stated in Paras 3, 4 and 5 thereof to the effect:-

“3. Wrt to your contention as expressed in the legal notice, it is intimated that One Rank One Pension (OROP) scheme was laid down by the MoD, Gol vide letter 12(1)/2014/D(Pen/Pol)-Part-

It dated 07 Nov 2015 with an intention to bridge the anomalies in the rates of pension of retired personnel. The said scheme was not applicable to those personnel who opt to get discharged on their own request as follows. "Personnel who opt to get discharged henceforth on their own request under Rule 13(3)I(i) (b), 13(3)I(iv) or Rule 16B of the Army Rule 1954 or equivalent Navy or Air Force Rules will not be entitled to the benefits of OROP. It will be effective prospectively".

4. The use of term "henceforth" in the respective clause of this scheme was understood by many Veterans to mean that personnel who opted and proceeded on discharge on or after date of issue of this letter i.e. 07 Nov 2015. However, MoD, GoI vide their letter No. 1(1)/2019/D(Pen/Pol) dated 04 Jan 2023 has clarified by stating as follows, "Personnel who opt to get discharged wef 01.07.2014 (on or after 01.07.2014) on their own request under Rule 13(3)I(i)(b), 13(3)II(i)(b), 13(3)III(iv) or Rule 16B of the Army Rule 1954 or equivalent Navy or Air Force Rules will not be entitled to the benefits of OROP."

5. Since there has not been any further clarification issued by GoI MoD regarding extending OROP benefits to such personnel who proceeded on discharge under the clause at own request on transfer to pension establishment, implementing the orders by extending the benefit to such personnel would be contrary to the GoI policy dated 07 Nov 2015 and 04 Jan 2023. As per the GoI policy on the subject, personnel who proceeded on discharge at own request would deem not covered by the policy of OROP."

3. It is essential to observe that the matter is no longer res integra, in view of the orders in OA 313/2022 of this Tribunal

dated 31.01.2025 and the order dated 15.04.2025 in RA 9/2025 whereby it has been expressly vide Para 6 thereof to the effect:-

6. With respect to the classification of the original applicants into three categories, we are of the considered view that the issue for review is relevant only to categories (b) and (c). For applicants in category (b), those who applied for the PMR between 01.07.2014 to 06.11.2015, the principles advanced by the learned Assistant Solicitor General will not apply considering the prospective nature of the memorandum dated 07.11.2015. Therefore, the prayer for review concerning these original applicants i.e., Cat (b) stands rejected.

Thus, it is implicit therefrom the military personnel who have taken premature retirement prior to 06.11.2015 are entitled to the grant of the OROP benefits. It is submitted on behalf of the applicant that in the instant case all of them have retired on 20.08.2014 i.e. prior to the date 07.11.2015. Counsel for the respondents seeks time to seek instructions.

4. The matter be re-notified for hearing on 14.08.2025.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)

/nmk