

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

5.

OA 711/2025 with MA 1073/2025 & 1074/2025

Sub Prem Kishore (Retd) & Ors. Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Madan Pal Vats &
Abhay Kant Upadhyya, Advocate
For Respondents : Mr. K K Tyagi, Sr. CGSC
Maj Satvik Grover, OIC Legal Cell

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE LT GEN C. P MOHANTY, MEMBER (A)

ORDER
12.03.2025

MA 1074/2025 has been filed by the 9 applicants seeking to join together to institute the present OA submitting to the effect that they are all aggrieved by the issuance of the Government of India letter dated 07.11.2015 whereby persons opting for discharge at their own request have been denied OROP benefits. Learned counsel for the applicant submits that he represents all the 9 applicants. In view thereof, MA 1074/2025 filed by the 9 applicants under Rule 4(5) of the AFT (Procedure) Rules, 2008 seeking to join together to institute the present OA is allowed.

2. MA 1073/2025 has been filed by the 9 applicants seeking condonation of 2040 days delay in institution of the OA, which for reasons mentioned therein and in view of the verdict of the

Hon'ble Apex Court in *UoI & Ors Vs. Tarsem Singh*

2009(1)AISLJ 371 is allowed, and the delay condoned.

3. The applicant vide the present OA makes the following prayers :-

“8(i) Quashing and setting aside the disposal orders for online complaints filed by the applicants (Annexure-A-01) (COLLY) (IMPUNGED LETTER).

(ii) Quashing and setting aside the GOI, MOD, DESW (Respondent No. 1). vide their letter dated 04.01.2023, [Annexure-A-02(i)] (IMPUNGED LETTER).

(iii) Quashing and setting aside the detailed instructions issued by GOI, MOD, DESW (Respondent No. 1), vide their letter dated 20.01.2023, [Annexure A 02(ii)] (IMPUNGED LETTER).

(iv) Quashing and setting aside the PCDA (Pension) Circular Number 666 dated 20.01.2023 [Annexure-A-02(iii)] (IMPUNGED LETTER).

(v) Quashing and setting aside the clarifications/instructions given to CGDA by GOI, MoD, DESW (Respondent No. 1), vide their ID No. 1(1)/2019/D(P/P) dated 08.04.2022. (Annexure- A-02(iv)] (IMPUNGED LETTER).

(vi) Quashing and setting aside the letter dated 20.07.2023 issued by Respondent No.1 [AnnexureA-02(v)] (IMPUNGED LETTER).

(vii) Quashing and setting aside the GOI, MoD, DESW (Respondent No. 1), vide their letter dated 10.07.2024, [Annexure-A-02(vi)] (IMPUNGED LETTER).

(viii) Quashing and setting aside the detailed instructions issued by GOI. MOD, DESW (Respondent No. 1), vide their letter dated 04.09.2024, [Annexure (IMPUNGED LETTER). A 02(vii)]

(ix) Quashing and setting aside the PCDA (Pension) Circular Number 677 dated 06.09.2024 [Annexure A 02(viii)] (IMPUNGED LETTER).

(x) Call for records pertaining to letter No. 1(1)/2019/(Pen/Pol) dated 04 Jan 2023 and 20 Jan 2023.

(xi) Call for records pertaining to letter No. 1(2)/2023/D(Pen/Pol) dated 10.07.2024 and 04.09.2024.

(xii) Call for records pertaining to letter No. 12(1)/2014/D (Pen/Pol)-Part-11 dated 07.11.2015 and dated 06.06.2017.

(xiii) Direct the respondents the benefits of first revision of OROP w.e.f. 01 Jul 2019 and consequential benefits arising therefrom with the interest @ 12% on the arrears till realization of the actual payment.

(xiv) Pass any other or further order(s) as may be deem fit and proper, in favor of the applicants.

(xv) To award the cost of the original application to the applicants.”

4. Qua the prayer that prayer clause (ii) that has been made by the applicant reproduced hereinabove, as observed vide order dated 07.02.2025 in OA 316/2025 by this Tribunal, vide Para 6 thereof, to the effect :-

“6. Apparently, in view of the order dated 31.01.2025 in OA 313/2022 in the case of Cdr

Gaurav Mehra (Retd) vs Union of India and other connected matters of this Tribunal, the issue in relation to the grant of OROP benefits to persons who have taken pre-mature retirement is no more res integra. Though, we do not intend to analyze the provisions of the letter dated 04.01.2023 no. 1(1)/2019/D(Pen/Pol) in as much as there are several other clauses apart from Clause 2.6 therein, in view of the implicit spirit of the order dated 31.01.2025 in relation to the grant of the OROP benefits to persons retired pre-maturely, it is only in relation to clause 2.6 of the letter dated 04.01.2023 that the applicant can have a grievance.”,

it is only in relation to the clause 2.6 of the letter dated 04.01.2023 that the applicants can have a grievance presently in relation to the denial of the OROP benefits in view of the premature voluntary retirement having been taken by them.

5. As regards, the said aspect however it is apparent that in view of the case of *Cdr Gaurav Mehra (Retd.) vs Union of India & Ors.*, the issue in relation to the grant of the OROP benefits to persons who have taken premature voluntary retirement is no more *res integra* and thus the clause 2.6 in the said letter dated 04.01.2023 to that extent stands negated.

6. Qua all other prayers made by the applicant vide the present OA, the notice thereof was issued to the respondents and accepted on their behalf.

7. At this stage, learned counsel for the applicant submits that in view of the order hereinabove, qua the aspect that all personnel of the Armed Forces who were denied the OROP benefits, in view of their having premature voluntary retirement being held entitled to the grant of the OROP benefits in terms of the order dated 31.01.2025 in OA 313/2022 of the Armed Forces Tribunal, Principal Bench, New Delhi, the applicants seek to withdraw all other prayers.

8. In view thereof the OA is disposed of with directions to the respondents to grant the OROP benefits to the 9 applicants to the extent as directed vide order dated 31.01.2025 in OA 313/2022 subject to verification of the dates of their discharge and subject to verification of the nature of discharge of the 9 applicants being due to premature voluntary retirement.

9. The OA is disposed of, accordingly.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(LT GEN C. P MOHANTY)
MEMBER (A)

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