

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

7.

OA 1054/2025 with MA 1611/2025

Ex JWO Alok Srivastava Applicant

VERSUS

Union of India and Ors. Respondents

For Applicant : Mr. Devendra Kumar, Proxy for

Mr. Raj Kumar, Advocate

For Respondents : Mr. R S Chhillar, Advocate

CORAM

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

HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
24.04.2025

MA 1611/2025

This is an application filed under Section 22(2) of the Armed Forces Tribunal Act, 2007 seeking condonation of delay of 1899 days in filing the present OA. In view of the judgments of the Hon'ble Supreme Court in the matter of *UoI & Ors Vs Tarsem Singh* (2008) 8 SCC 648 and in *Ex Sep Chain Singh Vs Union of India & Ors* in Civil Appeal 22965/2017 arising out of Civil Appeal Diary no 30073/2017 and the reasons mentioned, the MA 1611/2025 is allowed, and the delay condoned.

OA 1054/2025

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

“(a) To direct the Respondent to grant benefit of first revision of OROP to the applicant w.e.f. 01.07.2019 and second revision of OROP w.e.f. 01.07.2024 and consequential benefit arising therefrom.

(b) To direct the respondent to give arrears to the Applicant @12% interest thereon.

(c) To direct the respondent to issue fresh PPO in accordance with increased pension after granting benefit of revision of both OROPs dated 01.07.2019 and 01.07.2024.

(d) To pass any other order or direction in favour of Applicant which may be deemed just and proper under the facts and circumstances of this case in the interest of justice.”

3. Notice thereof is issued to the respondents and accepted on their behalf. The applicant's grievance is to the effect that he having been enrolled in the Indian Air Force on 10.07.1995, having sought discharge on 05.10.2014 after rendering 19 years 02 months and 26 days of service was discharged therefrom and was consequentially denied the grant of OROP benefits for his having taken premature voluntary retirement.

4. The applicant has placed reliance on the order dated 31.03.2025 of the AFT (PB), New Delhi in *Cdr Gaurav Mehra (Retd.) and 113 others vs. UOI & Ors.* to submit to the effect that he is entitled to the grant of the OROP benefits.

5. The respondents have sought to submit to the effect that an RA 9/2025 has been filed in OA 426/2023 which was also disposed of vide the order dated 31.01.2025 in OA 313/2022 whereby the said OA and 113 other OAs were disposed of inclusive of OA 426/2023 and that as a consequence thereof, the matter be deferred. In view of the factum that vide order dated 16.04.2025 in RA 9/2025 in OA 426/2023 it is only in relation to those persons, who have filed applications for premature retirement after 06.11.2015 that the matter has been kept in abeyance, the applicant herein who had sought premature voluntary retirement and was even discharged before the date 06.11.2015, is apparently entitled to the grant of the OROP benefits in terms of the order dated 31.01.2025 in OA 313/2022 of this Tribunal to which extent it has not been kept in abeyance vide order dated 16.04.2025 of the AFT (PB), New Delhi in RA 9/2025 in OA 426/2023.

6. In view thereof, subject to verification of the date of discharge of the applicant and subject to verification of the nature of discharge

of the applicant being due to premature voluntary retirement alone, the applicant is held entitled to the grant of the OROP benefits to the extent as permitted vide order dated 31.01.2025 in OA 313/2022 of the AFT (PB), New Delhi and the corrigendum PPO in relation thereto be issued and the OROP benefits be granted to the applicant by the respondents.

7. The OA is thus disposed of, accordingly.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)

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