COURT No.3
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

4.

OA 3620/2025 WITH MA 5360/2025 AND MA 5361/2025

Hav K Srinivas (Retd.) & Ors. ..... Applicant

VERSUS

Union of India and Ors. ..... Respondents

For Applicant : Mr. Madan Pal Vats, Advocate and
Mr. Abhay Kant Upadhyaya, Advocate

For Respondents : Ms. Avdhesh Kumar Singh, Advocate

CORAM

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

ORDER
14.11.2025

MA 5361/2025

This application has been filed by the 27 applicants. It is submitted by the learned counsel for the applicant that the applicant Nos. 15 to 27 have applied for premature retirement prior to and was discharged much before the cut off date i.e., before 07.11.2025. Applicant Nos. 1 to 14 have also

applied for the said cut off date however, their premature retirement was granted after 07.11.2015. Learned counsel for the applicants, therefore, seeks permission to withdraw the present application insofar as it relates to applicant Nos. 1 to 14, with liberty to file a fresh application. Accordingly, the application stands withdrawn qua applicant Nos. 1 to 14, with liberty as aforesaid and considered only qua applicant **Nos. 15 to 27 Naik (ACP-1) Manoj C M (Retd.) & Ors.**

2. Considering that the applicant Nos. 15 to 27 have been discharged prior to the cut off date (07.11.2015). The applicant Nos. 15 to 27 are allowed to join together by filing one single application for redressal of their grievances. Thsi MA stands disposed of, accordingly, with respect to applicant Nos. 15 to 27.

MA 5360/2025

Keeping in view the averments made in the miscellaneous application and finding the same to be bona fide, in the light of the decision in ***Union of India and others Vs. Tarsem Singh [(2008) 8 SCC 648]***, the MA is allowed condoning the delay of 2311 days in filing the OA. The MA stands disposed of.

OA 3620/2025

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

"(i) Quashing and setting aside the disposal orders issued for disposing of the online complaints of the applicants [Annexure –A-01 (Colly)] (Impugned Letter).

(ii) Direct the respondents to grant the benefits of OROP without any discrimination to the applicants in this OA, with effect from 01 July 2019 (First Revision) and 01 July 2024 (Second Revision), along with all consequential benefits arising therefrom.

(iii) Direct the respondents to pay the arrears with interest @12% till realization of the actual payment.

(iv) Direct the respondents to issue fresh PPOs in accordance with the increased pension after granting benefits of the OROP.

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

(vi) To award the cost of the original application to the applicants."

2. Notice of the OA is issued to the respondents and accepted on their behalf.

3. In MA 5361/2025, with respect to the applicant Nos. 1 to 14 who had applied for Premature Retirement after the cut off date of 07.11.2015, it is submitted that the prayer for withdrawal of the application is allowed in respect of applicant Nos. 1 to 14, with liberty to file a fresh application.

4. After the withdrawal by the applicant Nos. 1 to 14, this OA is considered qua the applicant Nos. 15 to 27 only. The applicant Nos. 15 to 27 in this OA are premature retirees who were discharged prior to 07.11.2015, seeking the first and second revision of the OROP benefits and consequential benefits arising therefore with applicable interest on arrears till the realization of actual payment as per Policy letter no.

12(1)/2014/D(Pen/Pol)-Part II dated 07.11.2015 and were enrolled in the Indian Army as per the details mentioned below :-

S No	Applicant No.	Service Particulars	Date of Joining	Date of Discharge
1	Applicant No.15	14425787-P Naik (ACP-1) Manoj C M (Retd.)	16.07.1998	30.09.2015
2	Applicant No. 16	15139001-A Hav Satheesh Kumar G P (Retd.)	27.04.1999	30.09.2015
3	Applicant No. 17	15138660-H naik Dharendra Kumar Singh (Retd.)	07.04.1999	30.04.2015
4	Applicant No. 18	15137600-F Naik (ACP-1) Ajay Kumar Singh (Retd.)	07.01.1999	30.04.2015
5	Applicant No. 19	15137930-A Naik (ACP-1) Ranjit Kumar Sharma (Retd.)	16.01.1999	30.04.2015
6	Applicant No. 20	14419203-H Hav Narasimhulu Koppula (Retd.)	24.04.1996	31.03.2015
7	Applicant No. 21	14427608-H Hav Shaiju K C (Retd.)	18.01.1999	31.03.2015
8	Applicant No. 22	14418121-N Naik (ACP-1) Ravi Bolagani (Retd.)	21.02.1996	31.03.2015
9	Applicant No. 23	15133108-Y Hav K Anjaiah (Retd.)	28.06.1997	31.03.2015
10	Applicant No. 24	15134432-H Hav M Harish (Retd.)	26.12.1997	31.01.2015
11	Applicant No. 25	15128993-F Naik (ACP-1) Vasudev Ponduru (Retd.)	25.06.1996	31.12.2014
12	Applicant No. 26	15118822-F Hav Pravesh Kumar Sharma (Retd.)	28.08.1993	30.09.2014
13	Applicant No. 27	15137054 A Naik Ravinder Singh (Retd.)	26.10.1998	30.09.2014

5. Their claim for the grant of OROP benefits was denied on the ground that benefits of OROP are not applicable for premature retirees who got premature retirement w.e.f. 01.07.2014.

6. The applicants have placed reliance on the order dated 31.01.2025 in OA 313/2022 of the AFT (PB) New Delhi in ***Cdr Gaurav Mehra*** vs ***Union of India*** and other connected cases to submit to the effect that they are entitled to the grant of the OROP benefits.

7. In view of the factum that vide order dated 15.04.2025 in RA 9/2025 in OA 426/2023 the matter has been kept in abeyance in relation to only those applicants, who have filed applications for premature retirement after 06.11.2015. The applicants herein who had sought premature voluntary retirement and was even discharged before the date 06.11.2015, will not be affected by the same and is apparently entitled to the grant of the OROP benefits in terms of the order dated 31.01.2025 in OA 313/2022.

8. Apparently, the applicants who were discharged from service prior to the date 07.11.2015 on the basis of their having sought premature retirement are entitled to the grant of the OROP benefits and the matter is no longer in issue in view of observations in paragraphs 83 and 84 in OA 313/2022 of the AFT (PB) New Delhi in ***Cdr Gaurav***

Mehra vs ***Union of India*** and other connected cases, which read 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.*
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> *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 thereinafter 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.",

read with order dated 15.04.2025 in RA 9 of 2025 in OA 426 of 2023 with observations in para 6 which read 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.***

6(A). For the original applicants who applied for the PMR after the policy dated 07.11.2015 came into effect (category c), the non-applicants (UoI) are directed to serve notice through the respective counsels who represented them in the original application. If the counsel who appeared in the original OAs accepts notice on behalf of the said original applicants, service may be considered complete. In case any counsel does not accept notice, notice to such original applicants be served by speed post. After service the original

applicants shall have four weeks to file any reply or objections to the RA, through their counsel if so advised."
(emphasis supplied)

9. Further, in view of the law laid down by the Hon'ble Supreme Court in ***Lt Col Suprita Chandel*** vs ***Union of India and Ors*** (Civil Appeal No. 1943 of 2022) vide Paras 14 and 15 thereof to the effect:-

"14. It is a well settled principle of law that where a citizen 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)

In view of the aforestated, the applicants are entitled to the grant of the relief as prayed.

10. In view thereof, subject to verification of the date and nature of discharge of the applicant Nos. 15 to 27 except applicant Nos. 1 to 14, the respondents are accordingly directed to extend the benefits of OROP to the **applicant Nos. 15 to 27 only**.

11. The OA 3620/2025 is thus allowed.

(JUSTICE NANDITA DUBEY)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)

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