

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

32.

OA 4065/2024 with MA 123/2025

Sub (ACP-1) K Siba Prasad Das (Retd) Applicant

VERSUS

Union of India and Ors. Respondents

For Applicant : Mr. Madan Pal Vats, Advocate

For Respondents : Ms. Nehal Jain, Proxy for
Mr. Jagdish Chandra, Advocate

CORAM

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

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

ORDER

24.04.2025

MA 123/2025

This is an application filed on behalf of the respondent for condonation of delay of 48 days in filing the counter affidavit. In view of the reasons explained in MA and in the interest of justice, the MA 123/2025 is allowed and the delay in filing the counter affidavit is condoned.

2. Counter affidavit of the respondents is on the record. No rejoinder is sought to be filed by the applicant.

OA 4065/2024

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

“(i) Quashing and setting aside the disposal orders dated 01.03.2024 and 05.03.2024 [Annexure A-01 (COLLY)] (IMPUNGED LETTER).

(ii) Quashing and setting aside the GOI, MOD, DESW (Respondent No. 1), letter dated 06.06.2017, (Annexure - A -02 (i)] (IMPUNGED LETTER)

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

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

(v) Quashing and setting aside the PCDA (Pension) Circular No. 666 dated 20.01.2023 [Annexure-A-02 (iv)] (Colly) (IMPUNGED LETTER).

(vi) Quashing and setting aside the clarifications/instructions given to CGDA by GOI, MOD, DESW, vide their I'D No. 1(1)/2019/D(P/P) dated 08.04.2022, [Annexure - A -02(v)] (IMPUNGED LETTER).

(vii) Quashing and setting aside the GOI, MOD, DESW (Respondent No. 1), letter dated 20.07.2023 [Annexure - A -02(vi)] (IMPUNGED LETTER).

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

(ix) 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(vi)]

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

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

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

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

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

4. Counsel for the applicant however, submits that he confines the prayers made through the present OA to the grant of the OROP benefits to the applicant, which were denied to him in view of his having sought premature voluntary retirement vide an application on 19.09.2015.

5. 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.

6. 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 before the date 06.11.2015

on 19.09.2015 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 the said order 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.

7. 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.

8. The OA is thus disposed of, accordingly.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)

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