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

11.
OA 2928/2025 with MA 4240/2025
Ex Ld Kishor Singh
Shekhawat (Service No. 15477148Y) ...... Applicant
VERSUS
Union of India and Ors. ..... Respondents

For Applicant : Mr. Sukhbir Singh, Advocate
For Respondents : Mr. Prabodh Kumar, Sr. CGSC

CORAM
HON'BLE MS. JUSTICE NANDITA DUBEY, MEMBER (J)
HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

ORDER
23.09.2025

MA 4240/2025

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 3380 days in filing the OA. The MA stands disposed of.

OA 2928/2025

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

> *"(a) Quash and set aside impugned order dated 02.09.2025. and*

(b) Grant benefits of One Rank One Pension w.e.f 01.07.2019 and 01.07.2024 and issue PPO of revised pension. And
(c) Direct respondents to pay the due arrears of OROP with interest @12% p.a. from the date of retirement with all the consequential benefits.
(d) Any other relief which the Hon'ble Tribunal may deem fit and proper in the fact and circumstances of the case."

3. Notice is issued to the respondents and accepted on their behalf.

4. The applicant has opted for premature retirement prior to the cut off date (07.11.2015), seeking the benefits of One Rank One Pension (OROP) and along with 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 as detailed below :-

S No.	Service Particulars	Date of Enrolment	Discharged order issued to the applicant on	Date of discharge	Total Service
1	No. 5477148Y Ex LD Kishor Singh Shekhawat	10.03.1999	15.09.2015	31.05.2016	17 Years, 02 Months and 21 Days

5. In view of the foregoing, the applicant submitted an application for discharge at own request and the discharge order issued to the applicant vide letter No. 508102/Comp/CA-1 dated

15.09.2015. The applicant was subsequently discharged from service on 31.05.2016.

6. The applicant who applied premature retirement between 01.07.2014 to 06.11.2015 under category (b), is entitled to the grant of the relief as prayed for.

7. The applicant has 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 he is entitled to the grant of the OROP benefits.

8. 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 applicant 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.

9. Apparently, the applicant who filed application for premature retirement or was discharged from service prior to the date 07.11.2015 on the basis of his having sought premature retirement is 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 implernented 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 às 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)

10. 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]*
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> *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:-*
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> > *"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 applicant is entitled to the grant of the relief as prayed.

11. In view thereof, subject to verification of the date and nature of discharge of the applicant, the respondents are accordingly directed to extend the benefits of OROP to the applicant.

12. The OA 2928/2025 is thus allowed.

(JUSTICE NANDITA DUBEY)
MEMBER (J)

(RASIKA CHAUBE)
MEMBER (A)

Yogita/AS