

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

9.

OA 786/2025 with MA 1187/2025 & 1188/2025

Hav P Veera Raghavulu (Retd) & Ors. Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Madan Pal Vats &
Abhay Kant Upadhyaya, Advocate
For Respondents : Mr. Satya Ranjan Swain, with
Mr. Ankush Kapoor Advocate

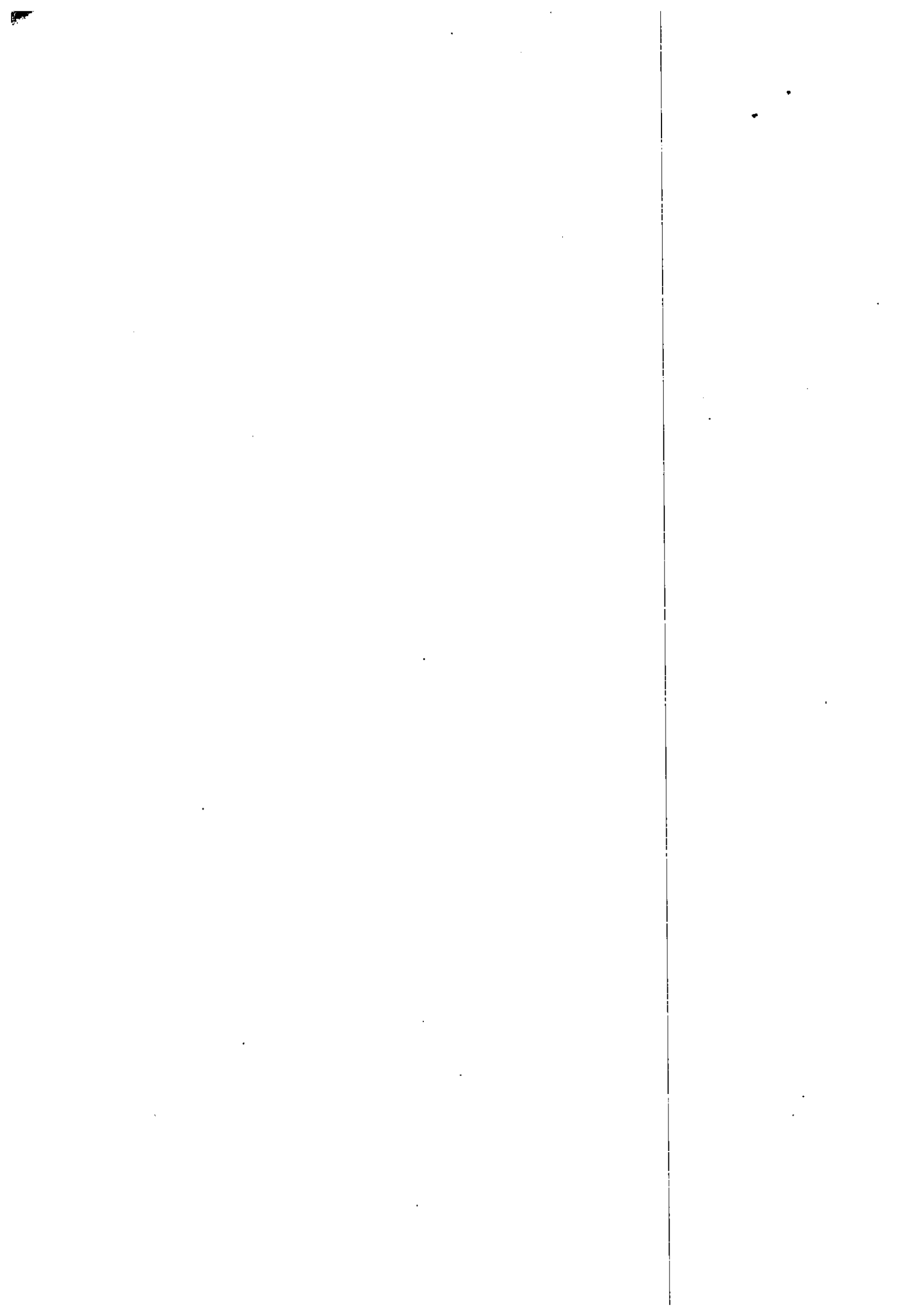
CORAM

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

ORDER
20.03.2025

MA 1188/2025 has been filed by the three applicants seeking to join together to institute the present OA submitting to the effect they are all aggrieved by the non-grant of the OROP benefits to them, having sought premature retirement, with the submissions made by the counsel for the applicant that they represent all the three applicants. The said application MA 1188/2025 is allowed and the three applicants are allowed to join together to institute the present OA.

2. MA. 1187/2025 has been filed by the applicant's seeking condonation of 2065 days delay in filing the present OA for reasons mentioned therein. In the interest of justice, 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 Thr LR. Dhaneshwari Devi Vs Union of India & Ors in Civil



Appeal No. 022965/2017 arising out of Civil Appeal Diary No. 30073/2017 and the reasons mentioned, the MA 1187/2025 is allowed and the delay of 2065 days in filing the OA is thus condoned.

3. On behalf of the applicant learned counsel for the applicant submits that the prayers made by the applicant vide the present OA which read to the effect:-

“(i) Quashing and setting aside the disposal orders issued for disposing of the online complaints of the applicants [Annexure-A-01 (COLLY)] (IMPUNGED LETTER).

(ii) Quashing and setting aside the GOI, MOD, DESW (Respondent No. 1), letter dated 07.11.2015, [Annexure - A - 02 (i)] (IMPUNGED LETTER/POLICY).

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

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

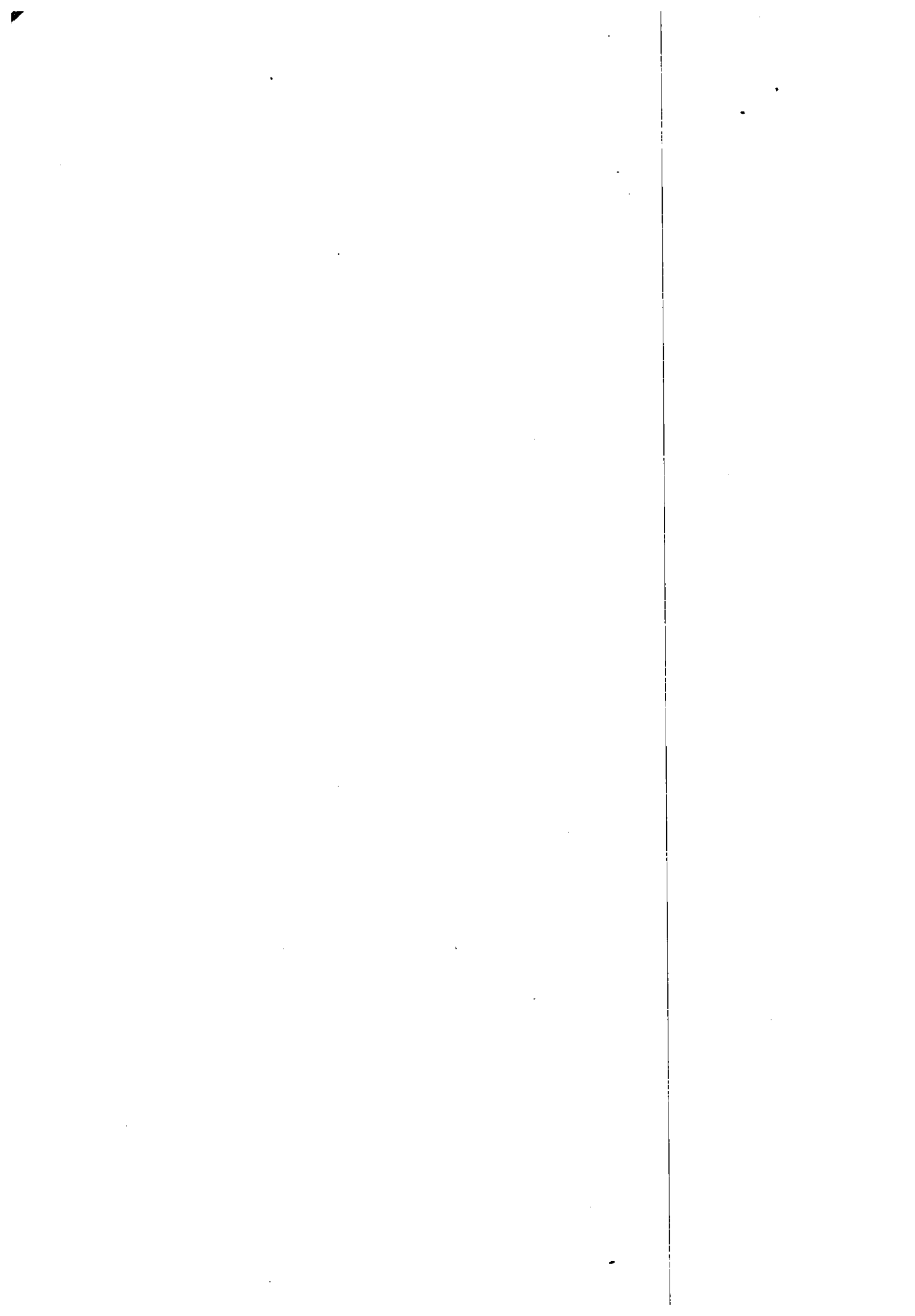
(v) Quashing and setting aside the detailed instructions issued by GOI, MOD, DESW (Respondent No. 1), vide their letter dated 20.01.2023, [Annexure (IMPUNGED LETTER). A02 (iv)]

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

(vii) 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(vi)] (IMPUNGED LETTER).

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

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



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

(xi) Quashing and setting aside the PCDA (Pension) Circular No. 677 dated 06.09.2024 [Annexure-A-02 (x)] (Colly) (IMPUNGED LETTER).

(xii) Direct the respondents to grant the benefits of OROP to the applicants without any decimation w.e.f. 01 July 2019 and consequential benefits arising therefrom with the interest @12% on the arrears till realization of the actual payment.

(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,”

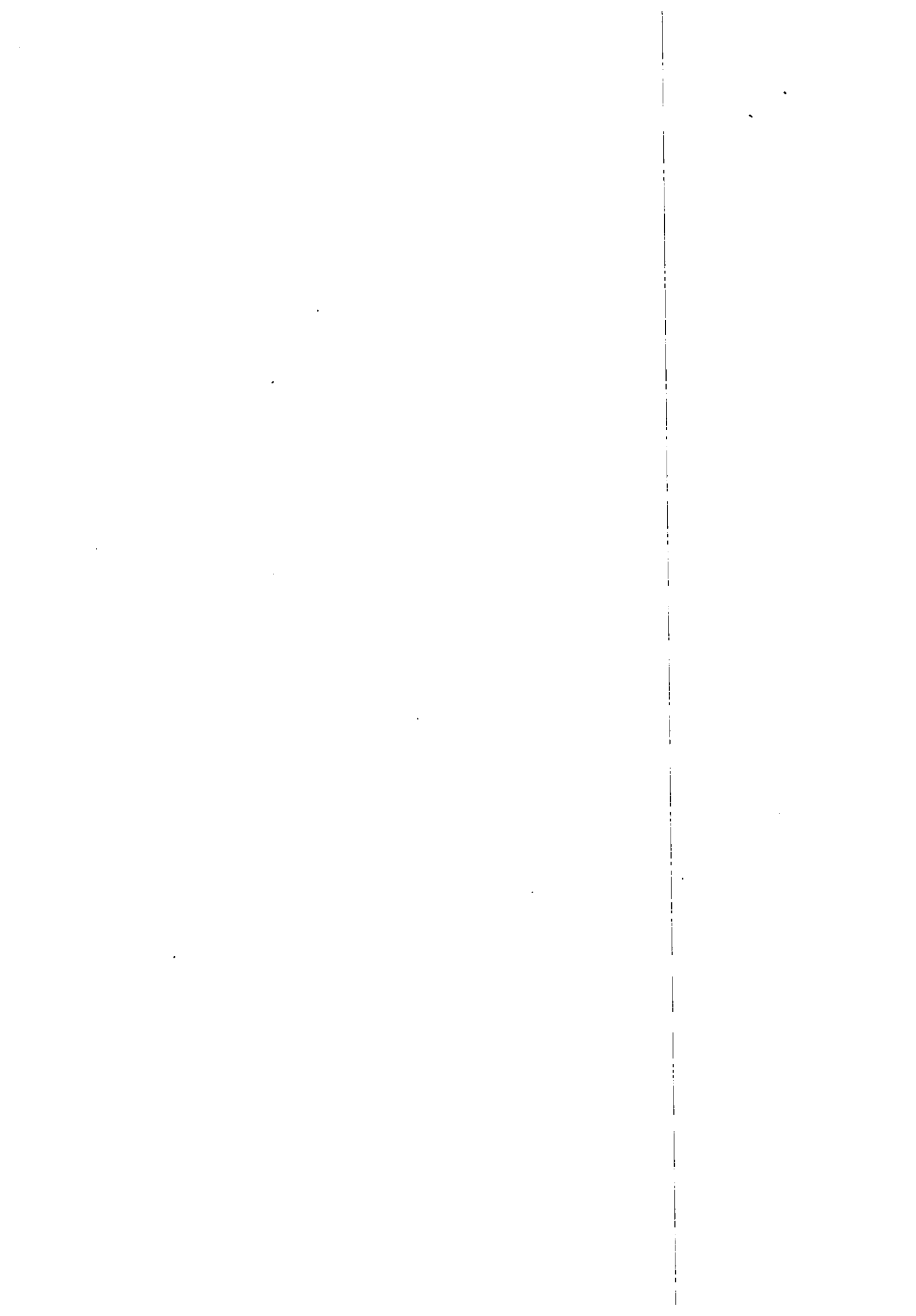
are now confined to seeking the grant of the OROP benefits in terms of the order dated 31.01.2025 of the AFT (PB) New Delhi in the case of *Cdr Gaurav Mehra (Retd) vs Union of India & Ors* in OA 313/2022.

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

5. As per averments made in the OA the applicant No. 1 was enrolled in the Indian Army on 05.11.1997, in “The Madras Regiment” and discharged at his own request from service on 31.12.2016;

and the applicant No. 2 is stated to have been enrolled in the Indian Army on 06.01.1998 and discharged at his own request from service on 29.02.2016, in “The Madraas Regiment”;

and applicant no. 3 was enrolled in the Indian Army on 26.02.1998 and discharged at his own request from service on 31.01.2017.



6. The matter in issue is no more *res integra* in view of the orders of this Tribunal in OA 313/2022 whereby vide Paras 83 and 84 thereof, it has been observed 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.

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 in fact 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 thereafter 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.”-

and thus all the three applicants are entitled to the grant of the OROP benefits to the extent as directed thereby.

7. Furthermore, vide the verdict of the Hon'ble Supreme Court in *Lt. Col. Suprita Chandel vs. Union of India* (Civil Appeal No. 1943/2022) whereby vide Paras 14 and 15 it has been directed to the effect:-

“14. It is a well settled principle of law that where a citizen is 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 the circumstances, there was no necessity also of the applicant's to move the OA to seek redressal to the extent already adjudicated and settled vide the order dated 31.01.2025 in OA 313/2022.

8. In view thereof, the OA is disposed of, with directions to the respondents to grant the OROP benefits to the three applicants subject to verification of the dates of discharge of all the three applicants and of their having taken premature retirement. The OROP benefits to the applicants in terms of directions dated 31.01.2025 in OA 313/2022 be granted to the applicant by the respondents.

9. The OA is disposed of accordingly.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)

