

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

3.

OA 844/2025 with MA 1238/2025

Hav Madan Singh (Retd) & Anr & Ors. Applicant
VERSUS

Union of India and Ors. Respondents

For Applicant : Mr. US Maurya, Advocate
For Respondents : Mr. Rajeev Kumar, Advocate
Maj Satvik Grover, OIC Legal Cell

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

ORDER
04.04.2025

MA 1238/2025

MA 1238/2025 has been filed by the two applicants seeking to join together to institute the present OA, submitting to the effect that they both are aggrieved by the non-grant of the OROP benefits, having sought premature retirement, with the submissions made by the counsel for the applicant that they represent both the two applicants. The said application MA 1238/2025 is allowed and the two applicants are allowed to join together to institute the present OA.

OA 844/2025

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

“(a) Direction to respondents to set aside/quash the Para 4 MoD letter dated 07.11.2015, and Para 1 of letter dated 06.06.2017 (Annexure A-1 Colly)

(b) Direction to the Respondents to grant benefits of OROP to applicants from the date of Pre-Mature Retirement with all consequential benefits with the interest @12% on the arrears till date of actual payment as question involve in this case is no longer res integra, as the same had already been settled by this Tribunal in the cases of Cdr Gaurav Mehar (Retd.) & 113 Ors. Vs. Union of India & Ors. (OA No. 313/2022 order dated decided on 31-01-2025 by this Hon'ble Tribunal and/or;

(c) The applicant be granted any other relief which this Hon'ble Tribunal may deem appropriate, just and proper in the interest of justice and in the facts and circumstances of the case.

(d) Award costs of the OA to the applicant.”

3. Notice of the OA is issued to the respondents and accepted on their. The applicants have put forth the details of their service No. and rank, name, date of discharge and PPO No. in Para 4.3 of the OA which reads to the effect:-

“4.3 That, the following applicants who's named are in memo of party were enrolled in Indian Army, discharged from service, PPO were issued, and they were not granted benefits of OROP being PMR:-

Sr. No.	Service No., Rank and Name	Date of Discharge	PPO No.	Records Office
1.	13757171X Hav Madan Singh	30.09.2014	219 2014 00197	JAK Rif
2.	15335694P Nk Sarwan Singh	30.11.2017	212 2017 01071	BEG Roorkee

4. It is submitted by the applicants that as reflected vide Annexure A-2 (Colly), the copies of the PPOs No. 219201400197 and 212201701071, the clauses of discharge of the applicants reflect that they both have been discharged at their own request, and as a consequence thereof on the basis of the impugned letter

No. 12(1)/2014/D(Pen/Pol)-Part-II dated 07.11.2025, the applicants have been denied the grant of OROP benefits.

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

6. Furthermore, vide the verdict of the Hon'ble Supreme Court in *Lt. Col. Suprita Chandel vs. Union of India* (Civil Appeal

No. 1943/2022) 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),”

there is no necessity of any of the persons seeking similar claims on the aspects that have already been settled to file applications.

7. In view thereof the prayers made by the applicants, subject to verification of their dates of discharge and nature of their

discharge being due to premature voluntary retirement, the applicants are entitled to the grant of OROP benefits to the extent as permitted vide order dated 31.01.2025 of the AFT(PB) New Delhi in *Cdr Gaurav Mehra & Ors. Vs. Union of India & Ors.* in OA 313/2022 of this Tribunal which the respondents are directed to grant to the applicants.

8. The OA 844/2025 is disposed of accordingly.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(MS. RASIKA CHAUBE)
MEMBER (A)

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