

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

2

OA 3749/2025 with MA 5591/2025 & 5592/2025

Hav Srinivasa Rao Kottapalli (Retd) & Ors. Applicant

VERSUS

Union of India and Ors. Respondents

For Applicant : Mr. Madan Pal Vats &
Mr. Abhay Kant Upadhyaya, Advocates

For Respondents : Ms. Deepti Kathpalia, Advocate

CORAM

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

ORDER
06.01.2026

MA 5592/2025

This application has been filed by the 44 applicants. Vide order dated 23.12.2025, applicant Nos. 38 to 44 seek permission to withdraw the present application with a liberty to file afresh. Accordingly, the application stands withdrawn qua applicant Nos. 38 to 44.

2. After the withdrawal by the applicant Nos. 38 to 44, this application is considered qua the applicant Nos. 1 to 37 only.

3. Considering that applicant Nos. 1 to 37 have been discharged prior to the cut off date (07.11.2015), they are allowed to join together by filing one single application for redressal of their grievances. Accordingly, this MA stands disposed of in respect of applicant Nos. 1 to 37.

MA 5591/2025

4. 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 3749/2025

5. 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) Quashing and setting aside the GOI, MoD, DESW (Respondent No. 1), letter dated 07.11.2015, [Annexure-A-02(i)] (IMPUGNED LETTER/POLICY) and dated 06.06.2017, [Annexure-A-02(ii)] (IMPUGNED LETTER/POLICY).

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

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

(v) To award the cost of the original application to the applicants.”

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

7. Vide order dated 23.12.2025, the application stands withdrawn qua applicant Nos. 38 to 44 with liberty to file afresh, this OA is considered qua the applicant Nos. 1 to 37 only. The applicant Nos. 1 to 37 in this OA are premature retirees who were discharged prior to 07.11.2015, seeking OROP benefits and consequential benefits arising therefrom 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. 1	Army No. 2599348-K Hav Srinivasa Rao Kottapalli (Retd.)	03.11.1995	31.05.2015

2	Applicant No. 2	Army No. 2597926-P Hav Senthil Kumar S (Retd.)	30.06.1994	31.08.2014
3	Applicant No. 3	Army No. 2598724-A Hav Ramachandra Reddy S (Retd.)	20.02.1995	31.08.2014
4	Applicant No. 4	Army No. 2598018-Y Hav Boddepalli Mohana Rao (Retd.)	22.08.1994	30.09.2014
5	Applicant No. 5	Army No. 2597480-L Hav Venkataiah (Retd.)	01.03.1994	30.09.2014
6	Applicant No. 6	Army No. 2599700- H Hav A Hamandlu (Retd.)	28.12.1995	31.10.2014
7	Applicant No. 7	Army No. 2601286- W Naik (ACP-1) Thamiri Apparao (Retd.)	24.02.1997	31.10.2014
8	Applicant No. 8	Army No. 2601564-Y Naik (ACP-1) Srinivasa Reddy Pitty (Retd.)	01.03.1997	31.10.2014
9	Applicant No. 9	Army No. 2600738-F Hav Nagabhushanam Gorla (Retd.)	30.10.1996	31.10.2014
10	Applicant No. 10	Army No. 2598214-Y Hav Nuka Dilleswara Rao (Retd.)	24.10.1994	30.11.2014
11	Applicant No. 11	Army No. 2601285-N Hav Anil Kumar V (Retd.)	24.02.1997	30.11.2014
12	Applicant No. 12	Army No. 2600293-A Hav Sreenivasulu (Retd.)	30.04.1996	31.01.2015
13	Applicant No. 13	Army No. 2601454-K Hav Siddappa Lankennavar (Retd.)	25.02.1997	31.01.2015
14	Applicant No. 14	Army No. 2601177-K Hav Sudeesh Kumar K K (Retd.)	24.02.1997	31.01.2015
15	Applicant No. 15	Army No. 2598892-Y Hav Chamalla Srinivasa Rao (Retd.)	11.04.1995	31.01.2015
16	Applicant No. 16	Army No. 2601773- W Naik (ACP-1) Adinarayana Raju Pappala (Retd.)	26.06.1997	31.01.2015

17	Applicant No. 17	Army No. 2598647- W Hav Srinivasa Rao Ganji (Retd.)	28.12.1994	31.01.2015
18	Applicant No. 18	Army No. 2601841-Y Hav Chiranjeevi Bammidi (Retd.)	26.06.1997	28.02.2015
19	Applicant No. 19	Army No. 2602253-X Naik (ACP-1) Shibu G (Retd.)	26.12.1997	28.02.2015
20	Applicant No. 20	Army No. 2601467-F Hav Tulasigerappa Neelagund (Retd.)	26.02.1997	28.02.2015
21	Applicant No. 21	Army No. 2602574-P Naik (ACP-1) Prakash Hubballi (Retd.)	28.02.1998	28.02.2015
22	Applicant No. 22	Army No. 2599796- W Hav D Ashok Kumar Reddy (Retd.)	24.02.1996	28.02.2015
23	Applicant No. 23	Army No. 2600665-A Hav Basappa Kamatar (Retd.)	25.10.1996	31.03.2015
24	Applicant No. 24	Army No. 2602045- H Naik (ACP-1) Pundilik Chanabasappa Gol (Retd.)	31.10.1997	31.03.2015
25	Applicant No. 25	Army No. 2603474- W Hav L Varma Kucharlapati (Retd.)	27.10.1998	31.03.2015
26	Applicant No. 26	Army No. 2602546- H Naik (ACP-1) Srinivasa Raju Vysyaraju (Retd.)	27.02.1998	30.04.2015
27	Applicant No. 27	Army No. 2602418-L Hav Nakka Eswara Rao (Retd.)	02.01.1998	30.04.2015
28	Applicant No. 28	Army No. 2601697-P Naik (ACP-1) Suresh Yernagula (Retd.)	25.04.1997	31.05.2015
29	Applicant No. 29	Army No. 2598271-A Hav Sanapala Narayana Rao (Retd.)	27.10.1994	31.05.2015
30	Applicant No. 30	Army No. 2599758-A Hav Siva Kumar S (Retd.)	22.02.1996	31.05.2015
31	Applicant No. 31	Army No. 2599847-Y Hav Enumula Bramheswar Rao (Retd.)	27.02.1996	31.05.2015

32	Applicant No. 32	Army No. 2600709-M Hav Thavalam Ravi Prasad (Retd.)	30.10.1996	31.05.2015
33	Applicant No. 33	Army No. 2602965-A Naik (ACP-1) Ramesh Reddy Konda (Retd.)	31.07.1998	31.05.2015
34	Applicant No. 34	Army No. 2602999-N Naik ILAIAH G (Retd.)	11.08.1998	31.05.2015
35	Applicant No. 35	Army No. 2600922-M Hav Upender Katepally (Retd.)	26.12.1996	31.05.2015
36	Applicant No. 36	Army No. 2600519-A Naik (ACP-1) K Satyanarayana (Retd.)	27.08.1996	31.05.2015
37	Applicant No. 37	Army No. 2603111-M Naik (ACP-1) Padmakar Garbhapu (Retd.)	12.08.1998	31.08.2015

8. 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.

9. 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.

10. 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 or who applied for premature retirement between 01.07.2014 to 06.11.2015, but discharged after

the said date. The applicants herein who had sought premature voluntary retirement and were 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.

11. Accordingly, 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.

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.”

12. 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.

13. In view thereof, subject to verification of the date and nature of discharge of the applicant Nos. 1 to 37, the respondents are accordingly directed to extend the benefits of OROP to the **applicant Nos. 1 to 37 only** within a period of twelve weeks.

14. The OA 3749/2025 is thus allowed.

(JUSTICE NANDITA DUBEY)
MEMBER (J)

(MS. RASIKA CHAUBE)
MEMBER (A)

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