Key FAQs on OROP and Premature Retirement (PMR)

Premature retirees (PMR) are generally excluded from OROP (One Rank One Pension) benefits under official Ministry of Defence policy if they opt for discharge on their own request on or after July 1, 2014, or November 7, 2015, though recent Armed Forces Tribunal (**AFT**) judgments have challenged this exclusion.

1. What is OROP?

Definition: OROP provides a uniform pension to armed forces personnel who retire with the same rank and the same length of service, regardless of the calendar date they retired.

Base Year: Pension is typically re-fixed using calendar year benchmarks (such as 2013 averages) and revised periodically every five years.

2. Are PMR (Premature Retirement) personnel eligible for OROP?

Government Stance: Under Ministry of Defence (MoD) letters (dated November 7, 2015, and subsequent clarifications), personnel who choose to take premature retirement/discharge on their own request on or after **July 1, 2014** (or November 6, 2015, depending on the rule tier) are **not automatically entitled** to OROP.

AFT Judicial Rulings: Recent rulings by tribunals like AFT Delhi and AFT Lucknow (such as *Commander Gaurav Mehra* in Jan 2025, *OA 426/2023*, and *Ex L/Nk Shyam Kishor Kumar v. Union of India* in May 2026) have held that PMR personnel form a homogeneous class and that excluding them violates Articles 14 and 16 of the Constitution.

Implementation Status: ***There is no blanket nationwide policy change yet.*** The government often files review applications (such as *RA 9/2025*), meaning relief for PMR personnel typically requires filing an individual case or application before the Armed Forces Tribunal.

3. What are the common reasons OROP claims or calculations fail?

Wrong Category: Application of an incorrect rank tier or miscalculated qualifying service years.

Arrear Shortfalls: Arrears calculated incorrectly, missing the July 1, 2014 start date, or lacking due interest on delayed payments.

Disability/Broad-banding Issues: Errors in combining disability elements or failing to apply broad-banding post-OROP revision.

4. How can a veteran contest an OROP or PMR rejection?

Check Tables: Compare your monthly pension slip against official PCDA (Principal Controller of Defence Accounts) OROP tables.

Submit Representation: File a formal written representation pointing out the discrepancy to the PCDA (Pensions) or your Record Office.

File at the AFT: If the representation is rejected or ignored, veterans generally file an Original Application (OA) before the regional Armed Forces Tribunal through a defense service lawyer.

5. Does the AFT ruling apply automatically to all three services (Army, Navy, Air Force)?

Yes. The legal reasoning used by the Armed Forces Tribunal (AFT) is not restricted to any single wing. Principal Bench judgments (such as *Commander Gaurav Mehra*) explicitly involved personnel from multiple branches and established that constitutional pension principles apply equally across the **Army, Navy, and Air Force**. Any PMR veteran with qualifying service years can use these precedents to file their claim.

6. If I take PMR with a disability pension, am I entitled to OROP?

According to Government Policy: No, the Ministry of Defence still flags you under the generic "At Own Request" exclusion.

According to Legal Precedent: Yes. In a major judgment on May 22, 2026 (*Ex-Lance Naik Shyam Kishore Kumar v. Union of India*), the AFT Lucknow Bench ruled that a veteran who took PMR while suffering from a disability attributable to military service is fully entitled to **OROP-I, OROP-II, and OROP-III** benefits. The court observed that once a soldier qualifies for a service pension, they form part of a common, homogeneous category of pensioners and cannot be segregated.

7. Has the Supreme Court ruled directly on the PMR OROP exclusion?

Indirectly. In its landmark judgment on March 16, 2022 (*Indian Ex-Servicemen Movement v. Union of India*), the **Supreme Court of India** upheld the overall constitutionality of the government's November 2015 OROP policy framework.

While the Supreme Court accepted the government's authority to set cut-off dates and structural policy, the specific ongoing litigation regarding whether *pension-eligible* PMR veterans constitute an arbitrarily discriminated class continues to be aggressively fought and won at the **AFT level**. The central government has frequently challenged these localized AFT orders by filing Review Applications (like *RA 9/2025*).

8. What is the minimum qualifying service required for PMR to even think about OROP?

To be considered for any OROP benefit via the courts, you must first be legally eligible to draw a regular service pension. The minimum color service/qualifying timelines in the Defence Forces are:

Personnel Below Officer Rank (PBORs / Jawans / JCOs): Minimum **15 years** of qualifying service.

Commissioned Officers: Minimum **20 years** of qualifying service.

If an individual leaves the forces *before* reaching these timelines, they do not receive a regular service pension, making OROP automatically inapplicable.

9. Why does the government strictly exclude PMR from OROP?

Force Profile: The primary policy intent is to maintain a younger, highly fit combat profile within the military. The government argues that offering OROP to voluntary retirees would inadvertently encourage early exits, depleting experienced mid-level personnel and creating a massive fiscal burden on the defense pension budget.

10. Can I get OROP if I took PMR after being superseded (passed over for promotion)?

Under Review: There have been administrative proposals considered by the Ministry of Defence to grant OROP selectively to **superseded officers and Jawans** who serve out a few extra years post-supersession before opting for PMR. ***However, as per the standard operating procedure on the SPARSH Portal, any discharge application marked "On Own Request" continues to be systemically blocked from OROP revisions until an explicit court order overrides it***.

Summary of Government Policy vs. Court Rulings

The Ministry of Defence (DESW) strictly excludes post-July 2014 PMR cases from OROP-1, OROP-2, and OROP-3 with universal enforcement across record offices. Conversely, the Armed Forces Tribunal (AFT) views this exclusion as a violation of Article 14 (Equality), though relief requires individual litigation. While disability PMR cases are routinely denied OROP by general policy, the AFT maintains that these veterans are entitled to full OROP scales alongside disability elements.