



ALL INDIA BHARAT SANCHAR NIGAM LIMITED RETIRED EXECUTIVES' ASSOCIATION

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No. AIBSNLREA/CHQ/2020/11

Dated: 15.02.2020

To

Shri Narendra Modi,
Prime Minister of India,
South Block,
New Delhi 110011.

Sub: Allowing colossal wastage of public money by attempting to defend an undefendable case in various Courts by Deptt of Personnel & Training – Case for grant of notional increment for the purpose of pensionary benefits to the retired/retiring employees whose date of next increment falls on the following day of their retirement.

Ref: (1) PMOPG/D/2020/0011242

(2) DOP&T No. 16/2/2020-Estt (Pay-I) dated 21.01.2020

Sir,

We are once again constrained to draw your kind attention to an issue which not only continues drainage of huge public money by engagement of lawyers to defend an undefendable case involving the pensioners throughout India and also raises the question on apparent policy paralysis due to illogical stand of Department of Personnel & Training (DoP&T), Government of India.

2. In our earlier representation to your kind self, vide our No. AIBSNLREA/CHQ/2020/04 dated 08.01.2020, we submitted that "The issue in question is regarding grant of notional increment to the retired/retiring employees whose date of next increment falls on the following day of their retirement for the purpose of pensionary benefits. The Hon'ble Supreme Court has already dismissed a Review Petition filed by Central Board of Direct Taxes (CBDT) against its earlier Order dated 23.07.2018 in Special Leave Petition (Civil) Diary No. 22283/2018 declining to interfere with the judgment dated 15.09.2017 of Madras High Court in WP No. 15732 of 2017 wherein the Petitioner, who after completing full years' service retired on the last day of his service and not allowed to draw next increment since it fell on the next date of his retirement, was ordered to be extended the benefit of notional increment for the purpose of payment of pensionary benefits. Despite this and even after receiving many representations on the issue, Department of Personnel & Training has taken no decision to extend the benefit to all other similarly placed pensioners which is forcing them to move courts and the judgments are also being delivered in favour the petitioners. Only on 3rd December, 2019, while simultaneously hearing as many as 14 Original Applications, CAT Ernakulam alone passed orders to extend the same benefit to all the petitioners".


3. In our above stated representation, we also made an appeal to your kind self to intervene in the matter so that DoP&T takes an immediate decision for granting notional increment to the all retired/retiring employees whose date of next increment falls on the following day of their retirement for the purpose of pensionary benefits. But DOP&T, vide its letter No. 16/2/2020-Estt (Pay-I) dated 21st January, 2020 closed the issue by merely stating that "the judgment of Hon'ble Madras High Court in W.P. No. 15732/2017 in the case of Shri P Ayyamperumal is in personam, i.e. specific to the case of pensioner only". However, it remained silent on all other cases in which judgments have gone in the similar line i.e. in favour of all the applicant pensioners. Even Delhi High Court in a judgment delivered on 13.01.2020 in W.P.(C) 5539/2019 in the case of Shri Arun Chhibber Vs Union of India has ordered to give the same benefit as given to the Petitioner in the above mentioned case as ordered by Madras High Court, even though the Government argued before the Court that the judgment of Madras High Court as 'in personam and not in rem'.

4. Since the Highest Court of the Country has already given clear directive in favour of granting notional increment for the purpose of pensionary benefits to the pensioners who retire on completion of full years' service but whose date of next increment falls on the following day after retirement and also that now all Courts are giving similar judgments all over the country, the DOP&T needs to accept the hard reality and issue an immediate Order granting the benefit of notional increment for the purpose of pensionary benefits to the retirees who retire after completing full years' service but whose date of increment falls of the next of their retirement.

5. In view of the facts stated above, we again earnestly appeal to your kind self to kindly intervene in the matter so that DoP&T, considering the reality that numerous judgments have already been delivered in favour of the petitioners which cannot be reversed, immediately issue an Order granting notional increment for the purpose of allowing pensionary benefits to the all retired/retiring employees whose date of next increment falls on the following day of their retirement.

With kind regards,

Yours sincerely,

 15.2.2020
(S. Basu)

General Secretary

Copy to:

1. Shri Thawar Chand Gehlot,
Minister of Social Justice & Empowerment.
2. Dr. Jitendra Singh,
Minister of State for (PP).