



ALL INDIA BHARAT SANCHAR NIGAM LIMITED RETIRED EXECUTIVES' ASSOCIATION

Central Headquarters

Registered under Societies Registration Act XXI of 1860 vide Govt. of NCT Delhi No. S/RS/SW/1161/2014

[Registered under Pensioners Portal vide DoP&PW letter No. 4(4)/2021-P&PW(H)7311 dated 04.01.2024]

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No. AIBSNLREA/CHQ/2024/51

Dated 19th July 2024

To

Shri Ajay Kumar Bhalla,
Secretary (Personnel),
Dept of Personnel & Training,
New Delhi 110001.

Sub: Grant of one notional increment for pensionary benefits to those employees whose increment falls due on the day following superannuation – Request for issue of a common order to benefit all similarly placed pensioners

Ref: Our letter No.AIBSNLREA/CHQ/2023/98 dated 12th December 2023

Sir,

This is in continuation of our several representations submitted during the past several years on the subject and the latest one cited under reference, drawing attention to the judgement of Hon'ble Supreme Court of India in Civil Appeal No.2471 of 2023, dismissing the appeal against the judgement of Division Bench of High Court of Karnataka directing the appellants (KPTCL & Ors) to grant one annual increment which the employees-respondents (C.P.Mundinamani & Ors) had earned prior to their retirement on attaining the age of superannuation and to the **Hon'ble Delhi High court judgement in W.P.(C) 1731/2020 pronounced on 31st May 2023, wherein it had been made clear, quoting the above judgement of Hon'ble Supreme Court of India, that the respondents shall pass necessary orders not only in respect of the petitioners but also in respect of all similarly situated persons** and requesting issue of a common order as directed by Hon'ble Delhi High court.

2. We had also drawn attention to the stance taken by DoP&T that *"In light of specific orders regarding grant of notional increment on 1st July / 1st January to those Central Government employees who retired from service a day before on 30th June / 31st December respectively by the Apex Court, many Ministries/ Departments/ Organisations have taken an administrative decision on complying with Court orders on the subject matter. Where references are being received in this Department on the subject matter from the*

administrative Ministry/ Department/ Organisation concerned, it is being advised to take cognizance of the stated position for taking action as deemed appropriate in the matter” and had pointed out that “The advice said to be given to take cognizance of the stated position does not in any way look to implement the **Hon’ble Delhi High court judgement that the respondents shall pass necessary orders not only in respect of the petitioners but also in respect of all similarly situated persons.** Unless a common order is issued, the affected pensioners will go on filing cases for similar relief, which is an unnecessary burden both on the pensioners concerned as well as the Ministry/Department/Organisation concerned. We believe that it is not the intention of the Government to force the poor pensioners to the courts at this old age. Also, the financial implication will be meagre considering the negligible number of beneficiaries” and had further requested to consider the issue with compassion and cause issue of a common order extending the benefit allowed by the Supreme Court in several cases, to all the similarly placed pensioners.

3. While DoP&T continues to slow-pedal on the issue, we have come across an order by the Coordinate Bench of PCAT New Delhi in OA 951/2024, categorically stating that

“Since the issue has been conclusively decided upto the level of the Hon’ble Apex Court and subsequently implemented in a large number of cases, there could be no cause now to take any divergent view. Further, the respondents and the other Departments should ensure that retired employees are not pushed into unnecessary litigation and the benefit of notional increment is now extended to all the retired employees.

Against this background, the present OA is allowed with a direction to the Competent Authority amongst the respondents to re-fix the retiral dues, including pension, of the applicants by giving them the benefit of one notional increment on the date of their retirement. After such re-fixation, arrears as accrue to the applicant shall be released expeditiously. The directions contained herein shall be complied with within a period of eight weeks from the date of receipt of a certified copy of this order.

Let a copy of this order be sent to the Secretary, DoPT and the Secretary, Department of Expenditure, Ministry of Finance to issue comprehensive instructions to all the Government Departments that due consideration for grant of notional increment be given to all the retired employees instead of forcing them to expensive and avoidable litigation.” [Emphasis is ours]

4. We would therefore request you to put an end to the uncertainty, since different departments are taking their own decisions on the manner of implementation of the Supreme Court decision according to their own understanding, due to the vague and ambiguous advice being given by DoP&T to them individually, by issue of a common order

extending the benefit allowed by the Supreme Court in several cases, to all the similarly placed pensioners. Let the affected pensioners get peace of mind and justice after years of agony and mental pain.

With kind regards,

Yours sincerely,



19/7/24

(R.R. Balasubramanian)
General Secretary

Copy to: 1. Shri V Srinivas,
Secretary (Pension), DoP&PW
2. Dr. T V Somanathan,
Secretary (Expenditure), DoE