



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/2024/79

Date: 28th October 2024

To
Dr.Neeraj Mittal,
Secretary (Telecom),
Department of Telecommunications,
New Delhi.

Sub: Request to review and re-issue DoT O.M. dated 18.10.2024 circulating DoP&T OM dated 14.10.2024 on grant of notional increment for those retiring a day prior to their date of increment.

Ref: DoT OM No.36-03/2019-Pen(T) dated 18th October 2024

Sir,

We are thankful for the swift issue of DoT OM No.36-03/2019-Pen(T) dated 18th October 2024, circulating DoP&T OM No. 19/116/2024-Pers.Pol.(Pay)(Pt) dated 14th October 2024 on grant of notional increment for those retiring a day prior to their date of increment, for information and necessary action. Sadly, mentioning under Para 2 of the OM, that "This OM is applicable to Central Government Employees only" has been received with disappointment by the affected BSNL absorbed pensioners.

2. These pensioners have been waiting for 12 long years for resolution of the issue, ever since Hon'ble High Court of Madras had ruled on 20.09.2012 in a case reported in CDJ 2012 MHC 6525 between State of Tamil Nadu and others v. M.Balasubramaniam, entitling Shri M.Balasubramaniam the benefit of increment on the ground that he has completed one full year of service, though the date of increment falls on the next day of his retirement. Quoting this judgement, the same court had ruled on 15.09.2017 in favour of the petitioner P.Ayyamperumal, in WP 15732/2017, which is widely believed to be the basis for all subsequent cases filed in several courts across the country, culminating in the orders of Hon'ble Supreme Court of India in CA 2471 of 2023 between Director (Admin & HR), KPTCL & Ors.

3. It is really surprising as to why DoT seeks to restrict the benefit of the interim orders of Hon'ble Supreme Court of India while *"considering the date of applicability of the judgment dated 11.04.2023 in CA 2471/2023 titled 'Director Admn. and HR) KPTCL and others v. C.P.Mundinamani and Others' to third parties concerned"*, only to the Central Government Employees.

4. Nowhere does the interim order say that the "third parties" are only Central Government Employees. Mundinamani and others were employees of KPTCL and not employees of the Central Government. Hon'ble Supreme Court in its interim order has observed that *"We are informed that a large number of fresh writ petitions have been filed. To prevent any further litigation and confusion, by an interim order we direct that:"* It is a matter of fact that large numbers of cases have been filed across the country in different courts by the employees of not only the Central Government but also many State Governments and public sector undertakings including BSNL. DoT OM dated 18.10.2024 restricting the benefit of the interim orders only to the Central Government Employees defeats the sole purpose of the interim orders by Hon'ble Supreme Court of India aimed at preventing further litigation.

5. Hon'ble Supreme Court in CA 2471/2023 was in complete agreement with the decision of the Division Bench of the High Court of Karnataka direction to KPTCL and others *"to grant one annual increment which the original writ petitioners earned on the last day of their service for rendering their services preceding one year from the date of retirement with good behavior and efficiently."* We may therefore need not emphasize the fact that the judgment relates to all cases where the employee earned an increment on the last day of their service and not merely to those who retired on 30th June/31st July.

6. The Government, as a model employer, should lean towards the interpretation which goes in favour of the employee, rather than digging out arguments to deny any benefit. We, therefore, request you to kindly cause review of the DoT OM dated 18.10.2024 referred to above and re-issue it with instructions to implement the interim orders of Hon'ble Supreme Court of India in respect of all pensioners including absorbed BSNL pensioners.

With kind regards,

Yours sincerely,



28/10/24

(R.R.Balasubramanian)

General Secretary

Copy to: 1. Shri Vivek Joshi,
Secretary, DoP&T
2. Shri V.Srinivas,
Secretary (Pension), DoP&PW