सं.12(3)/ई-V/2023
भारत सरकार
वित्त मंत्रालय
व्यय विभाग

नॉर्थ ब्लॉक, नई दिल्ली
दिनांक: 8.11.2023

कार्यालय ज्ञापन

Subject/ विषय:- Representations regarding pension/ family pension etc - reg.

अधोहस्ताक्षरी को संबंधित व्यक्ति / संघ से प्राप्त संदर्भ / निवेदन को इस आशय के साथ अग्रेषित करने का निर्देश दिया जाता है, कि उनके नाम के विरूद्ध दिए गए विषय पर उचित कार्रवाई / शिकायत का निवारण किया जाए तथा याचिकाकर्ता को भी सूचित किया जाए।

The undersigned is directed to forward herewith reference/representation, received from the individual concerned / Association, on the subject given against their names, for appropriate action / redressal of the grievances, with the request that the petitioner may be informed suitably:

क्रं.सं.	सर्वश्री/ श्रीमती	दिनांक
1	Balachandran Nair P K	20.07.2023 & 04.10.2023
2	Ramachandra.S. Singad	05.08.2023 & 18.10.2023
3	Gulshanlal C. Ratti	03.08.2023, 07.08.2023, 22.08.2023 &24.08.2023
4	Javed Ahmad Tak	18.07.2023
5	Parbir Singh	10.06.2023
6	K C Gupta	01.09.2023
7	G. Srinivasa Rao	07.08.2023
8	R.R.Balasubramanian	09.082023
9	M K Mandal	03.08.2023
10	Rajesh Kumar	06.08.2023
11	Ramashray Paswan	14.08.2023 & 16.08.2023
12	B.L Salu	06.09.2023
13	K.M.Gopal	30.09.2023

संलग्न: **यथोक्त(मूल रूप में)**

Ranjeet 8/11/2023

(Ranjeet Kumar)
Under Secretary

सेवा में,

Under Secretary (Admn.),
D/o Pension & Pensioners' Welfare,
Lok Nayak Bhawan,
Khan Mkt., New Delhi.

प्रतिलिपि:-

Sl. No.	पता/Address
1	Balachandran Nair P K, Suvarna Rekha, Elakollur Po Konni Pathanamthitta Kerala-689691
2	Ramachandra.S. Singad, Flat No. 205, Block No.1,2nd Floor, B.D.A, Indraprastha, 5th Phase, Valagerehalli, Kengeri, Bangalore
3	-
4	Javed Ahmad Tak, Near pump-Shed, pahlipora Semthan Bijbehara Kashmir, J&K-192124
5	Parbir Singh, 116-A Near Kalgidhar Enclave, 66 Ft Road, Jalandhar, Punjab
6	K C Gupta, 658/95/51, Amitabh Bachhan Road, Sarvodaya Nagar, Allahabad-211006
7	-
8	R.R.Balasubramanian, 10/41, Sowrastranagar, 7th Cross Street, Choolaimedu, Chennai-600094
9	M K Mandal, B-6 Mehak Arcade, Sahibabad, UP-201005
10	-
11	Ramashray Paswan, A-369, Inder Enclave, Phase-2, Mubarak Pur Road, New Delhi-110086
12	B.L Salu, Vikash Nagar, chandni Chowk, Raipur, Chhattisgarh
13	K.M.Gopal, Senior Audit Officer(Retd), 70/9, Garden View Apts, P Block, 6th Avenue, Anna Nagar, Chennai-600010

ALL INDIA BHARAT SANCHAR NIGAM LIMITED
RETIRED EXECUTIVES' ASSOCIATION

Central Headquarters
Flat No.6, Second Floor, Subiksha Apartment,
10/41, Sowrashtranagar 7th Cross Street, Choolaimedu, Chennai – 600094
Email: gensecaibsnlrea@yahoo.com

President	**General Secretary**	**Financial Secretary**
V. Chinnapappiah	R.R.Balasubramanian	Awadesh Sharma
(M) 9444003300	(M) 9486100613	(M) 9968630008

No. AIBSNLREA/CHQ/2023/59 Date: 9th August 2023

To
Shri V. Srinivas,
Secretary (Pension),
Department of Pension & Pensioners' Welfare,
New Delhi 110003.

Sub: Grant of one notional increment for pensionary benefits to those employees whose increment falls due on the day following superannuation

Ref: 1. Hon'ble Supreme Court of India Judgement in CA No.2471/2013 pronounced on 11th April 2023.
2. Our letter No.AIBSNLREA/CHQ/2023/39 dated 17th April 2023
3. Hon'ble Delhi High court judgement in W.P.(C) 1731/2020 pronounced on 31st May 2023.

Sir,

We have been repeatedly pursuing this issue ever since the Government of Tamilnadu issued a G.O on 31.12.2014 conveying its decision that "a Government Servant whose increment falls due on the day following superannuation, on completion of one full year of service which are countable for increment under Fundamental Rule 26, be sanctioned with one notional increment …….. purely for the purpose of pensionary benefits and not for any other purpose".

2. We had drawn your kind attention vide our letter cited under Ref. 2 above, to the judgement of Hon'ble Supreme Court of India in Civil Appeal No.2471 of 2023, cited under Ref.1, 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. **We had requested issue of orders for extension of the benefit of notional increment for pensionary benefits to all the similarly placed pensioners.**

3. Adding strength to our request, Hon'ble Delhi High court in its judgement in W.P.(C) 1731/2020 pronounced on 31st May 2023, cited under Ref.3 above [copy enclosed], has

made it 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. We learn that DoP&T has already initiated the process of consultation with DoE on the matter. However the delay in issue of a common order is causing anxiety and concern among the affected pensioners.

4. We therefore request you to kindly impress upon DoP&T and DoE, citing the latest judgement by Hon'ble Delhi High Court on the subject and get orders issued at the earliest for extension of the benefit of notional increment for pensionary benefits to all the similarly placed pensioners.

With kind regards,

Yours sincerely,

9/5/23

(R.R.Balasubramanian)
General Secretary

Encl: As stated
Copy to: 1. Dr. T V Somanathan
Secretary, Expenditure, DoE
2. Shri S Radha Chauhan,
Secretary, Personnel, DoP&T

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of decision: 31st May, 2023***

\+ **W.P.(C) 1731/2020 & CM APPL. 24540/2023**

MADAN MOHAN DHYANI AND ORS. ..... Petitioners

Through: Mr. Ankur Chhibber, Advocate.

versus

UNION OF INDIA AND ORS. ..... Respondents

Through: Mr. Virender Pratap Singh Charak, Ms. Shubhra Parashar, Mr. Harjot Singh & Mr. Deepak, Advocates for UOI.
Mr. Rajesh Kumar Singh, 2IC & Mr. Pareek, CRPF.

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T ***(oral)***

1. *Vide* the present petition, the petitioners are seeking following reliefs:

"a.) Issue a writ of certiorari for quashing the order dated 17.12.2018 whereby the Respondents have rejected the representations of the Petitioners and for quashing the letter dated 18.10.2019 whereby the Respondents intimated to the concerned officials the proposal regarding grant of notional increment for those personnel who retired on 30th June in different years, and clarified that all such personnel are not entitled to get the benefit of notional increment and also clarified that the order dated 15.09.2017 passed in W.P (C) No. 15732/2017 was an order in personem and not in rem, and therefore was only applicable to the Petitioner in that case and not to all other similarly situated officers;

b.) Issue a writ of Mandamus directing the Respondents to grant one notional increment to the Petitioners on completion of the relevant period and to re-fix the initial pay & pension of the Petitioners by adding one notional increment and subsequently re-fix the pension of the Petitioners after 6th & 7th CPC and pay the arrears of the Petitioners within a stipulated period in terms of the same benefit/relief as has been granted by the Hon'ble Madras High Court in W.P.(C) No.15732/2017 vide judgment dated 15.09.2017 affirmed by the Hon'ble Apex Court and by the Hon'ble Delhi High Court in W.P.(C) No.5539/2019 vide judgment dated 13.01.2020."

2. The issue raised in the present petition has already been adjudicated by this Court *vide* Judgment dated 26.04.2023 passed in Writ Petition bearing No. W.P.(C) 5320/2023 titled *Gum Bahadur Thapa & Ors. vs. Union of India & Ors.*, and by the Apex Court *vide* Judgment dated 11.04.2023 passed in Civil Appeal bearing No. 2471/2023 titled *Director (Admn and HR) KPTCL and Others vs. C.P. Mundinamani and Others.* The relevant paragraph of *Director (Admn and HR) KPTCL* (supra) is as under: -

"21. In view of the above and for the reasons stated above, the Division Bench of the High Court has rightly directed the appellants 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 behaviour and efficiently. We are in complete agreement with the view taken by the Division Bench of the High Court. Under the circumstances, the present appeal deserves to be dismissed and is accordingly dismissed. However, in the facts and circumstances of the case, there shall be no order as to costs."

3. Accordingly, in view of the findings of aforesaid two judgments, the present case is squarely covered.

4. Therefore, we hereby dispose of the present petition directing the

respondents to grant one annual increment to the petitioners in view of the findings of Paragraph-21 made by the Supreme Court in *Director (Admn and HR) KPTCL* (supra) within four weeks from today by passing necessary order(s).

5. We hereby make it clear that the respondents shall pass necessary orders not only in respect of the petitioners but also in respect of all similarly situated persons.

6. Accordingly, the present petition along with pending application is disposed of.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

MAY 31, 2023
S.Sharma