

**MOST IMMEDIATE
COURT CASE MATTER**

**GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)**

No. PC-VI/2023/Misc./03

New Delhi, dated: 21.08.2024

**The General Managers/ Principal Financial Advisors,
All Zonal Railways & Production Units**

Sub: Grant of notional increment (as due on 1st July/1st January) for the pensionary benefits to those employees who had retired on 30th of June before drawing the same – Clarification reg.

Ref: Board's letters No. PC-VI/2023/Misc./03-(Part) dated 09.02.2024 & PC-VI/2023/Misc./03-Part(2) dated 20.05.2024.

Attention is invited to Board's letters under reference whereby all Zonal Railways/PUs were advised to implement the orders pronounced by various courts of law granting the benefit of notional increment in letter & spirit without referring the same to Board's office, strictly on personam basis, only in those cases where a contempt petition has been filed by the petitioner subject to any administrative directions received from DOP&T and fulfillment of the condition that the petitioner(s) had completed 12 months of service on the date of retirement on superannuation since the date of accrual of last annual increment.

2. It was further advised that in other cases, the matter may be referred to Board's office invariably for further clarification which will be issued separately on receipt of necessary guidelines from DOP&T. Subsequently, it was also clarified that while implementing the orders pronounced by various Courts/ Tribunals on 'personam' basis only in contempt cases, payment of arrears would be restricted only to 3 years preceding the date of filing of the case in light of Hon'ble Supreme Court's judgment dated 13.08.2008 passed in Civil Appeal No. 5151-5152 of 2008 titled as Union of India & Ors Vs Tarsem Singh.

3. In continuation to above, it has now been apprised by DOP&T (nodal department on the issue of notional increment) that they have filed a Review Petition before Hon'ble Supreme Court vide Dy. No. 36418/ 2024 seeking review of their order dated 11.04.2023 pronounced in Civil Appeal No. 2471 of 2023 arising out of SLP (C) No. 6185 of 2020 {The Director (Admn. and HR) KPTCL & Ors Vs C. P. Mundinamani & Ors} and an Intervention Application in MA No. 2400/2024 (Union of India Vs M. Siddraj). As such, the issue of notional increment has not yet attained finality and the judicial procedures involved in the matter to finalize the issue of grant of benefit of notional increment are still underway for final adjudication by Hon'ble Apex Court.

4. In view of the above important developments in notional increment issue, all Zonal Railways/PUs are hereby advised that in fresh O.As/W.Ps filed on the issue of grant of benefit of notional increment and in cases which have been recently decided allowing the benefit of notional increment; a Misc. Application/Affidavit may be filed before the concerned Hon'ble Court/ Tribunal with a prayer as under:

...contd.

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- (i) Interim stay may kindly be granted on implementation of the orders pronounced by the Hon'ble Court/ Tribunal till the aforesaid Review Petition and Intervention Application filed by the nodal department viz. DOP&T are adjudicated by Hon'ble Supreme Court and the issue of notional increment attains finality.
- (ii) The instant O.A./W.P. may be adjourned *sine die* and a final decision thereon may only be taken after the aforesaid Review Petition and Intervention Application filed by the nodal department viz. DOP&T are adjudicated by Hon'ble Supreme Court and the issue of notional increment attains finality.

5. In this regard, a draft Misc. Application/Affidavit is attached herewith for finalizing the same and filing before the concerned Tribunal/ Court in consultation with the contesting Railway Counsel. This may kindly be accorded **Top Priority**. Action taken in the matter may also be apprised to this office.

DA: As above

Handwritten signature and date: 21/8/2024

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