

**ALL INDIA BSNL PENSIONERS' WELFARE ASSOCIATION**  
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Date: 26/12/2018

To  
Secretary,  
Department of Pension & Pensioners' Welfare,  
Lok Nayak Bhawan,  
Khan Market, New Delhi-110003

Sir,

Sub: **Implementation of 7<sup>th</sup> CPC recommendations to those who retired (including BSNL IDA pensioners) on 31/12/2015 – Request for general orders**

The Apex Court, in S.Banerjee Vs Uol, AIR 1990 SC 295, ruled "it has to be said that the petitioner had retired on January 1, 1986 and not on December 31, 1985. In the circumstances, the petitioner comes within the purview of paragraph 17.3 of the recommendations of the Pay Commission". ***This judgement has attained finality and thus holds the field today.*** Even though Uol represented by Secretary, DoP&PW argued that the Apex Court judgement is applicable only to those who voluntarily retired on 1<sup>st</sup> January and not for those who retired on 31<sup>st</sup> December on superannuation, Hon. High Courts of Kerala, Andhra & Karnataka did not accept that arguments but gave relief to the petitioners. In Uol & Ors Vs P.S.R. Kumar Sinha & Anr (2006(2) ALT 354:2006(3) ALD 57 Hon Andhra High Court stated in para 6.17 "***When the employee has retired on the last date of the month, his date of retirement has to be treated as 1<sup>st</sup> date of succeeding month.***"

Very recently CAT, Principal Bench New Delhi in OA No. 571/2017 gave a judgement which was pronounced on 17/04/2018 sanctioned relief to the petitioner Shri G.C.Yadav who retired on superannuation on 31/12/2015 and whose date of birth was 1/1/1956 and directed the respondents to fix the retiral benefits of the applicant in accordance with the 7<sup>th</sup> CPC recommendations which have been implemented vide OM & resolution dated 4/8/2016 in respect of pensioners retiring on or after 1/1/2016.

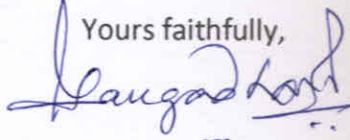
**It has become the law of the land. So, please don't force the pensioners to resort to prolonged litigation. It is nothing but wastage of time of honourable courts, unnecessary expenditure to the exchequer. We request you, sir, to issue a general order for getting**

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the retiral benefits, particularly gratuity ceiling, of 7<sup>th</sup> CPC recommendations for those who retired on 31/12/2015, including BSNL IDA pensioners.

A line In reply will be highly appreciated.

Thanking you

Yours faithfully,  
  
(P. Gangadha Rao)  
General Secretary.