

**ALL INDIA BSNL PENSIONERS' WELFARE ASSOCIATION**  
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Date: 27/12/2018

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

Sir,

**Sub: Grant of notional increment for the purpose of pensionary benefits for those who completed one year on the date of retirement – Issuance of General orders requested**

You may be well aware that the C.G. officials who retire on superannuation, even though they completed one year, (from the last increment) on the date of retirement, were denied increment on the plea that they were not in service on 1<sup>st</sup> of next month.

This injustice was challenged by one **Shri P.Ayyamperumal, retired as ADG in Customs & Excise department**, Chennai on **30/6/2013** before Hon. CAT, Chennai vide **OA No.310/00917/2015**. Hon. CAT, Madras rejected his prayer on the plea that the official is only entitled to increment on 1<sup>st</sup> July if he continued in service on that day vide order dated **21/3/2017**.

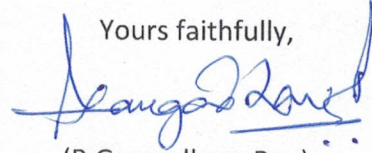
The petitioner challenged this order of Hon. CAT by filing a writ petition before Hon. High Court of Madras vide **WP No.15732/2017**. The respondents in this case include not only CAT, Madras **but also UoI represented by the Chairman, CBEC, North Block, Secretary, DoPT** etc. The petitioner quoted the judgement of Hon. High Court of Madras order dated **20/9/2012** (CDJ 2012 MHC 6525) in a case between Govt. of Tamilnadu Vs M.Balasubramaniam. Finally the Division Bench of Hon. High Court, Madras delivered the judgement on **15/9/2017** directing the respondents to grant a notional increment for the purpose of pensionary benefits. **UoI filed an SLP against this judgement before the Apex Court and the SLP (Civil) Diary Nos 22223/2018 was dismissed on 23/7/2018. So, it has reached the finality and it has become the law of the land.**

Further, we would like to state that **Govt. of Tamilnadu issued a G.O. No.311 on 31/12/2014** granting notional increment to such of those officials and a copy of which is herewith attached for your ready reference. In this connection in a writ petition (WP No.15107/2016 & WMP No.13159/2016) filed by Shri **S.Srinivasan Vs Govt. of Tamilnadu** before the Hon. **High Court, Madras**. Hon. High Court, Madras pronounced the judgement on **16/8/2017** stating that there is no cut-off date for eligibility but monetary benefit only is prospective i.e. 31/12/2014.

*In the light of the above facts we request the DoP&PW to issue a general order for granting notional increment for the purpose of pensionary benefits for those who completed one year on the date of retirement on superannuation without insisting that the official should be on service on 1<sup>st</sup> of next month. In the interest of senior citizens please do not force them to resort to unnecessary litigation wasting the money, time and avoidable burden on the judiciary.*

A line in reply is highly solicited.

Yours faithfully,



(P.Gangadhara Rao)

General Secretary.