



ALL INDIA BSNL PENSIONERS' WELFARE ASSOCIATION

Central Head Quarters [Regd. No. T 1833/09]

Identified & Registered under 'Pensioners Portal'

D No.54-19-31, Lakshmi Gokul Enclave, Jayaprakash Nagar, LIC Colony, Vijayawada 520008

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Date: 26/12/2022

To

(thro email)

Ms S Radha Chauhan,
Secretary, DoPT,
Ministry of Personnel, P.G & Pensions,
Govt. of India,
North Block, New Delhi-110001
secy_mop@nic.in

Respected Madam

**Sub: Grant of notional increment on completion of 12 months
For pensionary benefits – General orders requested**

Ref :

1. DoPT OM dated 3/2/2021 denying notional increment for pensionary benefits quoting Hon Supreme Court Judgement dtd.29/3/2019
2. DoPT OM dated 22/11/2022 stating that the issue is under examination

We submit the following few lines for your kind consideration with a request for issuing a general order on the above subject.

2.The Division Bench of Hon. Madras High Court in WP No.15732 of 2017 of P Ayyamperumal Vs The Registrar, CAT & 3 others delivered a judgement for granting one notional increment since the petitioner completed one full year as on 30/6/2013 and retired on that date.

3. Against the above judgement Uol filed SLP (Civil) Diary No.22283 of 2018 which was dismissed by Hon. Supreme Court on 23/7/2018 stating "On the facts, we are not inclined to interfere with the impugned judgement and order passed by the High Court of Judicature at Madras".

4. Against the dismissal of above SLP, Uol filed a review petition © No.1731 of 2019 which was also dismissed by Hon Supreme Court on 8/8/2019.stating "We have considered the review petition on merits. In our opinion, no case for review of order dated 23rd July, 2018 is made out. Consequently the review petition is dismissed on merits".

5. Recently Delhi HC in its decision dated 13th January, 2020 in W.P © 5539/2019 in Arun Chibber Vs Uol **rejected the contention of the Respondent therein that the judgement had to be treated as one that was "in personam and not in rem"**. Against this judgement, Uol filed SLP in Hon Supreme Court (SLP C Disary No.13959 of 2020) which was dismissed on 13/10/2020. Review petition was also dismissed by Hon. Supreme Court by order dated 26/7/2022.

6. More recently Hon. Allahabad High Court delivered a judgement on 15/12/2022 stating *"that the employees who retired on 30th June are entitled to the last increment made effective on 1st July"*.

7. According to the Apex Court, *"A judgement in rem determines the status of a person or thing as distinct from the particular interest in it of a party to the litigation; and such a judgement is conclusive evidence for and against all persons whether parties, privies or strangers of the matter actually decided"*.

8. In view of the above factors, the issue has come to a finality. The issue is finally decided legally and DoPT can't claim that the judgement is "**in personam and not in rem**".

9. May we request DoPT to issue an unambiguous general order to grant one notional increment for pensionary benefits for those who completed one full year after the last increment and retired without getting the increment.

A line in reply is solicited.

Thanking you

Yours faithfully,



(V Vara Prasad)
General Secretary..

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