



ALL INDIA BSNL PENSIONERS' WELFARE ASSOCIATION

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

Identified & Registered under 'Pensioners Portal'

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To

24-01-2025

The DDG (Establishment)
Department of Telecom
Sanchar Bhavan
New Delhi

Respected Madam,

Subject: Request for Clarification on Applicability of OM dated 22-01-2025 to BSNL VRS Retirees

The recently issued OM dated 22-01-2025 on the grant of notional increment to absorbed employees of BSNL/MTNL has brought much-needed relief to retirees and we are thankful.

The above OM covers only superannuation retirees. But it should cover all those who retired on 31/1/2020 (under VRS-2019 scheme) whose increment is due on 01/02/2020 because of the following reasons:-

- 1) Shri Gulshan Sood and 8 others filed O.A.No.443/2020 before Hon. CAT, Chandigarh Division Bench which allowed the O.A vide their order dated 02/02/2024 (copy attached for ready reference). All the 9 officials retired on 31/1/2020 under VRS-2019 scheme and due for annual increment on 1/2/2020.
- 2) Para 7 of Chandigarh Bench order states **"All the applicants have rendered 365 days regular service preceding to the cut off date 31/01/2020. Therefore, they are legally entitled for the increment. Further, in order to maintain judicial parity, similar order may be passed as given in O.A.No.60/359/2019 and Ors decided on 02/02/2024. In the wake of aforesaid the O.A is allowed. The impugned orders Annexure A-10 and A-11 are set aside. The respondents are directed to grant the benefit of one notional increment to the applicants due on 1st February 2020 with all consequential benefits within a period of two months"**.
- 3) Since the respondents did not implement the direction of CAT, Chandigarh Division Bench, the third applicant (in the O.A referred above) viz Shri Rajendra Kumar Sharma filed a contempt petition (Civil) No.170/2024 against Shri P.K.Purwar, CMD, BSNL before the Hon. Supreme Court for not complying its order of 19/05/2023 in CA No.3933/2023.
- 4) In view of the above, DoT vide its order F.No.38-45/2024-dPen(T) dated 20/06/2024. Para 4 of the said order states **"It has been decided with the approval of Competent Authority i.e. Secretary (T) to implement the order**

dated 19/05/2023 in IA No.66111/2023 filed by the applicant in CA No.3933/2023 titled Uol Vs M. Siddaraj by granting one notional increment to Shri Rajendra Kumar Sharma in personam for the period from 01/02/2019 to 31/01/2020 for the purpose of pensionary benefits and not for any other purpose.

A decision has already been taken with due process of consultation and decided by a competent authority in the case of Shri Rajendra Kumar Sharma and implemented. Hence we request you, madam, to issue necessary clarification to cover all those who are due for annual increment on 01/02/2020 and opted for VRS-2019 scheme and retired on 31/01/2020.

This clarification will ensure fairness and provide justified benefits to all eligible pensioners and avoid unnecessary litigation.

Your timely intervention in this matter will provide great relief and clarity to a significant number of retirees.

With regards,

Yours sincerely,



(V Vara Prasad)
General Secretary

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

O.A. No. 443/2020

Chandigarh, this the 2nd day of February, 2024

**HON'BLE MR. SURESH KUMAR BATRA, MEMBER (J)
HON'BLE MRS. RASHMI SAXENA SAHNI, MEMBER (A)**

1. Gulshan Sood, S/O Sh. Brij Mohan Sood, Age 50 years, # 928-C, Sector 43-A, Chandigarh, Ex-SDE, BSNL having HRMS No. 199407953 under Principal General Manager Telecom, Bharat Sanchar Nigam Limited, North Zone Nodal Centre, Phase-IV, Mohali. 160055.
2. Tilak Raj Gogia, S/O Sh. Bhagwan Dass Gogia, Age 57 years, # 25, Nirmal Vihar, Ambala Cantt (Haryana), Ex-SDE, BSNL having HRMS No. 198600240 under Principal General Manager Maintenance 'NTR', Telephone Bhawan, Sector-17, Chandigarh - 160017.
3. Rakesh Kumar Sharma, S/O Sh. T.P. Sharma, Age 55 years, # 240, Municipal Colony, Dhaki Road, Pathankot (Punjab), Ex-AGM, BSNL, having HRMS No. 199101067 under General Manager Telecom District, Pathankot, Telephone Exchange, Near Kali Mata Mandir, Pathankot, Punjab - 145001
4. Kamal Kumar, S/O Sh. Kishan Chand, Age 50 years, # 208, F-Block, Sirsa (Haryana), Ex-AGM, BSNL, having HRMS No.



199500305 under Principal General Manager Maintenance 'NTR'
Chandigarh-160017. Telephone Bhawan, Sector-17,

5. Satpal Singh, S/O Amarjit Singh, Age 59 years, # 189,
Basant City, Sua Road, Village Threেকে, Ludhiana, (Punjab), Ex-
AGM, BSNL, having HRMS No. 198000515 under Principal
General Manager Maintenance 'NTR', Telephone Bhawan,
Sector-17, Chandigarh - 160017.

6. Sunita Kashyap, W/O Sh Ravinder Kumar, Age 54 years, #
35-B, Sector 36-A, Chandigarh, Ex-SDE (OL), BSNL, having
HRMS No. 199601935 under Principal General Manager
Chandigarh, BSNL Telephone Exchange Building, Sector-34A.
Chandigarh-160022.

7. Manjit Singh, S/O Sh. Mohinder Singh, Age, 59 years, 3234,
Street No 5-R, Ishar Nagar, Back Side G.N.E. College, Ludhiana
(Pb.), Ex-Telecom Technician, BSNL, having HRMS No.
200007016 under General Manager Telecom District, Ludhiana,
Telephone Exchange, Bharat Nagar, Ludhiana-141001

8. Balwinder Singh, S/O Sh. Kartar Singh, Age 54 years, #
1065, G.T.B. Colony, Phase No 8, Mundian Khuril, Distt.
Ludhiana (Pb.), Ex-JE, BSNL, having HRMS No. 199901316
under General Manager Telecom District, Ludhiana, Telephone
Exchange, Bharat Nagar, Ludhiana-141001





9. Amarjit Singh, S/O Sh. Karam Singh. Age 59 years, # 1928/59, Street No 6, Satguru Nagar, Daba-Lohara Road, New Shimla Puri, Ludhiana (Pb.), Ex-JE, BSNL, having HRMS No. 198909446 under General Manager Telecom Ludhiana, Telephone Exchange, Bharat Nagar, Ludhiana-141001 District,
10. Baljinder Singh, S/O Sh. Gurmail Singh, Age 50 years, Village Bulepur, Tehsil & Po Khanna, District Ludhiana (Pb), Ex-Telecom Technician, BSNL, having HRMS No. 199901163 under General Manager Telecom District, Ludhiana, Telephone Exchange, Bharat Nagar, Ludhiana-141001
11. Snehlata W/o Vinod Kumar, Age 53 years, Ex-DET OFC NTR BGH, DET Office, NTR Bahadurgarh R/o Quarter No. 16, Main Telephone Exchange, Bahadurgarh, Haryana, PIN-124507 having HR No. HR 199100207 under General Manager Telecom Maintenance, Northern Telecom Region, B.S.N.L., 2nd Floor, Kidwai Bhawan, Janpath, New Delhi-110001.
- (All were working in Bharat Sanchar Nigam Limited, and got retired under Voluntary Retirement Scheme-2019 w.e.f. 31-01-2020) (Group 'A to C')

...Applicants

(By Advocate: Sh. Rohit Seth)

Versus

1. Union of India through Secretary to Government of India, Ministry of Communication and Information Technology,

Department of Telecom, Sanchar Bhawan, 20 Ashoka Road,
New Delhi-110001

2. Bharat Sanchar Nigam Limited (A Govt. of India Enterprise),
through its Chairman-cum-Managing Director, Corporate Office,
Personnel-1 Section, 4 Floor, Bharat Sanchar Bhawan, Janpat,
New Delhi.

3. Chief General Manager Telecom, B.S.N.L., Punjab Circle, Plot
No-2, Sanchar Sadan Sector-34-A, Chandigarh-160022.

4. Chief General Manager Telecom Maintenance, NTR, B.S.N.L.,
2nd Floor, Kidwai Bhawan, Janpath, New Delhi-110001.

5. Principal General Manager Telecom, Bharat Sanchar Nigam
Limited, North Zone Nodal Centre, Phase-IV, Mohali 160055.

6. Principal General Manager Maintenance 'NTR', Telephone
Bhawan, Sector-17, Chandigarh-160017.

7. Principal General Manager Chandigarh, BSNL Telephone
Exchange Building. Sector-34A, Chandigarh-160022

8. General Manager Telecom District, Ludhiana, Telephone
Exchange, Bharat Nagar, Ludhiana-141001.

9. General Manager Telecom District, Pathankot, General
Manager Telecom District, Pathankot, Telephone Exchange,
Near Kali Mata Mandir, Pathankot, Punjab, PIN- 145001.



10. General Manager Telecom Maintenance, Northern Telecom Region, B.S.N.L., 2nd Floor, Kidwai Bhawan, Janpath, New Delhi-110001.



...Respondents

(By Advocate: Sh. Ashwani Sharma, Sr. Panel Counsel)

O R D E R(Oral)

Per: SURESH KUMAR BATRA, MEMBER (J):

1. The brief facts of the case are that all the applicants were working in the BSNL and all of them opted for voluntary retirement w.e.f. from 31.01.2020 under the BSNL scheme of VRS-2019 announced by Government of India for the employees of BSNL. The annual increment of all the applicants was due on 1st February, 2020 consequent upon their having rendered 365 days of regular service. The applicants have been granted all the benefits due under the VRS Scheme, 2019 on the basis of basic pay drawn as on 31.01.2020 and while calculating the same, the annual increment due to them on completion of 365 days has not released.
2. This O.A was closed vide order dated 10.03.2022 in view of the **Special Leave Petition No. 4722/2021 titled as Union of India Vs. M. Siddaraj** under adjudication before the Hon'ble Supreme Court. The Hon'ble Supreme Court vide order dated



19.05.2023 has disposed of the SLP No. 4722/2021 titled as titled as **Union of India Vs. M. Siddaraj** in view of the judgment rendered in **Civil Appeal No. 2471 of 2023 decided on 11.04.2023 titled as Director (Admn. And HR) KPTCL and Others Vs. C.P. Mundinamani and Others (2023)**, wherein, Supreme Court while dismissing the Civil Appeal No. 2471 of 2023 preferred by the respondents held that:

"6.7 Similar view has also been expressed by different High Courts, namely, the Gujarat High Court, the Madhya Pradesh High Court, the Orissa High Court and the Madras High Court. As observed hereinabove, to interpret Regulation 40(1) of the Regulations in the manner in which the appellants have understood and/or interpreted would lead to arbitrariness and denying a government servant the benefit of annual increment which he has already earned while rendering specified period of service with good conduct and efficiently in the last preceding year. It would be punishing a person for no fault of him. As observed hereinabove, the increment can be withheld only by way of punishment or he has not performed the duty efficiently. Any interpretation which would lead to arbitrariness and/or unreasonableness should be avoided. If the interpretation as suggested on



behalf of the appellants and the view taken by the Full Bench of the Andhra Pradesh High Court is accepted, in that case it would tantamount to denying a government servant the annual increment which he has earned for the services he has rendered over a year subject to his good behaviour. The entitlement to receive increment therefore crystallises when the government servant completes requisite length of service with good conduct and becomes payable on the succeeding day. In the present case the word "accrue" should be understood liberally and would mean payable on the succeeding day. Any contrary view would lead to arbitrariness and unreasonableness and denying a government servant legitimate one annual increment though he is entitled to for rendering the services over a year with good behaviour and efficiently and therefore, such a narrow interpretation should be avoided. We are in complete agreement with the view taken by the Madras High Court in the case of **P. Ayyamperumal** (supra); the Delhi High Court in the case of **Gopal Singh** (supra); the Allahabad High Court in the case of **Nand Vijay Singh** (supra); the Madhya Pradesh High Court in the case of **Yogendra Singh Bhadauria** (supra); the Orissa High Court in the case of **AFR Arun Kumar Biswal** (supra); and the Gujarat High Court in the case of



Takhatsinh Udesinh Songara (supra). We do not approve the contrary view taken by the Full Bench of the Andhra Pradesh High Court in the case of **Principal Accountant-General, Andhra Pradesh** (supra) and the decisions of the Kerala High Court in the case of **Union of India Vs. Pavithran** (O.P.(CAT) No. 111/2020 decided on 22.11.2022) and the Himachal Pradesh High Court in the case of **Hari Prakash Vs. State of Himachal Pradesh & Ors.** (CWP No. 2503/2016 decided on 06.11.2020).


7. 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. After the decision in **M. Siddaraj** (supra) the instant O.A is taken for adjudication. The respondents had filed reply and

submitted that the applicants retired under a particular VRS having cutoff date i.e. 31.01.2020, therefore, they are not entitled the benefit and the impugned letter Annexure A-10 and A-11 are in accordance with the BSNL instructions/policy.

4. We have heard learned counsel for the applicants as well as respondents and perused the material available on record and gone through the judgment of **the Director (Admin and HR) KPTCL** (supra). The issue of benefit of increment on the next date of retirement is no longer *res integra* after the decision of Hon'ble Supreme Court in **KPTCL** (supra), in the case of government employees, where the annual increment falls on either 1st January or 1st July of the year following retirement on the previous day. This Bench has also allowed various applications vide order dated 02.02.2024 on the similar issue in **O.A No. 60/359/2019 and Ors** and directed "the respondents to grant the benefit of one notional increment to the applicants due on 1st July or 1st January of the next years, as the case may be, with all consequential benefits."
5. However, this instant O.A relates to employees of BSNL who have taken VRS and retired on 31.01.2020 and their normal increment is due on 01.02.2020. As per VRS Scheme at Annexure A-1 in para 6 benefits available to employees are defined, which include lumpsum exgratia terminal benefits,





retirement gratuity, commutation of pension, encashment of EL, retention of Staff Quarters. In para 8 (viii) it is stated that, "The benefits payable under this scheme shall be in full and final settlement of all claims of whatsoever nature, whether arising under the scheme or otherwise." For the purpose of calculation, the salary has been defined in para 6.1(b) of the scheme.

6. We have also perused Annexure A-10 dated 16.03.2020 relating to one of applicants, wherein grant of benefit of annual increment due on 01.02.2020 after completion of one year on 31.01.2020 has been rejected by respondents by relying on VRS Scheme at Annexure A-1. The representation has been rejected as follows: "1. As per Point No. 16 of BSNL Voluntary Retirement Scheme 2019 "Frequently Asked Questions (FAQ)", issued by AD E&T, PB. Circle, Chandigarh No. E&T/BSNL VRS 2019/19-20/10 Dated 07.11.2019, No benefit of annual increment will be extended to VRS optee whose DNI falls on 01.02.2020, as the employee already completed 365 days service as on 31.10.2020." It is clearly stated employee has completed 365 days since as on 31.01.2020, while no reason has been given in Annexure A-11 in case of another applicant.
7. It is evident that the case of applicants is covered on all fours by the decision of **Hon'ble Supreme Court in case of The**

Director (Admin and HR) KPTCL & Ors Vs. C.P.

Mundinamani & Ors (supra). All the applicants have rendered 365 days regular service preceding to the cut off date 31.01.2020. Therefore, they are legally entitled for the increment. Further, in order to maintain judicial parity, similar order may be passed as given in **O.A No. 60/359/2019 and Ors** decided on 02.02.2024. In the wake of aforesaid the O.A is allowed. The impugned orders Annexure A-10 and A-11 are set aside. The respondents are directed to grant the benefit of one notional increment to the applicants due on 1st February, 2020 with all consequential benefits within a period of two months.

8. There shall be no order so as to costs.

(RASHMI SAXENA SAHNI)
Member (A)

(SURESH KUMAR BATRA)
Member (J)

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