

Government of India
Department of Personnel & Training

Subject:- C.P. No.12/2024 in OA No.310/00391/2021 filed by P.S. Rajagopalan and A.V. Srinivasan before the Hon'ble CAT, Chennai Bench for non-implementation of its order dated 08.02.2023 allowing the benefits of one national increment falling on the next date of retirement.-regarding.

Department of Telecommunications(DOT) may please refer to this Department's ID Note of even number dated 11th March, 2024 (copy enclosed) on the subject noted above.

2. In partial modification of the said ID Note referred above, para 5 may please be read as under:-

"5. DOT may please take cognizance of the position stated in paras 3 and 4 above and take action as deemed necessary in view thereof and with due regard to the judicial orders in the instant case. Further, DOT may also take a view on defending the Contempt Petition on behalf of Union of India. This Department may be apprised of the action taken and further developments in the matter."

3. This issues with the approval of the Competent Authority.


14.3.2024
(Mahesh Kumar)

Under Secretary to the Govt. of India

☎ 011-23040 489

D/o Telecommunication (Shri Raj Kumar, Director), New Delhi

DOPT ID No.19/4/2024-Pers. Policy. Pay (Promotion), dated : 14.3.2024.

Government of India
Department of Personnel & Training
Pers. Policy. Pay (Promotion)

Subject:- C.P. No.12/2024 in OA No.310/00391/2021 filed by P.S. Rajagopalan and A.V. Srinivasan before the Hon'ble CAT, Chennai Bench for non-implementation of its order dated 08.02.2023 allowing the benefits of one national increment falling on the next date of retirement.-regarding.

Department of Telecommunications (DoT), may please refer to their proposal in their e-file No.38-21/2024-Pen (T) seeking advice of DoPT regarding implementation of order dated 08.02.2023 of Hon'ble CAT, Chennai in OA No.310/00391/2021 filed by Shri P.S. Rajagopalan and A.V. Srinivasan for grant of one national increment falling on the next date of retirement.

2. DOT has intimated that the above employees of BSNL have filed Contempt Petition (No.12/2024) in the said OA for non-implementation of the order dated 08.02.2023 of the Hon'ble Tribunal, Chennai. **Next date of hearing in the Contempt Case is 12.03.2024**
3. In this regard, it is intimated that the issue relating to grant of 'notional increment' on 1st July/1st January to the employees retired a day before it became due i.e. on 30th June / 31st December, came up before the Hon'ble Supreme Court of India and that the Apex Court vide its Order dated 11.04.2023 in Civil Appeal No. 2471 of 2023 (@ SLP (C) No. 6185/2020) – Director (Admn. and HR), KPTCL Vs C.P. Mundinamani & Ors. decided that the Division Bench of the Karnataka High Court has rightly directed the appellants (KPTCL) to grant one annual increment which the petitioners earned on the last day of their service for rendering services during the preceding one year from the date of retirement with good behaviour and efficiently. Later on, the Apex Court vide Order dated 19.05.2023 dismissed SLP(C) No. 4722/2022 – UoI & Anr. Vs M.Siddaraj filed by Ministry of Railways with the observation that the issue raised in these appeals is squarely covered by judgment rendered in Civil Appeal No. 2471 of 2023. Thereafter, several petitions filed before the Supreme Court of India, High Courts and Tribunals on the subject matter flagged were disposed of on similar lines.
4. It is further informed that the issues arising out of the orders of the Apex Court regarding grant of 'notional increment' necessitate further examination and that the process of consultation is presently underway and is likely to take some more time. Further action, as may be required in this regard in the wake of the judgements of the Hon'ble Supreme Court of India, can be taken only after completion of the consultation process.
5. D/o Telecommunication may be is requested to defend the case keeping in view the position stated above, on behalf of Union of India including this Department, and to protect the interests of the Government. The case details may also be uploaded on the LIMBS portal and periodically updated while the progress of the case monitored on a regular basis. This Department may also be kept apprised of the action taken and further developments in the matter.
6. This issues with the approval of the Competent Authority.

Signed by Mahesh Kumar

Date: 11-03-2024 16:08:41

(Mahesh Kumar)

Under Secretary, Pers. Policy. Pay

☎ 011-23040 489

D/o Telecommunication (Shri Raj Kumar, Director), New Delhi

 DOPT ID No.19/4/2024-Pers. Policy. Pay (Promotion), dated : 11.03.2024.