Sanchar Nigam Pensioners' Welfare Association

Reg.No:SOCIETY/WEST/2021/8902564

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No. SNPWA/CHQ/M(S)/DOT/1/26 **Dated: 13th March 2026**

To

Shri Deb Kumar Chakrabarti

Member (Services), DoT

Sanchar Bhawan

New Delhi

Subject:

Immediate and Uniform Implementation of Notional Increment to VRS–2019 Retirees – Based on Judgments of the Hon'ble Supreme Court, Orders of DoT, and the Chronological Legal Position

Respected Sir,

Kindly recall our discussion held on **19 February 2026** on the above subject. As desired, we are respectfully submitting the chronological legal and administrative developments relating to the issue for your **personal examination, assessment, and considered decision,** uninfluenced by the prevailing *counterproductive opinions at lower levels* , which without doubt are **inconsistent with the law laid down** and repeatedly **reiterated in clear and unequivocal terms by the Hon'ble Supreme Court.**

References

1. Judgment of the Hon'ble Supreme Court in Civil Appeal No. 2471 of 2023 dated 19.05.2023.

2. Interim Order of the Hon'ble Supreme Court dated 06.09.2023.

3. Final Judgment of the Hon'ble Supreme Court dated 20.02.2025.

4. DoT Order No. 38-45/2024-Pen(T) dated 20.06.2024, extending the benefit to a VRS retiree.

5. DoT O.M. No. 40-24/2025-Pen(T) dated 28.01.2026, Para 17.

6.Judgment of the Delhi High Court W.P.(C) 1802/2026 dated 09.02.2026.

1. Adjudication of the Law by the Hon'ble Supreme Court

Vide Reference (1), the Hon'ble Supreme Court in **Director (Administration & HR), KPTCL v. C.P. Mundinamani (Civil Appeal No. 2471 of 2023)** held unequivocally that:

* An employee who retires after rendering the requisite qualifying service of 365 days, one day before the Due Date of Increment (DNI), earns the increment as a matter of right.

* Denial of the increment merely because retirement falls one day before the increment date is arbitrary and unjustified.

* The increment must be reckoned notionally for the purpose of enhancing pensionary benefits.

This principle was subsequently reaffirmed in **Union of India v. M. Siddaraj (Civil Appeal No. 3933 of 2023)** and in subsequent proceedings.

The Hon'ble Supreme Court also clarified that *once the legal position is settled, the benefit should be extended to all similarly placed employees .*

Hon Supreme Court emphatically directed, rather cautioned, all the Ministries/ Departments to ensure that similary placed officials are not coerced to approach Courts of Law to get the relief already granted by this Court by way of unambiguous, elaborate and fully elucidated provisions adjudicated comprehensively.

And, Sir. despite the issue having been conclusively and unambiguously settled and adjudicated by the highest Judicial Institution of the Country, and various other High Courts/ Tribunals, which also include those in favour of VRS 2019, DOT continues to coerce VRS retirees to approach Judicial Institutions to seek the said relief, only to face repeated Judicial Wrath and Rebuke over an issue already conclusively granted

Thus, **by 2023, the entitlement stood finally settled in law.** The grant of notional increment is therefore a **legal right and not a discretionary concession.**

2. Implementation by DoT and Subsequent Developments

Following **sustained representations by this Association, the Department of Telecommunications eventually extended the benefit** of notional increment to employees fulfilling the criteria laid down by the Hon'ble Supreme Court, for all retirees including those from BSNL and MTNL.

It is pertinent to note that the benefit was initially restricted by DOT only to DoT officials. It was only after strong and persistent intervention by this Association that the benefit was extended to

similarly placed BSNL and MTNL retirees, thereby aligning the implementation with **the principle of equality** laid down by the Hon'ble Supreme Court.

However, for **reasons unexplained**, the benefit continues to be withheld from VRS–2019 retirees, despite their being identically placed in law .

3. Applicability to VRS Retirees

The Hon'ble Supreme Court has nowhere made **any distinction between VRS retirees and other retirees** while laying down the law regarding notional increment.

The continued denial of the benefit to VRS–2019 retirees appears to be based on a purported interpretation of certain internal or confidential terms of the VRS–2019 Scheme, allegedly arising from a Cabinet Note.

With utmost respect, this reasoning is untenable and baseless for the following reasons:

(a) Supreme Court Contempt Proceedings

In a contempt petition filed by a VRS retiree before the Hon'ble Supreme Court for non-implementation of the judgment, the Union of India placed before the Court the alleged terms and conditions of VRS–2019.

Despite this, **the Hon'ble Supreme Court upheld the claim of the VRS retiree, and the Department was compelled to issue orders extending the benefit of notional increment to that VRS retiree in consultation with the Department of Expenditure and DoPT**

After such compliance, the question naturally arises:

On *what legal basis can the same benefit now be denied to other similarly placed VRS retirees?*

(b) Judicial Rejection of the VRS Argument

In several cases before High Courts and Tribunals, where BSNL sought to rely upon the alleged restrictive terms of the VRS–2019 Scheme, such arguments were rejected outright.

Notably**, the Central Administrative Tribunal, Chandigarh Bench, in OA No. 443/2020** (Order dated 02.02.2024) extended the benefit to BSNL retirees including VRS retirees, holding the **denial to be unsustainable and contrary to the law laid down by the Hon'ble Supreme Court**.

(c) Lack of Disclosure in VRS–2019 Scheme

Even **assuming, without admitting**, that certain internal or confidential notes existed regarding the VRS–2019 Scheme, such conditions were never disclosed to the employees who opted for the scheme and thus have absolutely **no legal sanctity**.

The officially notified Terms and Conditions of VRS–2019 contained no clause excluding the benefit of notional increment.

Therefore:

Such internal documents cannot override the law declared by the Supreme Court and have no place in terms of law. Obviously that is the reason why the Hon Supreme Court/ High Courts/ Tribunals rejected outright the contentions of DOT based on these so called confidential reasons

4. DoT Order Granting Benefit to a VRS Retiree

Further, the Department itself issued **Order No. 38-45/2024-Pen(T) dated 20.06.2024**, granting notional increment to **Shri Rajendrakumar Sharma** , who retired under **VRS on 31.01.2020**, after inter-departmental consultation.

His case was linked to proceedings in Union of India v. M. Siddaraj, and *no distinction whatsoever was drawn between VRS retirees and other retirees.*

This clearly establishes an administrative precedent within the Department itself.

5 . DoT O.M. dated 28.01.2026 and Delhi High Court Judgment

Sir, as admitted by the DOT vide , Paragraph 17 of DoT O.M. No. 40-24/2025-Pen(T) dated 28.01.2026 it is clear that cases relating to VRS–2019 retirees would be regulated in accordance with the outcome of the Delhi High Court proceedings and,The Hon'ble Delhi High Court W.P.(C) 1802/2026, by judgment dated 09.02.2026, has now decided the matter in favour of VRS–2019 retirees, thus rendering the only ground cited by DOT for deferring a decision as infructuous and now non- existent_

Sir, even after this requirement of the DOT being conclusively settled, what is the DOT now waiting for to issue orders to generalize extending the benefit to VRS?

Not doing so, Sir, even after *this requirement of DoT has been explicitly fulfilled , we regret to state that the continued denial of the benefit **amounts to nothing short of undue harassment and torment of VRS retirees.** Such a situation is both **unjustified and deeply distressing** for those who are rightfully entitled to the relief.

6. Present Legal Position

Chronologically, the **legal position** now stands as follows:

*** 2023 – Supreme Court declares notional increment a vested right for pensionary fixation.**

*** 2023–2024 – Principle reaffirmed in subsequent proceedings.**

*** 02.02.2024 – CAT extends the benefit to VRS retirees.**

*** 20.06.2024 – DoT grants the benefit to a VRS retiree after consultation with DoPT and DoE.**

*** 28.01.2026 – DoT O.M. records that VRS cases will be decided on Delhi High Court outcome.**

*** 09.02.2026 – Delhi High Court decides the issue in favour of VRS retirees**.

Thus:

* No court has upheld *any distinction between VRS retirees and other retirees.*

* No Cabinet-based exclusion has been **recognised by any judicial forum.**

*** No such restrictive condition was ever notified to employees .**

Prayer

In view of **the conclusive adjudication of the issue by the Hon'ble Supreme Court, including the extension of the benefit to VRS retirees, and its explicit caution to Ministries not to compel employees or pensioners to resort to avoidable litigation —**a direction which, regrettably, appears to have been ignored by DoT—the matter now stands beyond any ambiguity.

Further, the **judicial affirmations by various High Courts and Tribunals ,** which have extended the benefit to VRS Retirees **while unequivocally rejecting the contention of DoT that such benefit cannot be granted on the basis of so-called confidential conditions ,** reinforce the settled legal position.

When viewed together with the **binding declaration of law by the Hon'ble Supreme Court under Article 141 of the Constitution, the Department's own precedent in granting the benefit to a VRS optee,** and, finally, the **resolution of the contingency recorded in Para 17 of DoT's O.M. dated 28.01.2026** through the **judgment of the Hon'ble Delhi High** Court it becomes abundantly clear that **no legal or administrative impediment whatsoever now remains to extend the benefit of notional increment to VRS–2019 retirees** .

We therefore **respectfully urge** the Department to **issue immediate, uniform, and comprehensive orders extending the benefit of one notional increment for pensionary purposes to all eligible VRS–2019 retirees, and to direct expeditious revision of pension**, without *compelling pensioners to pursue further litigation*.

Justice declared and repeatedly affirmed must now translate into justice delivered.

With regards ,

Yours Sincerely

(G. L. Jogi)

Copy to:

1. Respected Sh Amit Aggarwal, Secy(T), for kind information and n/ a please.

2. MS Roshni Sone, Sr DDG(E(/ DOT, for immediate n/ a please.