

No.38-45/2024-Pen(T)(Part-1)
Government of India
Ministry of Communications
Department of Telecommunications
(Pension Section)

Room No 514, Sanchar Bhawan
20, Ashoka Road, New Delhi – 110001
Date: 22-01-2025

OFFICE MEMORANDUM

Subject: Grant of notional increment to absorbed employees of BSNL/MTNL who retired/are retiring a day before it became due in any month of the year, for the purpose of calculating the pension admissible – reg.

The undersigned is directed to refer to the subject cited above and to say that the matter of grant of notional increment to the absorbed employees of BSNL/MTNL has been examined in consultation with DoP&T and DoP&PW.

2. It has been decided that notional increment will be extended to the absorbed employees of BSNL/MTNL also who retired/are retiring a day before it became due in any month of the year. Notional increment shall be reckoned only for the purpose of calculating the pension admissible and not for the purpose of calculation of other pensionary benefits. Notional increment will be given to only those employees who completed one year of qualifying service as on the date of their superannuation with satisfactory work and good conduct for calculating the pension admissible to them, subject to the conditions as per Interim Order dated 06.09.2024 of the Hon'ble Supreme Court in MA No.2400/2024 filed by M/o Railways along with several intervention application tagged therewith. Hon'ble Supreme Court of India took note of the pending petition (Dy. No. 36148/2024) filed by Union of India seeking review of its order dated 11.04.2023 in CA No 2471/2023 in the matter. While observing that the issue raised in the applications requires consideration insofar as the date of applicability of the judgement dated 11.04.2023 in CA 2471/2023 to third parties is concerned. Hon'ble Court issued the following directions, by way of an interim order, to prevent any further litigation and confusion:

(a) The judgment dated 11.04.2023 will be given effect to in case of third parties from the date of the judgment, that is, the pension by taking into account one increment will be payable on and after 01.05.2023. Enhanced pension for the period prior to 30.04.2023 (erroneously mentioned as 31.4.2023 in the Order) will not be paid.

(b) For persons who have filed writ petitions and succeeded, the directions given in the said judgment will operate as res judicata, and accordingly, an enhanced pension by taking one increment would have to be paid.

(c) The direction in (b) will not apply, where the judgment has not attained finality, and cases where an appeal has been preferred, or if filed, is entertained by the appellate court.

(d) In case any retired employee has filed any application for intervention/impleadment in Civil Appeal No. 3933/2023 or any other writ petition and a beneficial order has been passed, the enhanced pension by including one increment will be payable from the month in which the application for intervention/impleadment was filed.

This interim order will continue till further orders of this Court. However, no

person who has already received an enhanced pension including arrears, will be affected by the directions in (a), (c) and (d).

3. The action taken on notional increment shall be subject to the final outcome of the Review Petition (Dy. No.36418/2024) pending before the Hon'ble Supreme Court of India.

4. This issues with the approval of Secretary (T).

Digitally signed by

Kuldeep Kumar

Date: 22-01-2025 12:19:20

(Kuldeep Kumar)

Under Secretary (STP)

Tel.No.:011-2303 6073

Email: kuldeep.k97@nic.in

To

1. CGCA/All CCA & Pr.CCA offices
2. DG(T) / All LSA Offices
3. Sr.DDG(Pers.)/DDG(C&A)/DDG(E&T)/JS(A), DoT
4. DG, NTIPRIT/DG, NICF
5. CMD, BSNL/MTNL
6. Sr.DDG TEC/Sr.DDG NCCS/Wireless Advisor, DoT
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