

भारत संचार निगम लिमिटेड  
मुख्य महाप्रबंधक कार्यालय महाराष्ट्र परिमंडल  
6<sup>th</sup> मंजिल, B-विंग स्टाफ अनुभाग, प्रशासनिक  
भवन, जुहू रोड, सांताक्रुज (प.) मुंबई-५४  
Email: agmesttmh@gmail.com



Bharat Sanchar Nigam Ltd.  
O/o CGMT, Maharashtra Circle  
6<sup>th</sup> Floor, B-Wing, Staff Section,  
Administrative Complex, Juhu Road,  
Santacruz (W), Mumbai – 400 054  
Email: adstaffcmhco@gmail.com

E-File No. MHCO-STFc/38(11)/2/2022-O/o GM HR-Admin/355

Dated 06/11/2024

To,  
All BAs/Units under MH Circle

**Sub:** Grant of annual increment falling due on the next day of retirement for the purpose of pensionary benefits- Seeking clarification thereof regarding.  
Ref.: BSNLCO Letter No. BSNLCO-A/12(17)/3/2021-ESTAB dated 30/10/2024.

With reference to the above cited subject and letter under reference, please find enclosed herewith instructions/guidelines received from Corporate Office under reference on the above subject.

This is for kind information and necessary action please.  
This is issued with the approval of the competent authority.

Encl.: As above

*S.V. Jere* 06/11/2024  
(S.V. Jere)  
AGM (Staff-Estt)  
O/o CGMT, MHCO, Mumbai.

Corporate Office  
Pension Section, 5<sup>th</sup> floor  
Bharat Sanchar Bhawan  
H.C. Mathur Lane,  
New Delhi-110001



भारत संचार निगम लिमिटेड  
(भारत सरकार का उपक्रम)  
BHARAT SANCHAR NIGAM LIMITED  
(A Govt. of India Enterprise)

File No. BSNLCO-A/12(17)/3/2021-ESTAB

Dated: 30.10.2024

To,

The DDG (Estt.),  
Department of Telecommunication  
Sanchar Bhawan, 20, Ashoka Road  
New Delhi 110 001.

Subject: Grant of annual increment falling due on the next day of retirement for the purpose of pensionary benefits – Seeking clarification thereof -reg

Madam,

I am directed to refer to your office letter No.38-21/2024-Pen(T) dated 05.06.2024 on the above-mentioned subject wherein it was intimated that the matter of notional increment is still under examination with DoP&T in consultation with Department of Expenditure and it will take some more time. In this regard, your kind attention is also invited to this office letter of even numbers dated 23.07.2024, 12.08.2024 and 05.09.2024 wherein it was requested to provide necessary guidance in order to defend the various OAs/Contempt Cases pending before Hon'ble Central Administrative Tribunals. However, the outcome of the consultation of DoP&T with Department Expenditure is still awaited.

2. This office is in receipt of orders/judgements of different CAT, wherein the benefit of one notional increment with consequential benefits and arrears have been allowed to the applicants. In addition, a number of contempt cases are also pending before different Tribunals on account of non-implementation of their orders. A list of contempt cases pending in the matter of notional increment is enclosed. BSNL is finding it difficult to take a definitive stand before the Hon'ble Courts as no action could be taken on the directions of the Hon'ble Tribunal in view of the fact that payment of pension to erstwhile DoT employees absorbed in BSNL is in the realm of DoT and final decision in the matter is still awaited from DoT/DoP&T.

3. On this issue, in pursuance to the interim order dated 06.09.2024 of Hon'ble Supreme Court in MA Dy. No. 2400/2024 in the SLP No. 4722/2021 DoP&T vide OM No. 19/116/2024-Pers.Pol.(Pay)(Pt) dated 14.10.2024 has issued instructions for allowing of the benefit of notional increment for calculation of pension in respect of Government employees, who retired on 30<sup>th</sup> June/31<sup>st</sup> December and have rendered the requisite qualifying service as on date of superannuation with satisfactory work

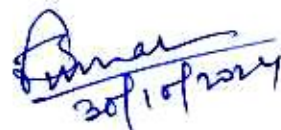
30/10/2024

and good conduct. It has been further stipulated that grant of the notional increment on 1<sup>st</sup> January/1<sup>st</sup> July shall be reckoned only for the purpose of calculating the pension admissible and not for the purpose of calculating of other pensionary benefits. The said DoP&T OM has also been endorsed by DoT vide OM NO.36-3/2019-Pen(T) dated 18.10.2024 with the stipulation that the DoP&T OM is applicable in respect of Central Government Employees only.

4. As stated above, payment of pension in respect of erstwhile DoT employees absorbed in BSNL and subsequently retired from BSNL is in the domain of DoT and final decision in the matter of grant of notional increment falling on the next date of retirement is still awaited. It is, therefore, requested that the decision of DoT with regard to grant of notional increment in respect of absorbed employees of BSNL may be conveyed for defending the court cases/contempt cases as well as for taking a clear stand before the Hon'ble Courts. While deciding the issue in respect of absorbed employees, it may also be taken into consideration that in BSNL the employees are granted annual increment on completion of one year of qualifying service and the increment is spread across different months throughout the calendar year (increment is drawn on the 1st date of the month in which the employee completes one year of service).

5. It is also intimated that Ministry of Railways vide their letter No. PC-VI/2020/CC/13 dated 07.10.2024 (copy enclosed) has issued instructions to their subordinate offices with regard to action to be taken in connection with the various cases, i.e. fresh cases and cases already decided by the Hon'ble Tribunals, related to grant of notional increment. DoT may consider if similar approach may be adopted for defending the notional increment cases already decided/pending/fresh cases filed by retired absorbee BSNL employees and issue necessary instructions in this regard.

6. This office is also in receipt of a legal notice dated 28.09.2024 (copy enclosed) from Shri Devesh Kr. Chauvia, Advocate on behalf of his clients (65 applicants - VRS-2019 Retirees) stating that OA No.1571/2020 was filed before the Hon'ble CAT, Pr. Bench, New Delhi was disposed of vide order dated 15.08.2020 with the liberty to seek revival of the case after the disposal of the SLP pending before the Hon'ble Supreme Court. Thereafter, an Intervention Application (IA) No.66111/2023 was filed by these applicants in SLP No. 4722/2021 (M Siddaraj case) and the same was allowed by the Hon'ble supreme Court vide order dated 19.05.2023. In this connection it is also brought to your notice that earlier one of the applicants in IA No.66111/2023, Shri Rajendra Kumar Sharam, Retd. AO, UP(W) Circle, had filed CP No.170/2024 in SLP No. 4722/2021 and he was allowed the benefit of notional increment after retirement vide DoT letter No. No. 38-45/2024-Pen(T) dated 20.06.2024. DoT may take suitable decision on the above-mentioned legal notice.

  
30/10/2024

7. A representation dated 18.07.2024 has been received from Shri Prahlad Rai, Gen. Secretary, AIBSNLREWA seeking grant of notional increment to employees who retired on VRS-2019 (copy enclosed). In the said representation he has requested for treating VRS 2019 retirees at par with the retirees on superannuation as they are also entitled for an annual increment for the service they rendered for the one-year prior to their VRS. A copy of the representation is enclosed for your reference and necessary action.

8. In view of the above position, it is requested that the issues relating to grant of notional increment falling on the next date of retirement in respect of absorbed employees retired from BSNL may be considered and a clear direction may be issued to BSNL urgently.

9. This may please be treated as **urgent**.

Yours faithfully,



30/10/2024

(Sanjeev Kumar)

Assistant General Manager (Estt.)

Tele. No. 011-23037477

Encl: As above.

Copy to:-

CGM, Tamil Nadu/CNTx-South/CHTD/MH/HR/J&K/PB/UP(E)/  
Kerala/MP/AP/Telangana/TQA&I, Bangalore.