



# Sanchar Nigam Pensioners' Welfare Association

Reg.No: SOCIETY/WEST/2021/8902564

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**SNPWA/ CHQ/ M( S)/ DOT/6/25**

**Dated 29th Sept, 25.**

To

Shri Deb Kumar Chakrabarti,

Member (Services)

Department of Telecommunications

New Delhi

Subject: *Warm Welcome & Urgent Request for DoT's Intervention for Implementation of Supreme Court's DNI Judgment — Extension to VRS Retirees*

**Respected Sir,**

At the outset, on behalf of the Sanchar Nigam Pensioners' Welfare Association (SNPWA), I extend our warm and respectful felicitations on your assumption of the pivotal office of Member (Services), DoT — a position once adorned with great distinction by stalwarts like Shri H.P. Waghle and the late Shri B.R. Nair, who upheld its majesty and authority with unmatched integrity.

We are confident that under your stewardship, the Department will continue to *uphold the highest values of justice, dignity, and prompt redress for employees and retirees alike.*

While offering our hearty welcome, we also feel compelled to place before you a matter of grave urgency and concern — the **continued non-implementation by DoT of the Date of Notional Increment (DNI) benefit for VRS retirees**. This ongoing denial is in blatant disregard of the unequivocal pronouncements of the Hon'ble Supreme Court and multiple Tribunal rulings. The result is hardship, denial of justice, and avoidable litigation, while eroding institutional credibility.

## **1. Legal Position & Binding Precedents**

### **i. Supreme Court Judgment — Civil Appeal No. 2471/2023**

In Director (Admn & HR), KPTCL v. C.P. Mundinamani & Ors. (judgment dated 11 April 2023), the Hon'ble Supreme Court categorically held that *any employee who has completed 365 days of regular service prior to the increment date*, and retires with a satisfactory record, is entitled to the next notional increment for pensionary benefits.

Importantly, the Court extended this benefit not only to the *petitioners but to all similarly placed retirees, eliminating the need for endless litigation*. In its clarificatory order dated 20 February 2025, the Court directed that this benefit must be extended suo motu, warning authorities against coercing senior citizens into avoidable legal battles.

### **ii. CAT / Tribunal Rulings**

CAT Chandigarh Bench (OA No. 443/2020, dated 2 February 2024): Held that **VRS retirees cannot be discriminated against** and are equally entitled to DNI.

CAT OA No. 446/2021 (3 July 2025): Directed that all similarly placed retirees, including VRS-2019 retirees, must be granted the benefit suo motu, without forcing them to file fresh claims.

### **iii. BSNL / DoT Clarifications**

BSNL Corporate Office (23 November 2019): Explicitly clarified that VRS retirees are to be treated on par with other retirees on all aspects including pensionary benefits.

DoT OM dated 26 May 2025: Acknowledged that the case of VRS retirees is under active consideration following SNPWA's repeated representations

### **iv. Judicial Reproach of Delay**

The Supreme Court has time and again cautioned against avoidable litigation. In one matter, it even imposed costs of **₹ 1,00,000 on BSNL** for filing a frivolous appeal, underscoring that further delay or piecemeal implementation could invite judicial censure or contempt.

It is in this backdrop that we recall with dismay BSNL's past reluctance to implement judicial directions. On several occasions, instead of honouring the spirit of court orders, BSNL chose to **delay, dilute, or defy**, thereby diminishing its own institutional standing. The present handling of the DNI matter by BSNL /DoT bears a striking resemblance to those earlier missteps.

A telling parallel can be drawn from the 2013 episode, when SNEA challenged acts of victimization against office bearers of SNEA by BSNL Management. After a couple of hearings, Hon'ble Delhi High Court directed BSNL Counsel to take instructions of the Bench to BSNL Management to cancel all the orders on its own. However, in the next hearing, BSNL Counsel pleaded before the Bench that BSNL Management feels that the orders be rescinded by the Bench only. This drew a sharp retort from the Bench "*If BSNL Management is not interested in maintaining the prestige of its own organization, what can be done? We never wanted to interfere, but your actions have left us with no choice.*" The same sentiment, unfortunately, applies to BSNL/ DoT today — where indifference to judicial pronouncements compels retirees to contemplate **contempt proceedings before the Hon'ble Supreme Court**.

## **Pertinent Observations**

Judicial orders always prevail over executive instructions. Even if one were to assume that the VRS-2019 terms excluded such a benefit, those provisions stand conclusively **overridden** by the Supreme Court's ruling, which extends relief to all similarly placed retirees, including VRS retirees.

A clear precedent exists. **Shri Rajendra Kumar Sharma, AO**, who retired under VRS on 31.01.2020, was granted DNI benefit after his intervention in Civil Appeal No. 3933/2023 (UOI v. Siddaraj) was accepted. Consequently, DoT issued Order No. 38-45/2024-Pen(T) dated 20.06.2024 (in consultation with DoPT & DoE), extending DNI to him. This *single case itself defeats any argument against VRS retirees' entitlement*.

Representation is immaterial. Once UOI filed the appeal, DoT stood fully represented before the Court. It cannot now claim immunity or exemption from implementing the judgment.

## **2. Present Situation**

Despite repeated representations and detailed discussions with your predecessor, on more than two occasions, Shri Anand Khare Ji, DoT has issued no definitive order. This inaction amounts to a contemptuous disregard of the *Apex Court's judgment — a judgment delivered with extraordinary sensitivity towards the rights of senior citizens*, ensuring they are not forced to seek justice through endless litigation.

## **3. Our Humble Prayer**

Sir, thousands of DoT/BSNL veterans who opted for VRS are being denied a benefit unequivocally decreed by the Supreme Court. The Court has already clarified that this relief must be extended *suo motu* to all similarly placed retirees.

It is therefore deeply unfortunate that DoT continues to sit over the matter, forcing helpless senior citizens into avoidable litigation. Such continued inaction not only *undermines the prestige of the Department but also borders on wilful defiance* of the Hon'ble Supreme Court.

SNPWA wishes to place on record that while we remain committed to dialogue and cooperation, we cannot silently watch this injustice perpetuate. If corrective action is still withheld, we shall be left with no alternative but to approach the Hon'ble Supreme Court with contempt petitions — a path we would earnestly prefer to avoid in the larger interest of institutional credibility.

👉 Justice delayed is justice denied — and *denial to senior citizens is contempt of both law and humanity*.

We sincerely hope that under your leadership, DoT will act swiftly, decisively, and honourably, thereby restoring justice to retirees and upholding the dignity of the Department, and the Apex Court..

We look forward to your early acknowledgement and kind action.

**With respectful regards and warm wishes,**

Yours Sincerely



(G.L. Jogi)

Copy to:

1. Shri Manish Sinha, Member (Finance), DoT — with a request to kindly ensure that concerned officers do not create impediments in implementing the Hon'ble Supreme Court's judgment.
2. Shri Robert J. Ravi, CMD, BSNL — for information and necessary action.
3. Dr. Vidya Sagar, Director (HR), BSNL — for information.
4. Shri Rajiv Kumar, Director (Finance), BSNL — for information.
5. Ms. Roshni Soni, DDG( E)/ DOT — for information and necessary action pl.