

Bharat Sanchar Nigam Limited
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Corporate Office
Establishment Branch
Pension Section
Bharat Sanchar Bhawan
H. C. Mathur Lane, New Delhi-110 001

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

Dated: 20.01.2025

To,

DDG (Establishment),
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 this office letters of even number dated 23.07.2024, 12.08.2024, 05.09.2024, 30.10.2024 & 13.12.2024 wherein it was requested to convey early decision of DoT/DoP&T with regard to grant of notional increment falling on the next date of retirement in respect of absorbed employees of BSNL. This matter is being pursued by this office continuously in view of the fact that the notional increment as allowed by Hon'ble Central Administrative Tribunals in a number of cases is for grant of revised pension to erstwhile DoT employees retired from BSNL, which is exclusively in the domain of DoT. The decision of DoT in this regard is necessitated to comply with orders of Hon'ble Tribunals as well as to defend the numerous court cases including contempt cases by BSNL.

2. It may be recalled that on this issue DoT vide letter dated 05.06.2024 had earlier conveyed that the matter of grant of notional increment in respect of retired employees of BSNL was under examination of DoP&T in consultation with Department of Expenditure and BSNL had been advised to wait for the outcome of consultation process. Now, 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. The said DoP&T OM has been issued 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 (M Siddaraj case). This OM has also been endorsed by DoT vide OM No.36-3/2019-Pen(T) dated 18.10.2024 with the stipulation that it is applicable in respect of Central Government Employees only. However, no instruction/guidelines have been provided to BSNL with regard to grant of benefit in respect of the erstwhile government servants absorbed in BSNL and receiving pension from different CCAs of DoT. Further, the Union of India had also filed a Review Petition (C) Dy. Diary No.36418/2024 in CA No.2471/2023 [The Director (Admin & HR) KPTC & Ors vs C P Mundinamani & Ors] and this Review Petition has also been dismissed vide order dated 18.12.2024. No further instructions has been issued by DoP&T subsequent to the dismissal of Review Petition.

3. In this regard, CNTx-South Circle vide letter dated 09.01.2025 (copy enclosed) has intimated that the CP Nos. 77, 78 & 79/2024 was last heard on 02.01.2025 and during the hearing the panel advocate of BSNL informed the bench that BSNL has taken up the case with DoT and BSNL is awaiting for direction of DoT. Hence, the Hon'ble CAT Chennai has allowed further two weeks time to comply with the orders with further directions that if no compliance order is filed on the next date of hearing, notice will be issued to the contemnors including CMD BSNL. The CPs have been posted for hearing on 21.01.2025.

4. UP(West) Circle vide letter dated 16.12.2024 (copy enclosed) has intimated that the Hon'ble CAT Allahabad vide order dated 03.09.2024 in OA Nos. 996/2024 & 997/2024, and vide order dated 04.09.2024 in OA No. 1001/2024 & 1008/2024 has allowed the OA and directed the respondents to revise the PPOs within a period of 4 months. Otherwise simple @ 6% is to be paid from the date of filing of the OA. In OA No. 1001/2024 & 1008/2024 in addition the CAT has also allowed arrears payable to the applicants for period of three years before filing of OAs. There are similar directions in other cases also, which have been brought to your kind notice in the past.

5. As already stated above, the grant of notional increment to erstwhile DoT employees absorbed in BSNL and retired from service is exclusively in the domain of DoT, and there is no scope for BSNL to take any plausible action in the notional increment cases. Considering the urgency owing to pending contempt cases where senior authorities of BSNL are arrayed as Respondents, it is requested to convey decision with regard to grant of notional increment after retirement in respect of absorbed employees of BSNL urgently. An early positive decision in this regard will help in resolving the numerous court cases including the contempt cases.

This issues with the approval of the Competent Authority.

Yours faithfully,


(Sanjeev Kumar)

Asstt. General Manager (Estt.I)
Tele. No. 011-23037477

Encl: As above

Copy to:- CGM, Tamil Nadu/CNTx-South/MH/UP(W)/UP(E)/Kerala/MP/AP/
Telangana/HR/PB/QA&I Circles