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Date: 27/12/2018  

To  
Secretary,  
Department of Pension & Pensioners’ Welfare,  
Lok Nayak Bhawan,  
Khan Market, New Delhi-110003  

Sir,  

Sub: Grant of notional increment for the purpose of pensionary benefits for those who completed one year on the date of retirement – Issuance of General orders requested  

You may be well aware that the C.G. officials who retire on superannuation, even though they completed one year, (from the last increment) on the date of retirement, were denied increment on the plea that they were not in service on 1st of next month.  

This injustice was challenged by one Shri P. Ayyamperumal, retired as ADG in Customs & Excise department, Chennai on 30/6/2013 before Hon. CAT, Chennai vide OA No.310/00917/2015. Hon. CAT, Madras rejected his prayer on the plea that the official is only entitled to increment on 1st July if he continued in service on that day vide order dated 21/3/2017.  

The petitioner challenged this order of Hon. CAT by filing a writ petition before Hon. High Court of Madras vide WP No.15732/2017. The respondents in this case include not only CAT, Madras but also Uol represented by the Chairman, CBEC, North Block, Secretary, DoPT etc. The petitioner quoted the judgement of Hon. High Court of Madras order dated 20/9/2012 (CDJ 2012 MHC 6525) in a case between Govt. of Tamilnadu Vs M.Balasubramaniam. Finally the Division Bench of Hon. High Court, Madras delivered the judgement on 15/9/2017 directing the respondents to grant a notional increment for the purpose of pensionary benefits. Uol filed an SLP against this judgement before the Apex Court and the SLP (Civil) Diary Nos 22223/2018 was dismissed on 23/7/2018. So, it has reached the finality and it has become the law of the land.
Further, we would like to state that Govt. of Tamilnadu issued a G.O. No.311 on 31/12/2014 granting notional increment to such of those officials and a copy of which is herewith attached for your ready reference. In this connection in a writ petition (WP No.15107/2016 & WMP No.13159/2016) filed by Shri S.Srinivasan Vs Govt. of Tamilnadu before the Hon. High Court, Madras. Hon. High Court, Madras pronounced the judgement on 16/8/2017 stating that there is no cut-off date for eligibility but monetary benefit only is prospective i.e. 31/12/2014.

In the light of the above facts we request the DoP&PW to issue a general order for granting notional increment for the purpose of pensionary benefits for those who completed one year on the date of retirement on superannuation without insisting that the official should be on service on 1st of next month. In the interest of senior citizens please do not force them to resort to unnecessary litigation wasting the money, time and avoidable burden on the judiciary.

A line in reply is highly solicited.

Yours faithfully,

(P.Gangadhara Rao)
General Secretary.