

No.38-66/2024-Pen(T)(I)
Government of India
Ministry of Communications
Department of Telecommunications
(Pension Section)

Room No 514, Sanchar Bhawan
20, Ashoka Road, New Delhi – 110001
Date: 26-05-2025

OFFICE MEMORANDUM

Subject: Grant of notional increment to absorbed employees of BSNL/MTNL for the purpose of calculating the pension admissible - reg.

Kindly refer to the instructions issued vide this department OM No 38-45/2024-Pen (T) (Part-1) dated 22.01.2025 (copy enclosed) regarding grant of notional increment to the absorbed employees of BSNL/MTNL who retired/are retiring a day before it became due in any month of the year.

2. The said instructions were issued in compliance of the Interim Order dated 06.09.20204 passed by the Hon'ble Supreme Court while hearing MA No 2400/2024 filed by M/o Railways along with several Intervention Applications tagged herewith. It was indicated therein that the action taken shall be subject to the final outcome of the petition (Dy No. 36418/2024) filed by this Department seeking review of the Order dated 11.04.2023 of the Hon'ble Supreme Court in CA No. 2471/2023 on the subject matter.

3. Hon'ble Supreme Court , vide order dated 18.12.2024, had dismissed the Review Petition (Dy. No.36418/2024) filed by DoPT with the observation that there is no error apparent on the face of the record, warranting reconsideration of the order impugned.

4. The DoPT vide its OM 19/116/2024-Pers.Pol.(Pay(Pt) dated 20-05-2025 has communicated the Hon'ble Supreme Court final Order dated 20.02.2025 as below:

(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 mention as 31.04.2023 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 filed an application for intervention/impleadment /writ petition /original application before the Central Administrative Tribunal /High Courts/Supreme Court, the enhanced pension by including one increment will be payable for the period of three years prior to the months in which the application for intervention /impleadment/writ petition/original application was filed.

5. The Hon'ble Supreme Court has decided that the direction referred at para 4(d) above will not apply to the retired Government employee who filed a writ petition/original

application or an application for intervention before the Central Administrative Tribunal/High Courts/Supreme Court after the judgment in "Union of India & Anr. Vs M Siddaraj" i.e. 11.04.2023, as in such cases directions referred in para 4(a) will apply.

6. In addition, Hon'ble Supreme Court has clarified that in case any excess payment has already been made, including arrears, such amount paid will not be recovered. Court has decided that pending applications including all intervention/impleadment applications shall stand disposed of in terms of this order.

7. The DoPT OM No. 19/116/2024-Pers.Pol.(Pay)(Pt) dated 20-05-2025 has been examined in this department in consultation with Account Wing, DoT. After careful consideration it has been decided by the competent authority that the Notional Increment, as it was due in any month of the year in favour of all eligible should be drawn in favour of all the eligible retired employees/third parties, who had retired/are retiring from BSNL/MTNL service w.e.f. 01.01.2006 as decided for DoT employees also. However, actual monetary benefit should be given w.e.f. 01.05.2023.

8. This OM shall be made applicable to the employees who have rendered the requisite qualifying service as on the date of their superannuation with satisfactory work and good conduct for calculating the pension admissible to them. Grant of the notional increment in any month of the year shall be reckoned only for the purpose of calculating the pension admissible and not for the purpose of calculation of other pensionary benefits.

9. The applicability of notional increment guidelines w.r.t. the absorbed employees of BSNL/MTNL who retired under VRS Scheme-2019, is being examined. Instructions in this regard will be issued separately.

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



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