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Secretary

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No.NC-JCM-2024/DOPT (Inc)

The Secretary (Personnel)
Government of India,
Department of Personnel & Training
North Block, New Delhi - 110 001.

The Secretary
Government of India
Department of Expenditure
Ministry of Finance
North Block, New Delhi - 110 001.

Sub:- Grant of Notional Increment for the purpose of Pension benefit to the Central Government Employees retired on the last working day of June / December -Reg.,

Ref:- Judgment of the Hon'ble Supreme Court in SLP(C) No.4722/2021 Dated 06/09/2024 in the matter of Union of India and M Siddaraj

Dear Sir,

This office has submitted innumerable representations apart from raising in the Standing Committee Meetings of the National Council JCM to issue a general order for extending the benefit of the Hon'ble Supreme Court Judgments for granting notional increment for calculating the pension benefits in the case of those employees who retired from service on the last working day of June / December. Since a common Government order was not issued, the retired employees at their old age were forced to approach the various CAT's throughout the country. All the CAT's and Hon'ble High Courts have given judgments in their favour and the Government has taken a decision to implement the Judgments only for the petitioners in the case. Government have also instructed the Departments to file petitions in the Courts that a review petition is pending in the Hon'ble Supreme Court and the concerned Court should wait for the outcome of the review petition pending before the Hon'ble Supreme Court.

In this regard, your kind attention is drawn to the above mentioned judgment of the Hon'ble Supreme Court in which the Hon'ble Supreme Court has given the following interim order:

"To prevent any further litigation and confusion, by of an interim order we direct that:

(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 31.04.2023 will not be paid.

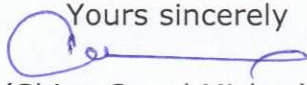
(b) For persons who have filed writ petitions and succeeded, the directions given in the said judgment will operate as res judicata, and accordingly, an enhanced pension by taking one increment would have to be paid.

(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 has filed any application for intervention/ impleadment in Civil Appeal No. 3933/2023 or any other writ petition and a beneficial order has been passed, the enhanced pension by including one increment will be payable from the month in which the application for intervention/ impleadment was filed."

In view of the above, on the basis of the above directions of the Hon'ble Supreme Court it is requested that a general Government Order for Granting Notional Increment for the purpose of Pensionary benefits to the employees who retired on the last working day of June / December may please be issued at the earliest.

Thanking you.

Yours sincerely

(Shiva Gopal Mishra)
Secretary