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2/13-A - LGF Backside, Jangpura - 'A',
New Delhi - 110 014
Telephone : 011-24376642,49027335
E-mail : bharatpensioner@gmail.com



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**BHARAT PENSIONERS
SAMAJ**

(All India Federation of Pensioners' Associations)
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Associate NGO International Federation on Ageing,
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2/13-A - LGF Backside, Jangpura - 'A',

No BPS/SG/inc/024/5

Dated: 03.03.024

To
The Secretary,
M/O Personnel, PG & Pensions -DOPT
The Secretary,
MOF-DOE
The Secretary,
GOI M/O Personnel, AR, PG & Pensioners -DOPPW
Sir/Madam,

Subject: Retrospective application of notional increment: Upholding
Justice for Retired Government Employees

In a recent development concerning the grant of notional increment to Central Government Employees retiring on 30th June or 31st December, a pertinent issue of justice and equity has emerged. This matter gains significance in light of the Order of the Hon'ble Supreme Court dated 11.04.2023 in the case of KPTCL vs. C P Mundinamani, alongside the dismissal of SLP no.4722/2021 filed by the Union of India in an Order dated 19.5.2023. and Hon'ble High Court of Delhi judgment dated 31.5.2023 in WP(C) 1731 /2020 in Madan Mohan Dhyani vs UOI

According to the information available, the Office of the Comptroller and Auditor General of India has issued a Circular dated 18.01.2024.(No.2, Staff Wing/2024 No.24/Staff (entt-I)83-2021 of 18-1-2024,) This Circular extends the benefit of one increment with monetary benefits to government employees retiring on 30th June/31st December, contingent upon completion of one year of qualifying service for pension & pensionary benefits. Importantly, this benefit is extended regardless of whether the retirees are involved in any court case about this matter. However, it is specified that this benefit shall be granted only to officials retiring on and from 30th June 2023 onwards, aligning with the date of the Hon'ble Supreme Court's order dated 11.04.2023.

While the intent behind this Circular is commendable in extending relief to retiring officials, concerns arise regarding the prospective application of this benefit. It is essential to note that the petitioners in the case were granted the benefit of one increment from the date of their superannuation, i.e., from 30.06.2006 onwards, rather than from the date of the Supreme Court's order.

This decision to apply the benefit prospectively, post the Supreme Court's order, raises questions regarding the principle of natural justice. It appears to overlook the fundamental principle of fairness, which dictates that individuals in similar circumstances should be treated equally.

In light of these considerations, it becomes imperative for the Secretary AR, PG & Pensions- DPPW, DOPT, and the Department of Expenditure to intervene in this matter. The spirit of justice, fairness, and equality demands a retrospective application of the benefit, effective from 30.06.2006 onwards, aligning with the relief granted to the petitioners in the referenced case.

Retired government employees who have dedicated their lives in the service of the nation deserve to be treated with dignity and fairness. The retrospective application of the notional increment is not merely a matter of financial benefit but a reaffirmation of the values of justice and equity that underpin our democratic ethos.

It is incumbent upon the authorities to heed the voices advocating for the rights of retired employees and to ensure that justice prevails. By taking corrective measures to address this anomaly, the government can demonstrate its commitment to upholding the principles of fairness and equality for all its citizens, even in matters concerning retirement benefits.

In conclusion, the concerned authorities must act swiftly and decisively to rectify this injustice. The retrospective application of the notional increment is not just a legal obligation but a moral imperative that must be fulfilled to uphold the dignity and rights of retired government employees.

Only through such concerted efforts can we truly honour the contributions and sacrifices of those who have dedicated their lives to serving the nation.

Thanking you,

With regards

Sincerely yours,



S.C. Maheshwari

Secretary-General

Bharat Pensioners Samaj