

Grant of notional increment (as due on 1st July/1st January) for pensionary benefits to those employees who had retired on 30th June/31st December before drawing the same.

Interim order by Hon'ble Supreme Court

(Hearing held on 06.09.2024)

- a) The judgment granting notional increment dated 11.04.2023 will be given effect in case of third parties from the date of the judgment, that is, 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 matter will not be reopened. Enhanced pension by taking one increment would have to be paid.
- c) Above decision (b) will not be applied for cases already filed and not attained finality.
- d) In case any retired employee has filed any application in Civil Appeal No. 3933/2023 or 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 was filed.
- e) This interim order will continue till further orders of this Court.
- f) However, no person who has already received an enhanced pension including arrears, will be affected by this interim order.

ITEM NO.23

COURT NO.2

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

MISCELLANEOUS APPLICATION Diary No. 2400/2024

IN

SPECIAL LEAVE PETITION (C) NO. 4722/2021

UNION OF INDIA & ANR.

Petitioner(s)

VERSUS

M. SIDDARAJ

Respondent(s)

(IA No. 11504/2024 - CLARIFICATION/DIRECTION
IA No. 11514/2024 - CONDONATION OF DELAY IN FILING
IA No. 152780/2024 - EXEMPTION FROM FILING O.T.
IA No. 138880/2024 - EXEMPTION FROM FILING O.T.
IA No. 156900/2024 - INTERVENTION APPLICATION
IA No. 172293/2024 - INTERVENTION/IMPLEADMENT
IA No. 155003/2024 - INTERVENTION/IMPLEADMENT)

WITH

Diary No(s). 26733/2023 (IV-A)

(IA No. 126464/2023 - APPROPRIATE ORDERS/DIRECTIONS)

Diary No(s). 38437/2023 (IV-A)Diary No(s). 38438/2023 (IV-A)Diary No(s). 11336/2024 (IV-A)Diary No(s). 20636/2024 (IV-A)

Date : 06-09-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE SANJAY KUMAR

For Petitioner(s) Mr. Rajat Joseph, AOR

Ms. Shirin Khajuria, Sr. Adv.
Ms. Ranu Purohit, AOR
Ms. Swati Tiwari, Adv.
Ms. Niharika Singh, Adv.

Mr. Gopal Singh, Adv.
Mr. K R Anand, Adv.
Mr. Kumar Mihir, AOR

Mr. Shreekant Neelappa Terdal, AOR

Mr. R Venkataramani, A G for India(N/P)
Mr. Vikramjit Banerjee, A.S.G.
Mr. Amit Sharma B, Adv.
Mr. Chitvan Singhal, Adv.
Mr. Abhishek Kumar Pandey, Adv.
Mr. Raman Yadav, Adv.
Mr. Nachiketa Joshi, Adv.
Mr. Amrish Kumar, AOR

For Respondent(s) M/s. Nuli & Nuli, AOR

Mr. Lather Mukul Kanwar Singh, AOR
Mr. Devesh Kumar Chauvia, Adv.
Mr. Ashish Kumar Singh, Adv.
Mrs. Pratibha Singh, Adv.

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Mr. Anubhav, Adv.
Mr. Yashwant Singh Yadav, Adv.
Mr. Vijay Pal, Adv.
Mr. Arvind, Adv.
Mr. Ravi Karahana, Adv.
Mr. Shivkumar Raghunath Golwalkar, Adv.

Applicant-in-person, AOR

Ms. Geeta Luthra, Sr. Adv.
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Mr. Amolak, Adv.
Ms. Ishita Agrawal, Adv., Adv.
Mr. R. C. Kaushik, AOR

Mr. Venkita Subramoniam T.r, AOR
Mr. Rahat Bansal, Adv.
Mr. Varun Mudgal, Adv.

Mr. Rajat Joseph, AOR

UPON hearing the counsel, the Court made the following
O R D E R

It is stated that the Review Petition in Diary No. 36418/2024 filed by the Union of India is pending.

The issue raised in the present applications requires consideration, insofar as the date of applicability of the judgment dated 11.04.2023 in Civil Appeal No. 2471/2023, titled "*Director (Admn. and HR) KPTCL and Others v. C.P. Mundinamani and Others*", to third parties is concerned.

We are informed that a large number of fresh writ petitions have been filed.

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.

This interim order will continue till further orders of this Court. However, no person who has already received an enhanced pension including arrears, will be affected by the directions in (a), (c) and (d).

Re-list in the week commencing 04.11.2024.

(BABITA PANDEY)
COURT MASTER (SH)

(R.S. NARAYANAN)
ASSISTANT REGISTRAR