



A SYMBOL OF
PENSIONERS' UNITY
MEMBER SCOVA

BHARAT PENSIONERS' SAMAJ

ESTABLISHED IN : 1955

(All India Federation of Pensioners' Associations)
(Registered No. 2023 of 1962-63)

Member International Federation on Ageing, Montreal (Canada)
2/13-A - LGF Backside, Jangpura - 'A', New Delhi - 110 014

Mobile : 09868488199 | Telephone : 011-24376642

E-mail : bharatpensioner@gmail.com | Website : www.bharatpensioner.org

Correspondence Address : 410-A/411-A, Swaminarayan Avenue, Near A.E.C. Over Bridge, 132 ft. Ring Road, Naranpura, Ahmedabad - 380013.
Ph. : (O) 079-27476566 | (M) +91 98790 90682 | E-mail : didimistry@gmail.com | Web : www.bdpa.in

No:BPS/BDPA(I)/Notional-Incmt/25

Dated 23rd January, 2025

To:

Shri Neeraj Mittal, Secretary, I.A.S.
Department of Telecommunications,
Sanchar Bhawan, Ashokaroad,
New Delhi-110001

Sub: Grant of notional increment to absorbed employees of BSNL/MTNL who retired/are retiring a day before it became due in any month of the year, for the purpose of calculating the pension admissible – A request to examine and remove infirmities in your order No: 38-45/2024-Pen(T)(Part-1) Dated: 22-01-2025

Respected Sir,

1. We extend our heartiest thanks on behalf of BSNL Pensioners who will be getting justice after a long judicial battle and issuance of your order 38-45/2024-Pen(T)(Part-1) Dated: 22-01-2025.
2. Its 3rd Para Reads - “3. The action taken on notional increment shall be subject to the final outcome of the Review Petition (Dy. NO.36418/2024) pending before the Hon'ble Supreme Court of India.”
3. Sir, we are perturbed to know that the authorities are not aware of the fact that the said Review Petition already stands disposed by Apex Court on 18.12.2024 (copy of judgment enclosed as Annexure-1). Operative portion of judgment is reproduced below for ready reference.

“Even otherwise, having carefully gone through the Review Petition, the order under challenge and the papers annexed therewith, we are satisfied that there is no error apparent on the face of the record, warranting reconsideration of the order impugned.

The Review Petition is, accordingly, dismissed on the ground of effects, delay as also on merits.”

4. Para 2 of the OM no. 38-45/2024-Pen(T)(Part-1), dated 22.01.2025 reads “Notional increment shall be reckoned only for the purpose of calculating the pension admissible and not for the purpose of calculation of other pensionary benefits.

5. Sir, For your information, the Supreme Court has also dismissed on 18/12/2024 , a Review Petition No. 21872 of 2023(DIARY NO.46979 OF 2023) filed by BSNL as the SLP 21864 of 2023 (33054/2023 of 14-08-2023) filed by BSNL earlier was already disposed. Copy enclosed as Annexure-2).
6. With this, the Original Application (O.A./1192/2017 in Chandigarh CAT) for issuance of direction to the respondents to release them revised pension and revised consequential retiral dues like DCRG, commuted value of pension and leave encashment etc. on the date of retirement, along with interest @ 12% from 10.6.2013 to March, 2017 (date of filing OA) for delay caused in the release of necessary benefits, comes to an end.
7. Sir, Pension means Pension including retiral benefits: Once the pay of an incumbent, in service, has been re-fixed (ie LPD has been refixed), it is irrelevant and immaterial as to whether actual benefit flowing from the fixation has been received or not (ie arrears of pay while in service is paid or not).
In other words, pension is to be calculated not on the basis of the amount actually received by an incumbent in the last month of his service, but on the basis of the pay, as fixed for the last month of the service. That alone is the interpretation, purposive, proper and reasonable, in the matter of fixation of pension.
8. Thus it is a law of land which says "As when the pay itself has been revised, the retirees become entitled to benefit of pension on the basis of revised pay and other related benefits flowing there from cannot be denied to the applicants."

We, therefore, request you to kindly consider the above points and cause issuance of necessary instructions modifying the OM dated 22.01.2025 issued by your office. Your timely intervention will save the pensioners from fiscal loss and approaching judiciary.

With regards,

Yours Sincerely,


(D.D. MISTRY)

Secretary BSNL/PSU

Encl: Three Judgments.

Copy to:

1. The Secretary, DOPPW, New Delhi
2. The CMD BSNL ND. 3/Shri S.C. Maheshwari, SG BPS New Delhi.