CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No. 446/2021

Reserved on: 22.05.2025
Pronounced on: 03.07.2025

Hon'ble Mr. Manish Garg, Member (J)
Hon'ble Mr. Rajinder Kashyap, Member (A)

1. Kulbir Singh
S/O Balbir Singh
Aged About 55 Years
R/o 3491, Part Ill,
Sector 15, Sonepat

2. Pradeep Agrawal
S/O Liladhar Agrawal
Aged About 51 Years
R/O 15, Anand Vihar, Maholi Road, Mathura

3. Satender Kumar Dua
S/O T.N. Dua
Aged About 50 Years
R/O 107-C, Super Mig Expressview Apartments,
Sector 93, Noida

4. Ajay Bhargava
S/O I.N. Bhargava
Aged About 51 Years
R/O 1003, Pamposh Apartment,
Siddharth Nagar, Jaipur

5. Akhilesh Kumar Pandey
S/O Parmatama Nand Pandey
Aged About 58 Years
R/O 38, Awadhpuri, Khajurikalan,
Bhopal

6. Anitha Ramachandran

W/O C.C. Ramchandran
Aged About 57 Years
R/O Kochuveedu, Am. Road, Perumbavoor,
Ernakulam.

7. Pawan Kumar Shukla
S/O Late Sh. V.N. Shukla
Aged About 56 Years
R/O Gokuldham, Green City,
Ganjbasoda, Vidisha.

8. Ravi Shankar Sharma
S/O Gopi Lal Sharma
Aged About 56 Years
R/O 96a, Ramnathpuri, Kalwar Road,
Jhotwara, Jaipur

9. Ram Swaroop Pal
S/O Late Sh. Ram Prasad
Aged About 58 Years
R/O 796, Maya Sadan, Lodhipur,
Shahjahanpur

10. Dadasaheb Pandurang Wadavkar
S/O Pabdurang Wadavkar
Aged About 54 Years
R/O Pawan, Plo 69, Shivnagar,
Savedl,Ahmednagar

11. Ajai Kumar Mishra
S/O C.M. Mishra
Aged About 59 Years
R/O Lig B5, Bandhavgarh Colony,
Satna

12.Nemi Chand Golia
S/O Kistur Chand Golia
Aged About 59 Years
R/O Plot 23, Ghanshyam Colony,
Badanpura, Jaipur

13.Sunita Awasthi
W/O Manmohan Awasthi
Aged About 59 Years
R/O 92/1, Aamrapali, Jain Nagar,
Lal Ghati, Bhopal

14. Rajeev Saxena
S/O Late Sh. C.S. Saxena
Aged About 56 Years
R/O Plot 115, Ajeet Colony,
Jodhpur.

15. Sharwan Kumar
S/O Mohan Lal
Aged About 59 Years
R/O 310 Ambedkar Colony,
Pratap Nagar, Jodhpur

16. Bhauram Patle
S/O Sahasram Patle
Aged About 58 Years
R/O T 4/22, P&T Officer's Enclave,
Char Imli, Bhopal

17.Surendra Nath Singh Kushwaha
S/O Anoop Singh Kushwaha
Aged About 56 Years
R/O J 13/93, Plot 5,
Cottonmill Colony,
Varanasi

18. Virendra Kumar
S/O Late Sh. Kanhaiya Lal
Aged About 58 Years
R/O S 118/H-1, Shanti Vihar Colony,
Shivpur Central Jail Road,
Gantt, Varanasi

19.M.Parashiva Murthy
S/O Mahadevappa

Aged About 56 Years
R/O 46, Lokasara Kothathi Hobali,
Mandya

20. Syed Imtiaz Ali
S/O Syed Akbar Ali
Aged About 5.8 Years
R/O 11-3-762, New Mallepally,
Hyderabad

21. Bala Prasad Tiwari
S/O Ramdas Tiwari
Aged About 57 Years
R/O Bypass Road, Utaili, Satna

22. Hon Ambadas Sadashiv
S/O Sadashiv Ramrao Hon
Aged About 53 Years
R/O Telephone Exchange Quarter,
Newasa Road, Shrirampur, Ahmednagar

23. Laddu Lal Meena
S/O Badri Lal Meena
Aged About 53 Years
R/O 101, Yojana Paradise,
Jaipur

24. Dinesh Uddhav Dhumane
S/O Uddhav Dhumane
Aged About 52 Years
R/O Plot 42, Sankalpa, Nandanvannagar,
Ahmednagar

25.Prashant Patil,
S/O Devappa,
Aged About 59 Years,
R/O Shivsjhilp, Plot No. A-1
Rcs No. 14/1(2), Near Matoshri Vriddhasram,
R.K.Nagar, Pachgaon, Kolhapur

26. Suryakant Pandurang Mulay,
S/O Pandurang Namdev Mulay,
Aged About 53 Years,
R/O 1320 Raviwar Peth Wai, Satara

27. Gangaram Bhanudas Jadhav,
S/O Bhanudas Babaji Jadhav,
Aged About 56 Years,
R/O Patan Mala Bandewadi Karjat,
Tal Karjat, Ahmednagar

28. Sanjay Vinayak Kulkarni,
S/O Vinayak Khanderao Kulkarni,
Aged About 54 Years,
R/O Flat B-11, Gandharv Nagari,
Lane 10, Dhanukar Colony, Kothrud, Pune

29. Nitin Pandurang Kulkarni,
S/O Pandurang Ganesh Kulkarni,
Aged About 58 Years,
R/O 271, Yadogopal Peth,
Flat F5, Vimal Vihar, Satara

30. Mubarak Inayatulla Mulla,
S/O Inayatulla Gulab Mulla,
Aged About 57 Years, Rio 389a,
Guruwar Peth, Satara

31. Madhukar Taradale,
S/O Ramu,
Aged About 54 Years,
R/O Flat 401, Vrushab Residency,
Opp Nakshatram Building,
Ichalkaranjidt,Kolhapur

32. Nabi Ibrahim Hipparagi,
S/O Ibrahim,
Aged About 53 Years,
R/O Gc-61, Opp. Anandrao Chavan High School,
Malkapur, Taluka Karad, Satara

33. Kalla Neela Jyothi,
W/O Kalla Siva Rama Prasad,
Aged About 59 Years,
R/O Lig-53, Vivekananda Colony, Cantonment,
Vizianagaram

34. Alka Ganesh Sukre
W/O Late Ganesh Chandrakant Sukre
Aged About 53 Years,
R/O Sayali Sugandh Appt.,
Flat B-5, Vidyanagar Bhigwan Road,
Baramati, Pune

... Applicants

(By Advocate: Mr. Atul Chaubey)

VERSUS

1. Bharath Sanchar Nigam Ltd.
Through The Chairman And Managing Director
Corporate Office, 4th Floor,
Bharath Sanchar Bhavan,
H.C.Mathur Lane, Janpath

2. Union Of India
Through Secretary,
Department Of Telecommunication
Ministry Of Communication
Sanchar Bhawan,
20, Ashoka Road,
New Delhi 110001

... Respondents

(By Advocates: Mr. Satish Kumar, Mr. H. K. Gangwani and
Mr. Rajeev Kumar)

ORDER

Hon'ble Mr. Manish Garg, Member (J) :

In the present Original Application filed under Section-19 of the Administrative Tribunals Act, 1985, the applicants have prayed for the following reliefs:

> "a. Quash/Set aside the rejection order dated 03.03.2021 and directive dated 18.02.2021 being illegal, arbitrary and non est and direct the respondents to grant notional increment to the applicants ; and/or
>
> b. To declare that the applicants are entitled to reckon the increment due for the last year of their service before retirement for the purpose of working out the salary and it is this revised pay that would form the basis for re-fixation of pension and pensionary benefits; and/or
>
> c. Direct the respondents to amend PPOs accordingly; and/or
>
> d. Direct the respondents to give the applicant all consequential benefits; and/or
>
> e. Award cost for the deficiency on the part of respondents and forcing employees into litigation; and/or
>
> f. Pass any order/direction as may be deemed just and proper in the facts and circumstances of the case."

2. The short issue involved in this matter pertains to whether the employees who have voluntarily retired are entitled to the grant of notional increments. Learned counsel for the applicants drew our attention to the fact that a similarly situated person, namely, Mr. Rajendra Kumar Sharma, has been granted benefits by the respondents vide office order dated 04.07.2024.

3. In response, learned counsel for the respondents relied upon a decision rendered by the Apex Court in Civil Appeal No(S). 778 of 2023 titled **Maharashtra State Financial Corporation Ex-Employees Association & Ors. vs. State of Maharashtra & Ors.** dated 02.02.2023 to oppose the grant of relief.

4. In rejoinder, learned counsel for the applicants submitted that similarly situated persons who have taken voluntary retirement were impleaded by way of an IA in the case of ***Union of India & Anr. vs. M. Siddaraj*** (SLP (C) No. 4722/2021), and the same was allowed vide order dated 19.05.2023.

5. Heard learned counsel for the respective parties and perused the pleadings available on record.

6. ANALYSIS :

6.1. we find that in identical circumstances pertaining to the Voluntary retired employees, the respondents themselves have implemented the Order(s) passed by the Apex Court vide Office Communication dated 04.07.2024, which reads as follows:

> "Sub: Contempt Petition (Civil) No 170/2024 in CA No 3533/2023 filed by Shri Rajendra Kumar Sharma before the Hon'ble Supreme Court of India for implementation

of its order dated 19.05.2023 in CA No 3933/2023 titled Uol Vs M Siddaraj-Reg.

Ref:- BSNLCO-A/14(11)/4/2024-ESTAB dated 03.07.2024

A Contempt Petition No 170/2024 was filed by Shri Rajendra Kumar Sharma Retd. AO Muzaffarnagar before the Hon'ble Supreme Court of India. The Hon'ble Court in its order dated 10.05.2024 (copy attached) directed the respondents i.e. The CMD and others to appear in person on 15.07.2024.

In this regard a letter no BSNLCO-A/14(11)/4/2024-ESTAB dated 03.07.2024 (copy attached) has been received from AGM (Estt-1), BSNL Corporate Office with a copy of letter no 38-45/2024-Pen(T) dated 20.06.2024 (copy attached) from Under Secretary (STP) DOT for implementation of Order dated 19.05.2023 (copy attached) in IA No 66111/2023 in coordination with the O/o CCA, UP(W).

Therefore it requested to take necessary action in coordination with the O/o CCA, UP(W) timely and submit the compliance report to avoid any embarrassing situation to worthy CMD.

This is issued with the approval of competent authority."

6.2 The respondents cannot deviate from the aforesaid Office Communication dated 04.07.2024 in light of the decision rendered in **Maharashtra State Financial Corporation Ex-Employees Association** (Supra), inasmuch as the said case did not pertain to the issue of notional increment at all. Merely some observations have been made in relation to the issues involved therein; it cannot be said that the present applicants are not entitled to the benefit of the grant of notional increments.

6.3. As per the well-settled law laid down by the Apex Court in the cases of **State of Karnataka Vs. C. Lalitha** (2006) 2 SCC 747 and **State of Uttar Pradesh Vs. Arvind Kumar Srivastava** (2015) 1 SCC 347 , the service jurisprudence evolved by the Hon'ble Supreme Court from time to time postulates that all persons similarly situated should be treated similarly; only because one person has approached the Court that would not mean that persons similarly situated should be treated differently; justice demands that a person should not be allowed to derive any undue advantage over other employees; the normal rule is that when a particular set of employees is given relief by the Court, all other identically situated persons need to be treated alike by extending that benefit; not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India.

7. CONCLUSION :

7.1. In view of the aforesaid analysis, we dispose of the present OA , with directions to the respondents to accord benefits to the present applicants in terms of their own Office Communication dated 04.07.2024 read with the directions passed by the Apex Court in Miscellaneous Application Diary No. 2400 OF 2024 in Civil Appeal No.

3933 Of 2023 **Union Of India & Anr. Vs M. Siddaraj** decided on 20.2.2025 within a period of two months from the date of receipt of a certified copy of this order, failing which the applicants shall also be entitled to interest at the GPF rate for the delayed period.

7.2. Pending M.A.s, if any, shall also stand disposed of. No costs.

(Rajinder Kashyap)
Member (A)

(Manish Garg)
Member (J)

/as/