CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH

Reserved on: 25.09.2026
Pronounced on: 16.11.2026

CP No. 063/111/2019 in
OA No. 063/1192/2017

HON'BLE SH. RAMESH SINGH THAKUR MEMBER (J)
HON'BLE MRS. ANJALI BHAWRA, MEMBER (A)

1. Sh. Bhawani Dutt Sharma (Retired AGM From BSNL) s/o Late Shri Bala Ram Sharma, R/o Shastri Bhawan, Lower Phagli Shimla-171004, Himachal Pradesh.

2. Sh. Chuni Lal (Retired Sr.TOA (P) from BSNL), S/o late Sh. Panchhi Ram, R/o Santosh Niwas near block No. 53 Sector-4, New Shimla, Himachal Pradesh.

3. Sh. Laiq Ram Kashyap (Retired Sr. TOA (P) from BSNL), S/o late Sh. Chet Ram, R/o Rukmani Kunj, Near Public School, New Shimla, Himachal Pradesh.

4. Ms. Sarojni Sarin (Retired Sr. TOA (P) from BSNL) D/o Late Sh R.N. Beri, R/o Fir wood Cottage upper Kaithu, Shimla, Himachal Pradesh.

5. Ms. Krishna Singh (Retired Sr. TOA (P) from BSNL), D/o Sh Naresh Thakur, R/o Kirtan Puri, Lower Kaithu Shimla, Himachal Pradesh.

6. Ms. Sita Thakur (Retired Sr. TOA (P) from BSNL), D/O Late Sh Bashaka Ram, R/o Thakur Niwas near Shivnagar Lower Panthagnad, Kasumpati, Himachal Pradesh-171009.

7. Sh. K.L. Chauhan (Retired Sr. SDE from BSNL) S/o Sh Narain Ram, R/o Naryan Bhawan, Middle Sangti, Summer Hill Shimla, Himachal Pradesh -171005.

8. Sh. Atma Ram, (Retired Sr. TOA (P) from BSNL) S/o Late Sh. Hari Singh, R/o Vill. Lagru. P.O. Anjibrahmna via Baknaghat Distt. Solan, Himachal Pradesh -173234.

9. Sh. Tula Ram, (Retired Sr. TOA (P) from BSNL), S/o late Sh. Het Ram, R/o Vill. Bag, P.O.Deola, Teh. Suni, Distt. Shimla, Himachal Pradesh 171007.

10. Sh. Kishori Lal Thakur, (Retired Sr. SDE from BSNL), S/o late Sh. M.R. Thakur, R/o B-6, West End Apartments, Bharari Shimla, Himachal Pradesh-171003.

11. Sh. Vishwanath Sharina, (Retired AGM from BSNL), S/o Late Sh. Jagdish Lal Sharma, R/o B-1,West End Apartments, Bharari Shimla, Himachal Pradesh -171003.

12. Ms. Shakuntla Sharma, (Retired Sr. TOA (P) from BSNL), D/o Late Sh. Dayanand Sharma, R/o Shankar Niwas near Police post Vikas Nagar Himachal Pradesh 171009

13. Sh. Krishan Singh, (Retired Sr. TOA (P) from BSNL), S/o Sh. Roop Ram, R/o Vill. Khorkahara, P.O. Kunihar, Distt. Solan, Himachal Pradesh 173207.

14. Sh. Jiwan Lal, (Retired AGM from BSNL), S/o late Sh. Bhagat Ram, R/o House No. 122, Ward No. 1, Distt. Hamirpur, Himachal Pradesh -177001.

15. Sh. Sohan Lal Syal, (Retired AGM from BSNL), S/o Sh. Dhanpat Rai, R/o House No. 221, Ward No.1, Premnagar, Una, Himachal Pradesh 174303.

16. Sh. Dev Raj Daroch, (Retired AGM from BSNL), S/o Sh. Khushi Ram, 34-A near DAV Public School, Una, Himachal Pradesh - 174303.

17. Sh. Mohinder kumar, (Retired JTO from BSNL), S/o Sh. Niranjan Das Puri, Vill. & P.O. Rampur near Shivmandir, Tehsil. & Distt. Una, Himachal Pradesh.

18. Sh. Yog Raj (Retired Senior A.O from BSNL), S/o Sh. Salig Ram, R/o Vill. Chamrala P.O. Bara, Teh. Nadaun Distt. Hamirpur, Himachal Pradesh-177044.

19. Sh. Chuni Lal, (Retired AGM from BSNL), S/o Late Sh Babu Ram, R/o Village Laher Kotlu, P.O. Sidhyal, Tehsil Nadaun, Distt. Hamirpur, Himachal Pradesh.

20. Sh. Braham Das, (retired Senior SDE from BSNL), S/o Sh. Sita Ram, R/o Vill. Takrala, P.O. Amb, Distt. Una, Himachal Pradesh.

21. Sh. Som Dutt, (Retired TM from BSNL), S/o Sh. Prabhu Ram, R/o Vill Nehole, P.O. Andheradhiraj Chowki maniar, Tehsil Bangana, Distt. Una, Himachal Pradesh.

22. Sh. Tilak Raj, (Retired TM from BSNL), S/o Sh. Ram Lal, R/o Village & P.O. Booni, Tehsil Nadaun, Distt. Hamirpur, Himachal Pradesh.

23. Ms. Raksha Devi (Retired Sr. TOA(P) from BSNL), D/o Sh. Gian Singh, R/o Subhash Nagar, near Friends colony lower Arniala, Distt. Una, Himachal Pradesh.

24. Sh. Prithi Chand Chauhan, (Retired Sr. TOA(P) from BSNL), S/o Late Sh. Hari Singh, R/o Vill. Daroghan, P.O. Thana, Tehsil Tauni-devi Distt. Hamirpur, Himachal Pradesh.

25. Sh. Kewal Singh, (Retired Sr. TOA(P) from BSNL), S/o Sh. Bihari Lal, R/o Village & P.O. Khad, Tehsil && Distt. Una, Himachal Pradesh.

26. Sh. Bipan Chand (Retired TTA from BSNL), S/o Late Sh. Braham Dass, R/o Village. & P.O. Lower Andora, Near Nand Atta Chaki, Teh. Amb, Distt. Una, Himachal Pradesh.

27. Sh. Kushal Chand (Retired Sr. TOA (P) from BSNL), S/o late Sh. Babu Ram, R/o Village Marhun, P.O., Rail, Teh. Nadaun, Distt. Hamirpur, Himachal Pradesh.

28. Sh. Janak Raj Sharma (Retired Sr. TAO (G) from BSNL), S/o Late Sh. Jagdish Ram Sharma, R/o Vill. & P.O. Teuri, Distt. Una, Himachal Pradesh.

29. Sh. Kanshi Ram (Retired DGM from BSNL), S/o Sh. Rattu Ram, Vill. & P.O. Nakrana, Tehsil Naina Devi, Distt. Bilaspur, Himachal Pradesh.

.....Petitioners

(By Advocate: Sh. Onkar Jairath, Sr. Advocate with Sh. Anshul Jairath (through VC)

Versus

1. Ms. Aruna Sundarajan, Secretary (T), Government of India, Sanchar Bhawan, New Delhi-110001.

2. Shri Pravin Kumar Purwar, Chairman-cum-Managing Director, Bharat Sanchar Nigam Limited, H.C. Mathur Lane, New Delhi-110001.

3. Shri P.K. Jain, Chief General Manager, H.P. Telecom Circle, Bharat Sanchar Nigam Limited, Block No. 9 &11 SDA Complex, Kasumpti Shimla-171009, Himachal Pradesh.

4. Shri K Rajaraman, Secretary (T), Government of India, Sanchar Bhawan, New Delhi-110001.

5. Shri Jaswinder Singh Sahota, Chief General Manager, H.P. Telecom Circle, Bharat Sanchar Nigam Limited, Block No. 9 &11 SDA Complex, Kasumpti Shimla-171009, Himachal Pradesh.

6. Shri Neeraj Mittal Secretary Telecom, Sanchar Bhawan, New Delhi-110001.

7. Shri Amit Aggarwal, Secretary Telecom, Sachar Bhawan, New Delhi-110001.

...Respondents/Proposed Contemnors.

(By Advocate: Sh. Bharat Bhushan for Respdt. No. 1 (through VC), Sh. K.K. Thakur for respdts. No. 2 & 3)

O R D E R

Per: SH. RAMESH SINGH THAKUR MEMBER (J):

1. The present Contempt Petition has been filed under Section 17 of the Administrative Tribunals Act, 1985 read with Central Administrative Tribunal (Contempt of Court) Rules, 1992 praying that the respondents may be summoned and punished for disobedience of the order dated 23.01.2019 passed by this Tribunal in OA No. 063/1192/2017.

2. It is submitted in the Contempt Petition that the petitioners, who had initially joined the erstwhile Department of Telecommunications (DoT) and were subsequently absorbed into Bharat Sanchar Nigam Limited (BSNL), filed an Original

Application before the Hon'ble Central Administrative Tribunal, Chandigarh Bench, seeking revision of their pay and consequential retiral benefits. They claimed arrears of revised pay and allowances w.e.f. **01.01.2007 till their respective dates of retirement**, along with revision of Death-cum-Retirement Gratuity (DCRG), Commuted Value of Pension (CVP), Leave Encashment and monthly pension. The petitioners relied upon Rule 37-A of the CCS (Pension) Rules, 1972, which governs pensionary benefits of employees absorbed in BSNL.

3. The petitioners' claim arose pursuant to the Department of Public Enterprises (DPE) Office Memorandum dated **26.11.2008**, whereby pay revision of BSNL employees was introduced w.e.f. 01.01.2007, initially with merger of 68.8% Dearness Allowance. Subsequently, the benefit of merger of 50% DA, effectively amounting to 78.2% for the purpose of fitment and pay fixation, was allowed. The Department of Telecommunications (DoT) also issued an order dated **08.07.2013** in this regard. Further, vide communication dated **11.07.2014**, DoT sought relaxation of Rules 33 and 34 of the CCS (Pension) Rules, 1972, to enable calculation of pensionary benefits of employees who had retired between 01.01.2007 and 09.06.2013 on the

basis of notional pay fixation. Thereafter, vide decision dated **18.07.2016**, the respondents allowed notional pay revision w.e.f. 01.01.2007, but actual monetary benefits were restricted to the period commencing from 10.06.2013. Consequently, the petitioners, who had retired between 01.01.2007 and 09.06.2013, were denied the corresponding revised retiral benefits.

4. The Hon'ble Tribunal, vide order dated **23.01.2019**, allowed the Original Application after considering the relevant judicial precedents, including the judgment of the Hon'ble Himachal Pradesh High Court in ***Het Ram v. HRTC & Others*, LPA No. 148 of 2010,** and the principles laid down by the Hon'ble Supreme Court in ***State of Kerala v. N.M. Thomas*, (1976) 2 SCC 310.** The Tribunal held that once the pay of the petitioners had been revised, they were entitled to pension and other consequential retiral benefits on the basis of such revised pay. It also rejected the respondents' justification for treating pension differently from other retiral benefits and held that such artificial classification was not legally sustainable. The Tribunal directed the respondents to extend the consequential benefits within **three months from the date of receipt of the certified copy of the order**. A copy of the Tribunal's

order dated 23.01.2019 has been annexed as **Annexure C-1**.

5. It is alleged in the contempt petition that, despite receipt of the Tribunal's order and submission of a copy thereof for compliance, the respondents failed to implement the directions within the stipulated period. Rather, the office of the CMD, BSNL, issued a communication dated **14.03.2019** addressed to Applicant No. 1, stating that since the arrears of revised pay had not been paid to serving BSNL employees, retired employees were also not entitled to increased pensionary benefits for the period from 01.01.2007 to 10.06.2013. The petitioners have alleged that the said communication amounted to a deliberate misinterpretation and misrepresentation of the Tribunal's judgment, which had expressly recognised their entitlement to revised pension and consequential retiral benefits. The said communication dated 14.03.2019 has been placed on record as **Annexure C-2**.

6. Aggrieved by the respondents' refusal to implement the Tribunal's directions, the petitioners submitted a further representation dated **21.03.2019**, requesting the respondents to comply with the judgment in its true letter and spirit. The said representation has been annexed as

Annexure C-3. Thereafter, the petitioners also issued a reminder dated **27.04.2019** to Respondent No. 1, namely the Secretary, Department of Telecommunications, Government of India, New Delhi, requesting implementation of the Tribunal's order and pointing out that no response had been received to their earlier representation. The reminder dated 27.04.2019, along with its typed copy, has been annexed as **Annexure C-4 and C-4/T**, respectively.

7. The petitioners have contended that the respondents, despite being fully aware of the Tribunal's judgment, deliberately failed to grant the benefits flowing therefrom and instead adopted an untenable stand that the petitioners were not entitled to the revised benefits merely because arrears had not been released to serving employees. It is specifically alleged that the respondents failed to release revised DCRG, CVP, Leave Encashment and arrears of pension on the basis of revised pay fixation, thereby wilfully and intentionally disobeying the order dated 23.01.2019. The petitioners have further alleged that the respondents' conduct amounts to deliberate disregard of the authority and dignity of the Tribunal. A

copy of the draft charge has also been referred to and annexed as **Annexure C-5**.

8. Accordingly, the petitioners have instituted the present contempt petition seeking initiation of contempt proceedings against the respondents under **Section 17 of the Administrative Tribunals Act, 1985, read with Section 12 of the Contempt of Courts Act, 1971, and the Central Administrative Tribunal (Contempt of Court) Rules, 1992**. They have prayed that the respondents/contemnors be summoned, tried and suitably punished for wilful and deliberate disobedience of the Tribunal's order dated 23.01.2019. They have also sought such other reliefs as may be deemed appropriate in the facts and circumstances of the case.

9. Respondent No. 2 & 3 filed an Affidavit dated 23.09.2019 whereby it has been submitted as under:-

(i) That the deponent holds the orders passed by this Hon'ble Court in the highest regard and has no intention whatsoever to disobey any judicial directions.

(ii) That pursuant to the Presidential Directive dated 10.06.2013, BSNL granted the benefit of merger of 50% IDA with basic pay, effectively amounting to 78.2%, prospectively from 10.06.2013, without payment of arrears for the period 01.01.2007 to 09.06.2013.

(iii) That DoT, vide O.M. dated 18.07.2016, extended the notional benefit of the 78.2% IDA merger to BSNL pensioners who retired between 01.01.2007 and 09.06.2013, with actual monetary benefits payable only w.e.f. 10.06.2013.

(iv) That the decision to extend the aforesaid benefits was taken by the Administrative Ministry, i.e., DoT, and BSNL merely implemented the directions issued by DoT.

(v) That this Hon'ble Tribunal, vide order dated 23.01.2019, held that the petitioners were entitled to consequential retiral benefits, including DCRG, leave encashment and commuted value of pension, on the basis of revised pay. However, actual arrears for the period 01.01.2007 to 09.06.2013 were made conditional upon similar actual benefits being extended to serving employees.

(vi) That no serving BSNL employee has been granted actual arrears for the aforesaid period, and the agreement between BSNL Management and the Employees' Union/Associations contemplated payment of such arrears subject to improvement in the financial position of BSNL.

(vii) That in compliance with the order dated 23.01.2019, BSNL, with the approval of DoT, issued an order dated 14.03.2019, informing the petitioners that actual arrears were not admissible since no serving employee had been granted such benefits. Thus, BSNL claims to have fully complied with the directions of this Hon'ble Tribunal.

(viii) That no wilful or intentional disobedience of the orders of this Hon'ble Tribunal has been committed. Accordingly, the contempt petition deserves to be dismissed and the Rule discharged. The deponent also tenders an unconditional apology in case this Hon'ble Tribunal finds any non-compliance.

10. Respondent No. 1 has also filed its reply dated 24.02.2021 to Contempt Petition wherein it has been submitted as under:-

(i) That the Respondent/Contemnor holds this Hon'ble Tribunal in the highest esteem and respectfully submits that it has always shown due regard to the directions contained in the Order dated 23.01.2019, particularly regarding the revision of pensionary benefits, including DCRG, leave encashment and commuted value of pension.

(ii) That the benefit of merger of 50% IDA, effectively amounting to 78.2%, was extended to serving BSNL employees w.e.f. 10.06.2013 pursuant to the Presidential Directive dated 10.06.2013. Subsequently, DoT, vide O.M. dated 18.07.2013, extended the benefit of notional revision of pension to BSNL pensioners who retired between 01.01.2007 and 09.06.2013, with actual monetary benefits only w.e.f. 10.06.2013.

(iii) That in terms of Para 12 of the Order dated 23.01.2019, the Petitioners would be entitled to actual arrears only if such benefits were extended to serving employees. Since no serving employee had been granted actual monetary benefits for the period from 01.01.2007 to 09.06.2013, BSNL, after examining the matter and obtaining approval of DoT, issued an order dated 14.03.2019, informing the Petitioners that they were not entitled to such actual arrears. Thus, the Respondent submits that the directions of this Hon'ble Tribunal have been duly complied with.

(iv) That in view of the foregoing submissions, no case of wilful or intentional contempt is made out against the Respondent/Contemnor No. 1. The Respondent denies any deliberate violation or disregard of the Order dated 23.01.2019 and, without prejudice, tenders an unconditional and unqualified apology, if this Hon'ble Tribunal finds any inadvertent non-compliance. It is, therefore, most respectfully prayed that the contempt proceedings be dropped and the Rule be discharged in the interest of justice.

11. An Additional Affidavit dated 14.12.2022 has been filed on behalf of respondents No. 1 and 4 stating that in compliance with the judgment dated 23.01.2019, BSNL, in consultation with the Department of Telecommunications, issued a speaking order dated 14.03.2019 granting the benefit of merger of 78.2% IDA to serving employees prospectively from 10.06.2013, without payment of arrears for the period from 01.01.2007 to 09.06.2013. It is further submitted that, under Rule 37-A of the CCS Pension Rules, 1972, there is no specific provision for revision of pension of IDA pensioners, and accordingly, after obtaining Cabinet approval, the Department of Telecommunications issued OM dated 18.07.2016 granting BSNL pensioners and family pensioners who retired before

10.06.2013 the benefit of 78.2% IDA merger notionally from 01.01.2007 but actual financial benefit only from 10.06.2013. The respondents, therefore, contend that the petitioners are not entitled to arrears of revised pension for the period from 01.01.2007 to 09.06.2013, as the same benefit was not extended to serving employees for that period either. **The affidavit annexes:** (i) **Annexure MA-1**: DoT OM No. 61-01/2012-SU dated 10.06.2013; (ii) **Annexure MA-2**: DPE OM dated 02.04.2009; and (iii) **Annexure MA-3**: DoT OM No. 40-13/2013-Pen(T) dated 18.07.2016, concerning revision of pension of BSNL pensioners/family pensioners with the aforesaid notional and actual effective dates.

12. Vide MA No. 685 of 2023, the learned counsel for the petitioners submitted an order dated 13.01.2023 passed by Hon'ble High Court of H.P. in CWP No. 243 of 2023 titled "UOI & Ors. Vs. Bhawani Dutt Sharma & Ors." whereby the Hon'ble Court was pleased to admit the said CWP.

13. The respondents submitted a Supplementary Affidavit in compliance of orders dated 14.03.2024 and 17.05.2024 whereby they submitted that the petitioners had filed OA No. 063/01192/2017 seeking payment of arrears of pay

and allowances from 01.01.2007 to 09.06.2013, along with revised retirement benefits and 12% interest for the delayed payment. The Tribunal, vide order dated 23.01.2019, held that the petitioners would also be entitled to actual payment for this period if such benefits were extended to employees who were still in service. The Union of India challenged the Tribunal's order before the Himachal Pradesh High Court, but its petition was dismissed on 06.07.2023 due to unexplained delay. Subsequently, the Supreme Court, on 27.09.2023, observed that the Union could raise its plea of compliance before the Tribunal in the contempt proceedings. The Respondents contend that the Administrative Ministry issued an order dated 14.03.2019 declining the petitioners' request for arrears for the period 01.01.2007 to 09.06.2013, as similar benefits had not been granted to serving employees. Since the Tribunal had made payment to pensioners conditional upon such benefits being extended to serving employees, the Respondents claim that its directions have been duly complied with in letter and spirit. Accordingly, they request the Tribunal to accept the supplementary affidavit, drop the contempt proceedings and, while expressing their highest regard for

the judiciary, tender an unconditional apology in case any inadvertent or unintentional contempt is found.

14. The respondent No. 6 further submitted a Supplementary Affidavit in compliance of order dated 22.11.2024 whereby they submitted as follows:-

(i) That the Respondents/Contemnors tender their unconditional and unqualified apology, while denying any deliberate or wilful disobedience of the Tribunal's orders, and reaffirm their utmost respect for the judiciary.

(ii) That the petitioners had sought revision of pay and consequential retiral benefits, including DCRG, commuted value of pension and leave encashment, for the period w.e.f. 01.01.2007, along with interest. The Tribunal, vide order dated 23.01.2019, held them entitled to revised retiral benefits, while making actual payment for the period 01.01.2007 to 09.06.2013 conditional upon similar benefits being granted to serving employees.

(iii) That the Department, after obtaining necessary approvals from the concerned authorities, issued OM dated 18.07.2016, allowing revision of pension on a notional basis w.e.f. 01.01.2007 and actual benefits w.e.f. 10.06.2013. Since no actual pay/pension arrears were granted for the period 01.01.2007 to 09.06.2013 to serving employees, no corresponding arrears of retiral benefits were admissible to the petitioners.

(iv) That the Department's challenge before the Hon'ble High Court was dismissed on the ground of delay, and the SLP was subsequently disposed of by the Hon'ble Supreme Court on 27.09.2023, permitting the Department to place its stand of compliance before the Tribunal. Accordingly, as no actual benefits were granted to serving employees for the relevant period, the Respondents contend that the Tribunal's order dated 23.01.2019 has been duly complied with in its true letter and spirit.

15. A further Supplementary Affidavit in compliance of orders dated 23.01.2019 and 25.07.2025 has been filed by the respondents whereby they submitted as follows:-

(i) The supplementary affidavit has been filed by the Secretary, Department of Telecommunications, on behalf of the Respondents/Contemnors in the contempt proceedings. At the outset, the Respondents tender an unconditional and unqualified

apology, submitting that there was no deliberate or wilful disobedience of the Tribunal's orders and that any non-compliance, if found, was unintentional and inadvertent. The original OA was filed by the Applicants seeking arrears of revised pay and allowances w.e.f. 01.01.2007, along with consequential revision of retirement benefits, including DCRG, commuted value of pension and leave encashment, with interest.

(ii) The affidavit explains that pursuant to the recommendations of the 2nd Pay Revision Committee, BSNL employees were granted revised pay scales w.e.f. 01.01.2007. Subsequently, the benefit of merger of 50% DA, effectively amounting to 78.2%, was allowed for pay fixation vide DoT order dated 10.06.2013, but arrears for the period prior to that date were not granted due to BSNL's financial constraints. The pension of pre-10.06.2013 retirees was thereafter notionally revised vide DoT Office Memorandum dated 18.07.2016 to remove pension disparities with subsequent retirees. However, the Respondents contend that DCRG, leave encashment and commutation of pension were not revised because these benefits had already been paid on the basis of the actual last pay drawn at the time of retirement.

(iii) The Respondents further submit that the Tribunal, vide its order dated 25.07.2025, had directed compliance with its earlier orders by granting revised retirement benefits to the Applicants, particularly in view of the dismissal of the Respondents' challenge by the jurisdictional High Court and the Hon'ble Supreme Court. However, they now rely upon the subsequent enactment of the Finance Act, 2025, particularly Sections 149 and 150, which, according to them, empower the Central Government to classify pensioners on the basis of their date of retirement and maintain distinctions in pensionary entitlements while implementing Pay Commission recommendations. They contend that these provisions operate retrospectively and override any contrary judicial orders, thereby rendering the Applicants' claim for parity in DCRG, leave encashment and commuted pension legally unsustainable.

(iv) On the basis of this subsequent legislation, the Respondents contend that the legal position has materially changed and that the earlier directions of the Tribunal, insofar as they are inconsistent with the Finance Act, 2025, cannot be implemented. Accordingly, they seek permission to bring the subsequent legislative developments on record, vacation of the relevant interim relief orders, rejection of the Applicants' claim for consequential retirement benefits, and dropping of the contempt proceedings initiated against the Respondents/Contemnors.

16. Finally, the respondents filed a Supplementary Compliance Affidavit in compliance with order dated 15.05.2026 and in

reference to the judgement dated 23.01.2019. It has been submitted as hereunder:-

(i) That the Respondents have the highest regard for this Hon'ble Tribunal and have never intentionally or wilfully disobeyed any judicial order. It is submitted that all actions taken by them were bona fide and in accordance with the applicable Government policies, statutory rules and instructions governing pensionary matters. Any omission or non-compliance, if perceived, was purely inadvertent and unintentional.

(ii) That the Applicants, being pensioners who retired prior to 10.06.2013, were granted notional revision of pension with effect from 01.01.2007 and actual monetary benefits from 10.06.2013, pursuant to Government decisions approved by the Union Cabinet. The Applicants, relying upon paragraphs 11 and 12 of the Tribunal's judgment dated 23.01.2019, seek revision of other retiral benefits, including DCRG, leave encashment and commuted value of pension, on the basis of revised pay. The Respondents submit that the judgment also maintained parity between serving and retired employees regarding actual payment of revised benefits for the period from 01.01.2007 to 09.06.2013.

(iii) That since the serving employees have not been granted actual monetary benefits for the aforesaid period, the Respondents have not released the corresponding revised retiral dues to the Applicants. In compliance with the judgment dated 23.01.2019, a reasoned and speaking order was also issued to the Applicants vide letter dated 14.03.2019, explaining the Respondents' position.

(iv) That the subsequent enactment of the Finance Act, 2025, particularly Sections 149 and 150, has materially altered the legal position concerning pensionary benefits. The said provisions validate the Central Government's authority to classify pensioners on the basis of their date of retirement and permit differential treatment accordingly. These provisions have been given retrospective effect from 01.06.1972 and operate notwithstanding any judgment, decree or order of any Court or Tribunal. The Respondents contend that the classification based on the cut-off date of 10.06.2013 is thereby supported by the subsequent statutory framework.

(v) That the Respondents have acted bona fide throughout, in accordance with Government decisions, applicable pension rules and advice received from the concerned Ministries/Departments. The non-grant of the benefits claimed by the Applicants is neither deliberate nor wilful but is based on the prevailing legal and statutory position, particularly in view of the Finance Act, 2025. Accordingly, the Respondents submit that the essential ingredient of wilful disobedience is absent and pray that the present contempt proceedings be considered in light of the facts and subsequent statutory developments placed on record.

17. We have heard the learned counsels for the parties and ha have carefully gone through the pleadings on record.

18. Learned counsel for the applicants submitted that the judgment dated 23.01.2019 passed by this Hon'ble Tribunal in O.A. No. 063/01192/2017 has attained complete and absolute finality and is binding upon the respondents. By the said judgment, the respondents were specifically directed to release the retiral benefits of the applicants, including Gratuity, Commuted Value of Pension and Leave Encashment, on the basis of revised pay fixation after extending the benefit of merger of 50% D.A. with Basic Pay, effectively amounting to 78.2% as on 01.01.2007, within a period of three months. The said judgment was upheld by the Hon'ble High Court of Himachal Pradesh in CWP No. 243 of 2023, and the subsequent SLPs filed by the Union of India and BSNL were disposed of by the Hon'ble Supreme Court on 27.09.2023 without interfering with the judgment of this Tribunal. Even the Review Petition was dismissed on merits on 18.12.2024, followed by dismissal of the Curative Petition on 11.09.2025. Thus, all available judicial remedies of the respondents stand exhausted, leaving no

scope to reopen or dilute the adjudicated rights of the applicants.

19. Learned counsel further contended that the respondents have deliberately failed to implement the judgment in its true letter and spirit and are seeking to misconstrue paragraph 12 thereof to justify their continued non-compliance. It was submitted that the Tribunal had directed actual release of the retiral benefits and had never confined the relief to the mere passing of a speaking order. The observation regarding payment of increased salary for the period from 01.01.2007 to 09.06.2013, as and when paid to in-service employees, cannot be interpreted to defeat the specific directions regarding payment of revised retiral dues. This position also stands clarified by the BSNL Corporate Office vide letter dated 16.03.2022. Significantly, this Hon'ble Tribunal, vide Daily Order dated 25.07.2025, itself recorded that the original judgment had not been fully complied with and directed Respondent No. 6 to release all outstanding retiral benefits, including DCRG, Leave Encashment and Commuted Value of Pension, failing which personal appearance was ordered. Despite the said direction, Respondent No. 6 neither complied with the order nor

appeared personally before the Tribunal, thereby demonstrating persistent disregard for the judicial directions.

20. Learned counsel emphatically opposed the reliance placed by the respondents upon the Pension Rules Validation Act, 2025, contending that the same is wholly inapplicable to the present controversy. The applicants are retired employees of BSNL, a Central Public Sector Enterprise, whose pay and pensionary entitlements arise from the recommendations of the 2nd Pay Revision Committee (PRC) applicable to CPSEs and the consequential instructions issued by the Department of Public Enterprises, Department of Telecommunications and the Presidential Directives applicable to BSNL, particularly DPE O.M. dated 26.11.2008. Their claim does not arise from the recommendations of any Central Pay Commission. Consequently, Sections 149 and 150 of the Finance Act, 2016, as amended, or the subsequent Validation Act cannot be invoked to defeat the applicants' rights arising under an altogether different pay-revision regime. It was further argued that the Validation Act, notified on 29.03.2025, was already in existence when the respondents filed the Curative Petition on 01.04.2025;

nevertheless, the respondents did not raise the same as a ground and specifically asserted that no new grounds had been introduced beyond those raised in the Review Petition. Having pursued and exhausted their remedies without raising the said plea, the respondents cannot now resurrect it to circumvent a final inter-party judgment. Reliance was also placed upon *Madan Mohan Pathak v. Union of India*, (1978) 2 SCC 50, to contend that legislative action cannot be employed merely to nullify a binding judicial mandate between identified parties.

21. Learned counsel also highlighted the contradictory stands adopted by the respondents before the Hon'ble Supreme Court and this Hon'ble Tribunal, which, according to the applicants, establish their mala fide intention to evade compliance. It was pointed out that, while seeking disposal of the SLPs, the respondents specifically represented before the Hon'ble Supreme Court that the order of this Tribunal had already been complied with, whereupon the Supreme Court permitted the Union of India to raise the said plea before this Tribunal in the pending contempt proceedings. However, the subsequent Daily Order dated 25.07.2025 records that the judgment had not been fully implemented and reiterates the direction for payment of

the outstanding retiral dues. The subsequent supplementary affidavit dated 20.07.2026 filed by the Secretary, Department of Telecommunications, substantially repeats the earlier stand and does not satisfactorily explain the continuing non-compliance. Learned counsel submitted that the respondents cannot be permitted to approbate and reprobate or take mutually contradictory positions before different judicial forums. The prolonged pendency of the contempt proceedings for nearly seven years, coupled with the fact that six out of the twenty-nine applicants have unfortunately expired without receiving their lawful retiral benefits, aggravates the injustice and demonstrates the grave prejudice caused by the respondents' conduct.

22. In conclusion, learned counsel submitted that the continued failure to comply with the final judgment, despite repeated judicial directions and exhaustion of all remedies up to the Hon’ble Supreme Court, constitutes wilful and deliberate disobedience warranting appropriate action under Section 17 of the Administrative Tribunals Act, 1985 and in accordance with the applicable law relating to contempt. It was accordingly prayed that the respondents' objection founded upon the Validation Act,

2025 be rejected; Respondent No. 6, particularly the concerned contemnor, be proceeded against for wilful non-compliance; and the judgment dated 23.01.2019 be enforced forthwith by directing payment of all outstanding retiral benefits, including DCRG/Gratuity, Commuted Value of Pension, Leave Encashment and consequential monetary benefits, calculated on the basis of the revised pay and pension. Learned counsel further prayed that, in the event of continued default, appropriate coercive measures, including attachment of the bank accounts of the concerned respondents to the extent permissible in law, be ordered to secure actual disbursement of the dues. The applicants also sought interest at the rate of 9% per annum on the outstanding amounts from the date of filing of the Contempt Petition until actual and complete payment, together with appropriate costs, in view of the prolonged deprivation of their legitimate retiral entitlements.

23. We have given our thoughtful consideration to the rival submissions advanced by the learned counsel for the parties and have carefully examined the pleadings, affidavits and documents available on record. There is no dispute that the judgment dated 23.01.2019 passed by

this Tribunal in OA No. 063/01192/2017 has attained finality. The challenge laid by the respondents before the Hon'ble High Court of Himachal Pradesh and thereafter before the Hon'ble Supreme Court has not resulted in any interference with the judgment of this Tribunal. The review and curative proceedings initiated by the respondents have also culminated against them. Thus, the directions issued by this Tribunal have remained undisturbed and are binding upon the respondents, who are under a corresponding obligation to implement the same in their true letter and spirit.

24. The principal defence taken by the respondents is that they have already complied with the judgment dated 23.01.2019 by issuing a speaking order dated 14.03.2019 and that the applicants are not entitled to actual monetary benefits for the period from 01.01.2007 to 09.06.2013, as similar benefits have not been extended to serving employees. However, we find that mere issuance of a speaking order declining the benefits claimed by the applicants cannot, by itself, be construed as compliance with the judicial directions contained in the judgment dated 23.01.2019. The requirement is to implement the directions of the Tribunal and not merely to communicate

the reasons for withholding the benefits. The respondents cannot substitute actual compliance with their own interpretation of the judgment, particularly when the same has attained finality.

25. We also find substance in the contention raised on behalf of the applicants that the subsequent proceedings initiated by the respondents before the superior judicial forums have not resulted in any stay, modification or setting aside of the judgment dated 23.01.2019. Consequently, the respondents cannot seek to reopen the issues already adjudicated by this Tribunal under the garb of the present contempt proceedings. The dismissal/disposal of the proceedings initiated by them before the Hon'ble High Court and the Hon'ble Supreme Court does not confer upon them any liberty to disregard the subsisting directions of this Tribunal.

26. The reliance placed by the respondents upon the provisions of the Finance Act, 2025, particularly Sections 149 and 150, and the subsequent Validation Act, 2025, also does not, in the facts of the present case, furnish a justification for withholding compliance with the judgment dated 23.01.2019. The rights of the applicants in the

present proceedings flow from the specific adjudication made by this Tribunal in their Original Application, which has attained finality inter partes. The respondents cannot unilaterally treat the judicial directions as having become inoperative merely by placing reliance upon a subsequent statutory enactment, without obtaining an appropriate judicial determination concerning its applicability and effect upon the rights already adjudicated in favour of the applicants. We, therefore, find no justification in the respondents' attempt to use the subsequent legislative developments as a ground for indefinitely withholding the benefits directed to be extended to the applicants.

27. It is also significant that despite the specific directions issued by this Tribunal vide Daily Order dated 25.07.2025, requiring the respondents to release the outstanding retiral benefits, including DCRG, Leave Encashment and Commuted Value of Pension, the respondents have failed to demonstrate actual and complete compliance. The subsequent affidavits filed by them substantially reiterate the same stand which had already been taken in their earlier replies. No satisfactory explanation has been furnished as to why the specific directions of this Tribunal have not been implemented despite the judgment having

attained finality and repeated opportunities having been afforded to the respondents. The prolonged denial of the benefits to the applicants, many of whom have already attained an advanced age and some of whom have unfortunately expired during the pendency of these proceedings, makes the matter all the more serious.

28. We are, therefore, of the considered view that the respondents have failed to comply with the directions issued by this Tribunal in their true letter and spirit. Their continued insistence upon the same grounds, which do not constitute any stay or modification of the judgment under implementation, cannot be accepted as a valid justification for withholding the benefits lawfully directed to be extended to the applicants. The unconditional apologies tendered by the respondents also cannot, in the circumstances of the present case, be treated as a substitute for actual compliance with the judicial directions. The dignity and authority of judicial orders demand not merely expressions of respect but their faithful and timely implementation.

29. In view of the foregoing discussion, the present Contempt Petition is allowed. The respondents/contemnors are

directed to ensure complete compliance with the judgment dated 23.01.2019 passed by this Tribunal in OA No. 063/01192/2017, read with the subsequent directions issued on 25.07.2025, by releasing the admissible consequential retiral benefits of the applicants, including revised DCRG/Gratuity, Commuted Value of Pension and Leave Encashment, on the basis of the revised pay fixation, in accordance with the directions contained therein. The consequential arrears, wherever payable under the said judgment, shall also be calculated and released. In the case of applicants who have unfortunately expired during the pendency of these proceedings, the admissible dues shall be released to their respective lawful heirs/nominees, as per rules.

30. The entire exercise, including calculation and actual disbursement of the aforesaid benefits, shall be completed within a period of four weeks from the date of receipt of a certified copy of this order. The respondents shall not confine compliance to the issuance of any further communication or speaking order but shall ensure actual release of the admissible monetary benefits to the applicants within the stipulated period.

31. It is made clear that in the event of failure to comply with the aforesaid directions within the stipulated period, the concerned respondents/contemnors shall be liable to face further proceedings in accordance with law, including appropriate action for wilful disobedience of the orders of this Tribunal.

32. List the matter on 23.12.2026 for reporting compliance. The concerned respondents/contemnors shall ensure that a comprehensive compliance affidavit, duly supported by the relevant proof of actual disbursement of the amounts payable to the applicants, is filed before the next date of hearing.

(ANJALI BHAWRA)
Member (A)

(RAMESH SINGH THAKUR)
Member (J)

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