

F.31/Fin./E-III/2017/567  
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI  
FINANCE (ADMINISTRATIO DIVISION) DEPARTMENT  
4<sup>TH</sup> LEVEL, 'A WING' DELHI SECRETARIAT  
I.P. ESTATE, NEW DELHI 110002  
CD No:- 012433322

Dated: 15/7/21

ENDORSEMENT

The copy of under mentioned paper is forwarded herewith for information and necessary action to the following:-

1. All Heads of Department, Govt. of NCT of Delhi.
2. All Pay & Accounts Officers, Pay and Accounts Office, Vikas Bhawan. Govt. of NCT of Delhi.
3. Guard File.
4. Sy. Analyst with the request to upload the same on Website of Finance Department and all the Departments are requested to download the same from Website of Finance Department (No hardcopy of enclosures will be dispatched to any Organisation/Deptt.)



(MANOJ KUMAR)  
DY. SECRETARY (FINANCE)

List of paper forwarded

S. No.	Name of the Ministry/Deptt.	O.M. No. and Date	Subject
1.	Department of Personnel & Training, Ministry of Personnel, Public Grievances & Pensions, GOI	F.No.1453545/2021-Estt (Pay-1), dated 24.06.2021	Grant of benefit of one notional increment (as due on 1 <sup>st</sup> July) for the pensionary benefits to those employees who had retires on 30 <sup>th</sup> June before drawing the same.

424k

COURT CASE  
TIME BOUND

F. No. 1453545/2021-Estt (Pay-I)  
 Government of India  
 Ministry of Personnel, Public Grievances & Pensions  
 (Department of Personnel & Training)  
 06 JUL 2021 \*\*\*  
 Diary No. 116103  
**OFFICE MEMORANDUM**

North Block, New Delhi  
Dated the 24<sup>th</sup> June, 2021

**Subject:** Grant of benefit of one notional increment (as due on 1<sup>st</sup> July) for the pensionary benefits to those employees who had retires on 30<sup>th</sup> of June before drawing the same.

P.P.  
 Sup to CS  
 06/7/21  
 P. Ayyamperumal  
 Secy (fin)

The undersigned is directed to refer to the subject cited above and to state that the issue of grant of notional increment and consequential pensionary benefits on the rationale of the Order dated 15.09.2017 passed by the Hon'ble High Court of Madras in WP 15732 of 2017 filed by Shri P. Ayyamperumal was examined and necessary instructions in this regard were issued vide this Department's OM 19/2/2018-Estt (Pay-I) dated 03.02.2021. This OM is available at the link <https://documents.doptcirculars.nic.in/D2/D02est/19-2-2018-Estt%20Pay-IMVLPO.PDF> or may be accessed from this Department's website <https://dopt.gov.in> : Notifications : OMs and Orders : 13. Establishment : Pay Rules.

SSF II  
 u. K. K.  
 DS/10  
 J. K. K.  
 09/07/21  
 Sh. Mahesh

2. Meanwhile, Ministry of Railways have brought to the knowledge of this Department the Order dated 05.04.2021 passed by the Hon'ble Supreme Court of India in a case involving same subject matter {SLP(C) No. 4722/2021}. In the case under reference (OA No170/677/2019), Hon'ble CAT, Bangalore Bench, allowed grant of notional annual increment to an employee who superannuated from service on 30.06.2014. Ministry of Railways challenged this judgment in the Hon'ble High Court of Karnataka in WP No 146967 of 2020 (S-CAT), which was rejected by the High Court on 22.10.2020. Thereafter, Ministry of Railways filed a Special Leave Petition {SLP (C) No 4722/2021} against the Order dated 22.10.2020 of the Hon'ble High Court of Karnataka. Hon'ble Supreme Court heard the matter and issued the following directions in its Order dated 05.04.2021:

*Issue notice returnable after three weeks. In the meanwhile, there will be stay of operation of the order dated 18th December, 2019 of the Central Administrative Tribunal, Bangalore Bench in Original Application No. 170/00677/2019, affirmed by the judgment and order impugned. The Petitioners shall, however, in the meanwhile without prejudice to the rights and contentions of parties pay retiral dues of the Respondent computed on the basis of the last pay drawn by him on the date of his retirement, that is, 30.06.2014."*

80 (100)

3. Ministries /Departments are requested to take note of the contents of instructions issued vide this Department's OM 19/2/2018-Estt (Pay-I) dated 03.02.2021 and the Order dated 05.04.2021 of the Hon'ble Supreme Court and defend the Court Cases similarly placed on behalf of Union of India including this Department, in consultation with this Department and other nodal Departments, if necessary, and keep the interest of this Department in view while doing so.



(Shukdeo Sali)

Under Secretary to the Government of India

Tel. No.23040489

To

All Ministries/Departments of Government of India.

Copy also forwarded to:-

1. The Comptroller & Auditor General of India.
2. Secretary General, Supreme Court of India.
3. Controller General of Accounts/ Controller of Accounts, Ministry of Finance.
4. Union Public Service Commission/ Lok Sabha Sectt./ Rajya Sabha Sectt./ Cabinet Sectt./ Central Vigilance Commission/ President's Sectt./ Vice-President's Sectt/ Prime Minister Office/ Niti Aayog.
5. Government of all States and Union Territories
6. Department of Personnel and Training (AIS Division)/ JCA/ Admn. Section
7. Secretary, National Council of JCM (Staff Side), 13-C, Feroz shah Road, New Delhi.
8. All Members of Staff Side of the National Council of JCM/ Department Council.
9. All Officers/ Sections of Department of Personnel and Training/ Department of Administrative Reforms & Public Grievances/ Department of Pensions & Pensioners' Welfare/ PESB.
10. Joint Secretary (Pers.), Department of Expenditure, Ministry of Finance
11. Additional Secretary (Union Territories), Ministry of Home Affairs.
12. NIC, DOPT – with request to upload this O.M. on the Department's website under OMs & Orders (Establishment—Pay Rules) and also under "What is New".
13. Hindi Section, DOPT for Hindi Translation.



(Shukdeo Sali)

Under Secretary to the Government of India

Tel. No.23040489

