

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No. PC-VI/2020/CC/13

New Delhi, dated: 13.04.2021

The General Manager (P),
All Indian Railways
& Production Units

(Attn.: All PCPOs)

- Sub:** Grant of notional increment (as due on 1st July) for the pensionary benefits to those employees who had retired on 30th of June before drawing the same – Clarification reg.
- Ref:** Board's letters No. PC-VI/2020/Misc./01 dated 01.03.2021 & PC-VI/2018/R-1/1 Pt. dated 21.05.2020.

A number of cases have been filed across all Indian Railways by various retired employees who had retired on 30th of June of a year seeking the benefit of notional increment (as due on 1st July of the retirement year) for the purpose of pensionary benefits primarily relying upon the judgment of Hon'ble High Court of Madras in W.P. No. 15732/2017 in the matter of Sh. Ayyamperumal.

2. Keeping in view the intricacies involved and the cascading effect of any adverse judgement in the aforesaid cases; relevant guidelines of DOP&T in the matter were circulated to all Zonal Railways/PUs vide Board's letters under reference with a request to dispose all pending representations/ defend pending court cases, if any, on the issue accordingly.

3. In one such case viz. SLP (C) No. 004722 - /2021 (Union of India & Ors Vs M.Siddaraj) filed before Hon'ble Supreme Court of India vide Dy. No. 5821/2021, Hon'ble Supreme Court vide their order dated 05.04.2021 (**copy enclosed**) have granted stay on implementation of Hon'ble CAT/ Bangalore Bench's order while observing as under:

"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 judgement 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."

4. The above factual position/ observation of Hon'ble Supreme Court may be brought to the notice of respective Hon'ble Tribunals/ Courts by filing an appropriate application. Further, the same shall also be invariably incorporated in the counter reply/ parawise comments in further cases, if any, filed on the similar issue to safeguard the interests of Union of India effectively.

5. It may be ensured that the nominated Railway Advocates are properly & timely briefed on the matter.

6. Receipt of this letter may please be acknowledged.

DA: As above


13/4/21
(M. K. Gupta)
Executive Director, Pay Commission – II
Railway Board
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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

Petition(s) for Special Leave to Appeal (C) No(s). 4722/2021

(Arising out of impugned final judgment and order dated 22-10-2020 in WP No. 146967/2020(S-CAT) passed by the High Court Of Karnataka Circuit Bench At Dharwad)

UNION OF INDIA & ANR.

Petitioner(s)

VERSUS

M. SIDDARAJ

Respondent(s)

(FOR ADMISSION and I.R.)

Date : 05-04-2021 This petition was called on for hearing today.

CORAM : HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE KRISHNA MURARIFor Petitioner(s) Ms. Madhavi Divan, ASG
Mr. Nachiketa Joshi, Adv.
Mr. Ayush Puri, Adv.
Mr. Raj Bahadur Yadav, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

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.

Signature valid

Digitally signed by
JAGDISH KUMAR
Date: 2021.04.05
16:41:18 +05'30'
Reason:(NIRMALA NEGI)
COURT MASTER (SH)(MATHEW ABRAHAM)
COURT MASTER (NSH)