MOST IMMEDIATE
COURT CASE MATTER

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No. PC-VI/2020/Misc./01 New Delhi, dated: 10 .07.2023

The General Managers/ Principal Financial Advisors,
All Zonal Railways & Production Units

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 letter No. PC-VI/2020/CC/13 dated 20.06.2023.

Attention is invited to Board's letter under reference (**copy enclosed**) whereby all Zonal Railways/ PUs were advised to file a Miscellaneous Application before the concerned Tribunal/ Court in consultation with the contesting counsel seeking further time for compliance of orders granting the benefit of notional increment to the applicants.

2. In spite of above, a number of references are still being received in this office from many railways seeking clarification regarding further course of action to be adopted in the cases on notional increment which are either pending before various courts of law or have been dismissed granting the benefit of notional increment.

3. In this connection, it is stated that recently a proposal for filing SLP against the common order dated 15.12.2022 pronounced by Hon'ble High Court of Allahabad in a batch of Writ Petitions was placed before one of the Ld. ASG whereon it has been opined that after taking due consideration of the facts and legal aspects including the new developments as to the settled law pronounced by the Hon'ble Supreme Court of India it is not a fit case to file an SLP before the Hon'ble Supreme Court of India.

4. Considering the above opinion of Ld. ASG furnished in light of Hon'ble Apex Court's orders dated 11.04.2023 & 19.05.2023, it would be a futile exercise to defend any such cases or to challenge any adverse judgement pronounced by any Tribunal/ Lower Courts in Higher Courts/ Apex Court.

5. Accordingly, all Zonal Railways/PUs are hereby advised not to challenge any adverse judgement pronounced by any lower court/Tribunal before higher courts by way of filing W.Ps/SLPs. Instead, further time may be sought from the concerned Tribunal/ Court for compliance of such orders as already advised vide Board's letter under reference. The further course of action will be communicated separately on being advised by Deptt. of Personnel & Training.

6. This issues with the approval of the competent authority.

DA: As above

10/7/23

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MOST IMMEDIATE
COURT CASE MATTER

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No. PC-VI/2020/CC/13 New Delhi, dated: 20.06.2023

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 letter of even number dated 13.04.2021.

Attention is invited to Board's letter under reference whereby a copy of Hon'ble Supreme Court's order dated 05.04.2021 pronounced in SLP (C) No. 4722/2021 (Union of India & Ors Vs M. Siddaraj) whereby interim stay was granted on implementation of Hon'ble CAT/ Bangalore Bench's order grating benefit of notional increment was circulated to all Zonal Railways/ PUs.

2. The aforesaid SLP has recently been dismissed by Hon'ble Supreme Court vide their order dated 19.05.2023 (**copy enclosed**) inter-alia disposing all similar pending applications and directing the Union of India to grant the benefit of notional increment to all the original applicants & intervenors.

3. Considering the repercussions & far reaching implications of Hon'ble Supreme Court above judgement whereby the law involved on this issue has been interpreted on merit; this Ministry has already referred the matter to DOP&T (being the nodal department on the issue) vide Board's O.M. dated 21.04.2023 (**copy enclosed**) seeking further course of action to be adopted in contesting the cases on notional increment and further remedial measures/ legal provisions, if any available, to safeguard the interests of Union of India. This Ministry is persistently following up the matter with DOP&T; however, the solicited response on the policy aspects of grant of benefit of notional increment is still awaited.

4. Necessary clarification/ guidelines will subsequently be issued to all Zonal Railways/ PUs on receipt of the same from DOP&T. Meanwhile, it is advised that a Miscellaneous Application may be filed before the concerned Tribunal/ Court in consultation with the contesting counsel seeking further time for compliance of orders/ filing of reply, as the case may be.

5. This issues with the approval of the competent authority.

DA: As above

20/6/23

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