

Email: rc2.hrd@epfindia.gov.in



कर्मचारी भविष्य निधि संगठन
(श्रम एवं रोजगार मंत्रालय, भारत सरकार)
Employees' Provident Fund Organisation
(Ministry of Labour & Employment, Govt. Of India)

मुख्य कार्यालय / Head Office
भविष्य निधि भवन, 14. भीकाजी कामा प्लेस, नई दिल्ली-110066
Bhavishya Nidhi Bhawan, 14- Bhikaiji Cama Place, New Delhi - 110066
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No.HRD/1(71)2020/Misc./Pt

Date:- 19 JUL 2021

To,

All Addl. CPFC (Zones) including ACC (ASD) (HQ),
All Regional PF Commissioners,
In-charge of the Region,
Director (PDNASS)

Sub: - Grant of benefit of one 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 - regarding.

Ref.:- This office with reference order No.HRD/1(71)2020/Misc./Pt./451 dated 05.02.2021 (EPFO Website S.No. 207).

Sir,

Please find enclosed herewith Office Memorandum No.1453545 dated 24.06.2021 issued by Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel & Training, on the subject cited above for information and necessary action.

Yours faithfully,

Enclosures: As above


(Swagata Rai)
Regional P.F. Commissioner-I (HRD)

प्रतिलिपि:

- 1- केंद्रीय भविष्य निधि आयुक्त के प्रधान निजी सचिव
- 2- सभी EC / CBT सदस्य

- 3- वित्तीय सलाहकार एवं मुख्य लेखाधिकारी के प्रधान निजी सचिव
- 4- मुख्य सतकर्ता अधिकारी के प्रधान निजी सचिव / सभी उप निदेशक, सतकर्ता
- 5- मुख्य अभियंता के निजी सचिव
- 6- प्रभारी अधिकारी, सभी आंचलिक प्रशिक्षण संस्थान
- 7- सभी आंतरिक लेखा परीक्षा अधिकारी
- 8- मुख्यालय के सभी अधिकारी / सभी निजी सचिव / सभी अनुभाग अधिकारी
- 9- महासचिव, आल इंडिया ई.पी.एफ. स्टाफ फेडरेशन
- 10- महासचिव, आल इंडिया ई.पी.एफ. एम्प्लाइज संघ
- 11- महासचिव, ई.पी.एफ. ऑफिसर्स एसोसिएशन
- 12- महासचिव, आल इंडिया ई.पी.एफ. एस.सी/एस.टी फेडरेशन
- 13-** क्षेत्र.भ.नि.आ. (एन.डी.सी.) वेबसाइट पर अपलोड करने हेतु
- 14- गार्ड फाइल
- 15- हिन्दी अनुभाग

Swagata Rai
16/7/21
(Swagata Rai)

Regional P.F. Commissioner-I (HRD)

COURT CASE
TIME BOUND

F. No. 1453545/2021-Estt (Pay-I)
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

North Block, New Delhi
Dated the 24th June, 2021

OFFICE MEMORANDUM

Subject: Grant of benefit of one 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.

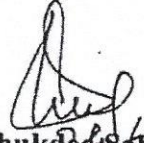
The undersigned is directed to refer to the subject cited above and to state that the issue of grant of notional increment and consequential pensionary benefits on the rationale of the Order dated 15.09.2017 passed by the Hon'ble High Court of Madras in WP 15732 of 2017 filed by Shri P. Ayyamperumal 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.doptirculars.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.

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."

-2-

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 San)

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 San)

Under Secretary to the Government of India
Tel. No.23040489