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**BHARAT PENSIONERS
SAMAJ**

(All India Federation of Pensioners' Associations)
(Registered No. 2023 of 1962-68), Recognised by GOI-DOP&PW
Associate NGO International Federation on Ageing.
Toronto (Canada)
CSR NO-CSR00053673
Niti Ayog: unique id-DL/2016/0102111
2/13-A - LGF Backside, Jangpura - 'A',

No BPS/SG/RB/CEO/inc/024/8

Dated: 03.03.2024

To

Smt. Jaya Verma Sinha,
Chairperson /CEO,
Railway Board,
New Delhi-110014

Subject: Grant of Notional Increment for Pensionary Benefits

Reference: Rly Board No. PC-VI/2023/Misc/03(Part) dated 09.02.2024 by Railway Board regarding Grant of notional increment to Govt. servants superannuated on 30th June or 31st Dec-

Madam,

I am writing to address a matter of significant concern regarding the grant of a notional increment for pensionary benefits to retired employees.

The recent circular issued by the Railway Board, as referenced above, regarding the grant of notional increment only on a personam basis, subject to specific conditions, has raised serious apprehensions among the pensioners' community. This circular is violative of the Hon'ble High Court of Delhi judgment dated 31.5.2023 in WP(C) 1731 /2020 in Madan Mohan Dhyani vs UOI and is aimed at pushing every affected Pensioner to the court of Law. Madam, Grant of notional increment to Govt. servants superannuated on 30th June or 31st Dec- While I acknowledge the legal intricacies involved, it is disheartening to witness the implied suggestion that pensioners should resort to legal recourse for a matter that ideally should be resolved through administrative directives.

The instruction stipulates that notional increment shall be granted strictly on a case-by-case basis, primarily upon the filing of a contempt petition by the petitioner, and subject to administrative directives from DOP&T. Furthermore, it necessitates that the petitioner must have completed 12 months of service on the date of retirement, since the last annual increment accrued. This stringent criterion not only adds complexity but also imposes undue hardship on pensioners, who are often in the twilight of their lives.

It is pertinent to note that numerous judicial pronouncements, including those from the Apex Court, have underscored the legitimacy of granting notional increments to eligible retirees. However, the insistence on individual litigation disregards the collective plight of similarly situated pensioners and imposes unwarranted burdens of a physical, mental, and financial nature.

In contrast, the recent circular issued by the Comptroller & Auditor General of India, Circular No.2, Staff Wing/2024 No.24/Staff (entt-I)83-2021 of 18-1-2024, sets a commendable precedent by extending the benefit to all eligible individuals under its jurisdiction, irrespective of their engagement in legal proceedings. However, benefits should accrue from the date of superannuation and not from the date of S.C. Judgement.

In light of these considerations, Bharat Pensioners Samaj earnestly urges the Railway Board to reconsider its stance and issue comprehensive instructions for uniformly implementing notional increment provisions across the railway sector. Such a proactive measure would alleviate the suffering of numerous pensioners and uphold the principles of fairness and compassion that are inherent to our esteemed institution.

Thank you for your attention to this matter. I remain hopeful for a favorable resolution that prioritizes the welfare of our retired employees.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'S.C. Maheshwari', written in a cursive style.

S.C.Maheshwari
Bharat Pensioners Samaj