

पूर्व मध्य रेल
EAST CENTRAL RAILWAY



PCPO's Cir. Sl. No.52/2025

कार्यालय
महाप्रबंधक (का.)
हाजीपुर

Date: As Signed

No.ECR-HQOPERS (RULE)/0001/2025 (Com.No.309129)

1. CAO (Con.)/उत्तर एवं दक्षिण/पटना।
2. सभी PHOD/CHOD/पूमरे/हाजीपुर।
3. DRM/पूमरे/दानापुर, डीडीयू, धनबाद, सोनपुर एवं समस्तीपुर।
4. मुख्य कार्मिक अधिकारी/प्रशासन/पूमरे/हाजीपुर।
5. मुख्यालय के सभी कार्मिक अधिकारी।
6. CWM/पीडी/डीडीयू, यांत्रिक कारखाना/समस्तीपुर एवं हरनौत।
7. Sr.DPO/पूमरे/दानापुर, डीडीयू, धनबाद, सोनपुर एवं समस्तीपुर।
8. उप महाप्रबंधक/विधि/पटना।
9. प्राचार्य/क्षेत्रीय रेल प्रशिक्षण संस्थान/मुजफ्फपुर एवं भूली।
10. सभी मुकार्याधी/कार्याधी/पूमरे/हाजीपुर।

विषय:- Grant of notional increment (as due on 1st July/1st January) to those employees who had retired on 30th of June/ 31st of December before drawing the same – Re-iteration of Instructions reg.

संदर्भ:- Railway Board's letter No.-PC-VI/2020/CC/13, Dated-21.05.2025.

विषयांकित से संबंधित संदर्भित पत्र की छायाप्रति सूचना एवं अग्रेतर आवश्यक कार्रवाई हेतु प्रेषित की जा रही है।

A copy of above referred letter on the subject matter is being forwarded herewith for information and needful onward action please.

DA: As above.

Signed by

Prakash Kumar Singh

Date: 11-06-2025 10:10:50

सकाधि/ई.एस.एम.
कृते महाप्रबंधक (का.)/पूमरे/हाजीपुर

प्रतिलिपि/— निम्नलिखित को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित:-

1. महासचिव/ईसीआरईयू/पूमरे/हाजीपुर।
2. महासचिव/एस.सी.एवं एस.टी.एशोसिएशन/पूमरे/हाजीपुर।
3. सकाधि (एम.पी.पी.)/पूमरे/हाजीपुर-कृपया इसे वेबसाइट पर अपलोड कराने की व्यवस्था करें।
4. महासचिव/ओ.बी.सी.एशोसिएशन/पूमरे/हाजीपुर।

**GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)**

No. PC-VI/2020/CC/13

New Delhi, dated: 21.05.2025

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

Sub: Grant of notional increment (as due on 1st July/1st January) to those employees who had retired on 30th of June/31st of December before drawing the same – Re-iteration of Instructions reg.

Ref: Board's letters No. PC-VI/2020/CC/13 dated 03.12.2024 & 19.02.2025.

Attention is invited to Board's letters under reference (**copies enclosed**) whereby necessary instructions/ clarifications on the issue of grant of benefit of notional increment to those employees who had retired on 30th of June/31st of December before drawing the same were circulated to all Zonal Railways/ PUs in light of interim order dated 06.09.2024 pronounced by Hon'ble Supreme Court in the clarificatory petition filed vide MA No. 2400/2024 (Union of India & Ors Vs M. Siddaraj).

2. Subsequently, the Hon'ble Apex Court vide their final order dated 20.02.2025 (**copy enclosed**) had disposed of the aforesaid clarificatory petition inter-alia observing as under:

"Clauses (a), (b) and (c) of the order dated 06.09.2024 will be treated as final directions. We are, however, of the opinion that Clause (d) of the order dated 06.09.2024 requires modification which shall now read as under:

"(d) In case any retired employee filed an application for intervention/ impleadment/ writ petition/original application before the Central Administrative Tribunal/ High Courts/this Court, the enhanced pension by including one increment will be payable for the period of three years prior to the month in which the application for intervention/ impleadment/ writ petition/ original application was filed."

Further, clause (d) will not apply to the retired government employee who filed a writ petition/ original application or an application for intervention before the Central Administrative Tribunal/ High Courts/this Court after the judgment in "Union of India & Anr v. M. Siddaraj", as in such cases, clause (a) will apply.

Recording the aforesaid, the miscellaneous applications are disposed of."

3. Consequent to above final directions of Hon'ble Supreme Court, DOP&T vide their O.M. dated 20.05.2025 (**copy enclosed**) has issued further clarification/ guidelines regarding grant of notional increment. The said guidelines/clarifications have been adopted on all Indian Railways vide Board's letter dated 21.05.2025 (**copy enclosed**).

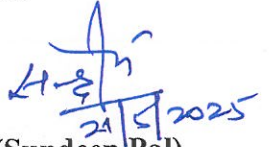
4. Despite necessary instructions/ clarifications on notional increment issued from Board's office, there have been instances where the orders pronounced by various Courts/ Tribunals are not being complied within the stipulated time period by the field units which is resulting in an exponential increase in the number of filing of contempt cases against the senior officials of Railway Board and the Zonal Railways.

... Contd.

5. Hence, all Zonal Railways/PUs are hereby advised that whenever orders granting the benefit of notional increment are pronounced by any Court/Tribunal, the same shall be thoroughly scrutinized and after ascertaining the eligibility for grant of notional increment, the orders shall be implemented **in letter & spirit** granting the benefit in light of Board's instructions/ clarifications issued from time to time. Needless to say, earnest efforts should be made to finalize the cases without reaching at the contempt stage.

6. In any unforeseen circumstances of contempt proceedings being initiated, it is advised that all such contempt cases shall be monitored regularly at the level of JAG officer for any procedural lapses in effective handling of these cases and ensure that no unpleasant situation shall arise owing to non-compliance of orders pronounced by various courts of law.

DA: As above


(Sundeep Pal)

Executive Director, Pay Commission
Railway Board
Tel. No. 011-47845117
Email add: sundeep.p@gov.in
4th floor, Room No. 7

MOST URGENT
COURT CASE

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No. PC-VI/2020/CC/13

New Delhi, dated: 03.12.2024

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

Sub: Grant of notional increment (as due on 1st July/1st January) for the pensionary benefits to those employees who had retired on 30th of June/ 31st of December before drawing the same – Clarification reg.

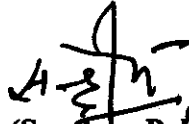
Ref: Board's letter No. PC-VI/2023/Misc./03-Vol.II dated 07.10.2024.

Attention is invited to Board's letter under reference whereby all Zonal Railways/PUs were advised the further course of action to be adopted in various cases related to grant of benefit of notional increment subject to the policy directions issued by the nodal department viz. DOP&T.

2. In continuation to above, it is hereby informed that consequent to Hon'ble Supreme Court's interim order dated 06.09.2024 pronounced in MA No. 2400/2024 (Union of India & Ors Vs M. Siddaraj), DOP&T vide their O.M. No. 19/11/2024-Pers.Pol.(Pay)(Pt.) dated 14.10.2024 has issued necessary clarification on the issue of grant of notional increment. A copy of DOP&T's aforesaid O.M. dated 14.10.2024 is enclosed herewith for information and compliance. These instructions shall apply *mutatis mutandis* on the Railways also.

3. This issues with the concurrence of the Finance Directorate of the Ministry of Railways.

DA: As above


(Sundeeep Pal) 03/12/24

**Executive Director, Pay Commission
Railway Board
Tel. No. 011-47845117
Email add: sundeeep.p@gov.in
4th floor, Room No. 7**

Copy for information to:

PSOs/Sr. PPSs/PPSs/PSs/PAs to:-

CRB & CEO, MF, DG/HR, DG/RHS, DG/RPF, ED(Accts), EDF(E), JS(G), JS, GM/CRIS.

Pay & Accounts Office, Cash - I, II, & III, F(E) - I, II & III, Security (E), ERB - I, ERB - II, ERB - V & HRMS branches of Railway Board.

No. 19/116/2024-Pers.Pol. (Pay)(Pt)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated the 14th October, 2024.

OFFICE MEMORANDUM

Subject: Grant of notional increment on 1st July / 1st January to the employees who retired from Central Govt. service on 30th June / 31st December respectively for the purpose of calculating their pensionary benefits - regarding.

The undersigned is directed to say that in terms of Rule 10 of the Central Civil Services (Revise Pay) Rules, 2006, notified by D/o Expenditure vide Notification No. G.S.R. 622 (E) dated 29.08.2008, date of annual increment was made uniform viz. 1st July of every year with effect from 01.01.2006. It was subsequently decided vide Rule 10 (1) of the Central Civil Services (Revise Pay) Rules, 2016, notified by D/o Expenditure vide Notification No. G.S.R. 721 (E) dated 25.07.2016, that there shall be two dates for grant of increment namely 1st January and 1st July of every year.

2. Hon'ble High Court of Madras in its Order dated 15.09.2017 in W.P. No.15732 of 2017 - P. Ayyamperumal Vs Union of India & Ors. allowed grant of notional increment to the petitioner on the day following the date of his retirement from service for the purpose of calculation of pensionary benefits. Judgement in the case of Shri P. Ayyamperumal was implemented *in personam*. Following this, D/o Personnel and Training (DoPT) received a number of representations from the employees who superannuated on 30th June/ 31st December claiming similar benefit. Large number of Court cases have also been filed before Hon'ble Administrative Tribunals, High Courts and Supreme Court on the subject matter.

3. The issue was examined in consultation with the nodal authorities concerned and with due regard to the relevant provisions in the Fundamental Rules (FRs) which regulate grant of increment to the Central Government employees. It is pertinent to note that FR 9(21)(a) defines 'pay' as the amount sanctioned to a Government servant for a post held by him substantively or in an officiating capacity or to which he is entitled by reason of his position in a cadre. FR 17 provides that subject to any exceptions specifically made in these Rules, an employee shall begin to draw the pay and allowances attached to his tenure of a post with effect from the date when he assumes the duties of that post and shall cease to draw them as soon as he ceases to discharge those duties. Further, FR 24 stipulates that an increment may be withheld from a Government servant if his conduct has not been good or his work has not been satisfactory. To summarise these Rule provisions, for availing the benefit of an increment on the date of its accrual, an employee should be in service, should have rendered satisfactory work and should have displayed good conduct during the period of qualifying service.

4. However, Hon'ble Supreme Court vide Order dated 11.04.2023 in Civil Appeal No.2471 of 2023 (@ SLP (C) No. 6185/2020) - Director (Admn. and HR), KPTCL Vs C.P.

27/8
14.10.2024

Mundinamani & Ors, upheld the Orders passed by the Division Bench of the Hon'ble High Court of Karnataka at Bengaluru in Writ Appeal No. 4193/2017 allowing grant of one annual increment, which the original writ petitioners earned on the last day of their service for rendering services during preceding one year from the date of retirement with good behaviour and efficiently, for the purpose of calculating the retiral benefits. However, Union of India was not among the Parties in the said case.

5. Subsequently, Hon'ble Supreme Court vide Order dated 19.05.2023 dismissed SLP(C) No.4722/2021(UoI Vs M. Siddaraj) filed by M/o Railways on the subject matter with the observation that the appeals filed therein are squarely covered by the Order dated 11.04.2023 in CA No. 2471 of 2023. M/o Railways filed a Miscellaneous Application (MA No. 2400/2024) before the Hon'ble Supreme Court seeking guidance/clarification regarding the modalities to be adopted while implementing its Order dated 19.05.2023. On 22.07.2024, while hearing the matter, Supreme Court ordered that the learned counsel for the Union of India shall examine as to whether Union of India needs to file an application in CA No.2471/2023 disposed of vide judgment dated 11.04.2023. After due legal consultations on the directions of the Apex Court, this Department filed a Petition (Dy. No. 36418/2024) before Supreme Court on 12.08.2024 seeking review of its Order dated 11.04.2023 which is pending before the Hon'ble Supreme Court.

6. Meanwhile, on 06.09.2024, while hearing MA No. 2400/2024 filed by M/o Railways along with several Intervention Applications tagged therewith, Hon'ble Supreme Court took note of the pending Petition (Dy. No. 36418/2024) filed by Union of India seeking review of its Order dated 11.04.2023 in CA No.2471/2023 in the matter. While observing that the issue raised in the applications requires consideration insofar as the date of applicability of the judgment dated 11.04.2023 in CA No. 2471/2023 to third parties is concerned, Hon'ble Court issued following directions, by way of an Interim Order, to prevent any further litigation and confusion:

- a. *The judgment dated 11.04.2023 will be given effect to in case of third parties from the date of the judgment, that is, the pension by taking into account one increment will be payable on and after 01.05.2023. Enhanced pension for the period prior to 30.04.2023 (erroneously mentioned as 31.04.2023 in the Order) will not be paid.*
- b. *For persons who have filed writ petitions and succeeded, the directions given in the said judgment will operate as res judicata, and accordingly, an enhanced pension by taking one increment would have to be paid.*
- c. *The direction in (b) will not apply, where the judgment has not attained finality, and cases where an appeal has been preferred, or if filed, is entertained by the appellate court.*
- d. *In case any retired employee has filed any application for intervention/impleadment in Civil Appeal No. 3933/2023 or any other writ petition and a beneficial order has been passed, the enhanced pension by including one increment will be payable from the month in which the application for intervention/impleadment was filed,*

This interim order will continue till further orders of this Court. However, no person who has already received an enhanced pension including arrears, will be affected by the directions in (a), (c) and (d).

2/9
14.10.2024

Relist in the week commencing 04.11.2024."

7. The matter has been examined in consultation with D/o Expenditure and D/o Legal Affairs. It is advised that in pursuance of the Order dated 06.09.2024 of the Hon'ble Supreme Court referred above, action may be taken to allow the increment on 1st July/ 1st January to the Central Government employees who retired/are retiring a day before it became due i.e. on 30th June/31st December and have rendered the requisite qualifying service as on the date of their superannuation with satisfactory work and good conduct for calculating the pension admissible to them. As specifically mentioned in the Orders of the Hon'ble Supreme Court, grant of the notional increment on 1st January/1st July shall be reckoned only for the purpose of calculating the pension admissible and not for the purpose of calculation of other pensionary benefits..

8. It may also be noted that these instructions are being issued in compliance of the Interim Orders dated 06.09.2024 of the Hon'ble Supreme Court in MA Dy. No.2400/2024 without prejudice to the legal stand of the Union of India in the matter and without prejudice to any change of law in this regard. Further, the action taken shall be subject to the final outcome of the Review Petition (Dy. No.36418/2024) pending before the Hon'ble Supreme Court which is expected to be heard by the Apex Court in the week commencing 04.11.2024.

9. This issues with the concurrence of D/o Expenditure vide their Dy. No. 08-09/2019-E.III.A(Vol.III)(3969602) dated 08.10.2024 and D/o Legal Affairs vide Computer Dy. No. E 128445 dated 30.09.2024.

10. Hindi Version will follow.

29/10/2024

(Mahesh Kumar)

Under Secretary to the Government of India

Tel. No.011-23094542

To

All Ministries/Departments of Government of India.

Copy also forwarded to:-

1. The Secretary General, Supreme Court of India.
2. The Controller General of Accounts/ Controller of Accounts, Ministry of Finance.
3. 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.
4. Governments of all States and Union Territories
5. Department of Personnel and Training (AIS Division), JCA/ Admn. Section.
6. The Secretary, National Council of JCM (Staff Side), 13-C, Feroz shah Road, New Delhi.
7. All Members of Staff Side of the National Council of JCM/ Department Council.

8. Department of Expenditure, Ministry of Finance.

21/10
14/10 2024

(Mahesh Kumar)

Under Secretary to the Government of India

**GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)**

No. PC-VI/2020/CC/13

New Delhi, dated: 19.02.2025

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

Sub: Grant of notional increment (as due on 1st July/1st January) for the pensionary benefits to those employees who had retired on 30th of June/31st of December before drawing the same – Clarification reg.

Ref: Board's letter No. PC-VI/2020/CC/13 dated 03.12.2024.

Attention is invited to Board's letter under reference whereby DOP&T's instructions/ clarification regarding grant of benefit of notional increment were adopted and circulated to all Zonal Railways/ PUs.

2. In continuation to above, queries were received in this office from various field units seeking clarification on **3rd party** as mentioned in the Hon'ble Apex Court's order dated 06.09.2024. This aspect has been examined in consultation with the Legal Directorate and Finance Directorate of this Ministry. Accordingly, it is hereby clarified that **'3rd party' as mentioned by the Hon'ble Apex Court refers to those pensioners who are eligible otherwise for grant of notional increment but have not joined as a party to any of the court cases or resorted to any litigation process on the issue of notional increment.**

3. All Zonal Railways/PUs are hereby advised that cases/ representations, if any, pending on the issue of notional increment may be dealt with in light of above clarification duly complying with all other conditions mentioned in DOP&T's O.M. dated 14.10.2024.

4. This issues with the approval of Board.


(Sundeep Pal) 19/02/25

**Executive Director, Pay Commission
Railway Board**

Tel. No. 011-47845117

Email add: sundeep.p@gov.in

4th floor, Room No. 7

Copy for information to:

PSOs/Sr. PPSs/PPSs/PSs/PAs to:-

CRB & CEO, MF, DG/HR, DG/RHS, DG/RPF, EDF(E), JS(G), JS, PAO, Cash - I, II, & III, F(E) - I, II & III, Security (E), ERB - I, ERB - II, ERB - V & HRMS branches of Railway Board.

Copy to:

PED Accounts – for necessary modifications in the IPAS for issuance of revised PPOs.

GM/HRMS, CRIS – for necessary modifications in the settlement module of the HRMS.

COFMOW Building, Railway Offices Complex, Tilak Bridge, New Delhi – 110002

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION DIARY NO. 2400 OF 2024

IN

CIVIL APPEAL NO. 3933 OF 2023

UNION OF INDIA & ANR.

.....

APPLICANT(S)/
APPELLANT(S)

VERSUS

M. SIDDARAJ

.....

NON-APPLICANT(S)/
RESPONDENT(S)

with

MISCELLANEOUS APPLICATION DIARY NO. 35783 OF 2024

IN

CIVIL APPEAL NO. 3933 OF 2023

MISCELLANEOUS APPLICATION DIARY NO. 35785 OF 2024

IN

CIVIL APPEAL NO. 3933 OF 2023

MISCELLANEOUS APPLICATION DIARY NO. 35786 OF 2024

IN

CIVIL APPEAL NO. 3933 OF 2023

CONTEMPT PETITION (CIVIL) No. _____ /2025
(Diary No. 38437/2023)

IN

CIVIL APPEAL NO. 3933 OF 2023

CONTEMPT PETITION (CIVIL) No. _____ /2025
(Diary No. 38438/2023)

IN

CIVIL APPEAL NO. 3933 OF 2023

CONTEMPT PETITION (CIVIL) No. _____ /2025
(Diary No. 11336/2024)

IN

CIVIL APPEAL NO. 3933 OF 2023

and

O R D E R

Miscellaneous Application Diary Nos. 2400/2024, 35783/2024, 35785/2024 and 35786/2024

Delay condoned.

We had passed the following interim order dated 06.09.2024, the operative portion of which reads as under:

“(a) The judgment dated 11.04.2023 will be given effect to in case of third parties from the date of the judgment, that is, the pension by taking into account one increment will be payable on and after 01.05.2023. Enhanced pension for the period prior to 31.04.2023 will not be paid.

(b) For persons who have filed writ petitions and succeeded, the directions given in the said judgment will operate as *res judicata*, and accordingly, an enhanced pension by taking one increment would have to be paid.

(c) The direction in (b) will not apply, where the judgment has not attained finality, and cases where an appeal has been preferred, or if filed, is entertained by the appellate court.

(d) In case any retired employee has filed any application for intervention/impleadment in Civil Appeal No. 3933/2023 or any other writ petition and a beneficial order has been passed, the enhanced pension by including one increment will be payable from the month in which the application for intervention/impleadment was filed.”

We are inclined to dispose of the present miscellaneous applications directing that Clauses (a), (b) and (c) of the order dated 06.09.2024 will be treated as final directions. We are, however, of the opinion that Clause (d) of the order dated 06.09.2024 requires modification which shall now read as under:

“(d) In case any retired employee filed an application for intervention/impleadment/writ petition/original application before the Central Administrative

Tribunal/High Courts/this Court, the enhanced pension by including one increment will be payable for the period of three years prior to the month in which the application for intervention/ impleadment/ writ petition/ original application was filed."

Further, clause (d) will not apply to the retired government employee who filed a writ petition/original application or an application for intervention before the Central Administrative Tribunal/High Courts/this Court after the judgment in "*Union of India & Anr. v. M. Siddaraj*"¹, as in such cases, clause (a) will apply.

Recording the aforesaid, the miscellaneous applications are disposed of.

We, further, clarify that in case any excess payment has already been made, including arrears, such amount paid will not be recovered.

It will be open to any person aggrieved by non-compliance with the directions and the clarification of this Court, in the present order, to approach the concerned authorities in the first instance and, if required, the Administrative Tribunal or High Court, as per law.

Pending applications including all intervention/impleadment applications shall stand disposed of in terms of this order.

Contempt Petition (Civil) Diary Nos. 38437/2023, 38438/2023, 11336/2024 and 20636/2024

In view of the order passed today in the connected matters,

1 Dated 19.05.2023 in Civil Appeal No. 3933/2023, titled "*Union of India & Anr. vs. M. Siddaraj*" and other connected matters.

that is, M.A. Diary No. 2400 OF 2024 and other connected applications, the present contempt petitions will be treated as disposed of with liberty to the petitioners to take recourse to appropriate remedies, if required and necessary, as indicated *supra*. It goes without saying that the respondents shall examine the cases of the petitioners/ applicants in terms of the order passed today and comply with the same expeditiously.

Pending application(s), if any, shall stand disposed of.

.....CJI.
(SANJIV KHANNA)

.....J.
(SANJAY KUMAR)

NEW DELHI;
FEBRUARY 20, 2025.

ITEM NO.7

COURT NO.1

(REVISED)
SECTION IV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

MISCELLANEOUS APPLICATION DIARY NO. 2400 OF 2024
IN
CIVIL APPEAL NO. 3933 OF 2023

UNION OF INDIA & ANR.

.....

APPLICANT(S)/
APPELLANT(S)

VERSUS

M. SIDDARAJ

.....

NON-APPLICANT(S)/
RESPONDENT(S)

IA No. 11504/2024 - CLARIFICATION/DIRECTION
IA No. 11514/2024 - CONDONATION OF DELAY IN FILING
IA No. 152780/2024 - EXEMPTION FROM FILING O.T.
IA No. 138880/2024 - EXEMPTION FROM FILING O.T.
IA No. 156900/2024 - INTERVENTION APPLICATION
IA No. 172293/2024 - INTERVENTION/IMPLEADMENT
IA No. 155003/2024 - INTERVENTION/IMPLEADMENT

WITH

Diary No(s). 26733/2023 (IV-A)

IA No. 126464/2023 - APPROPRIATE ORDERS/DIRECTIONS

Diary No(s). 38437/2023 (IV-A)

Diary No(s). 38438/2023 (IV-A)

Diary No(s). 11336/2024 (IV-A)

Diary No(s). 20636/2024 (IV-A)

SLP(C) No. 28778/2024 (XVI)
FOR ADMISSION

Diary No(s). 35783/2024 (IV-A)

IA No. 177118/2024 - INTERVENTION/IMPLEADMENT

Diary No(s). 35785/2024 (IV-A)

IA No. 177010/2024 - INTERVENTION/IMPLEADMENT

Diary No(s). 35786/2024 (IV-A)

IA No. 176799/2024 - APPROPRIATE ORDERS/DIRECTIONS

Diary No(s). 1997/2025 (IV-C)

IA No. 22990/2025 - CONDONATION OF DELAY IN FILING

IA No. 22996/2025 - EXEMPTION FROM FILING O.T.

IA No. 22992/2025 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

IA No. 22994/2025 - PERMISSION TO PLACE ADDITIONAL FACTS AND
GROUNDS

Date : 20-02-2025 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SANJAY KUMAR

HON'BLE MR. JUSTICE K.V. VISWANATHAN (*Not participated*)

For Petitioner(s) Mr. Kailash Vasdev, Sr. Adv.
Mr. Santosh Krishnan, AOR

Mr. Vikramjit Banerjee, A.S.G.
Ms. Madhumita Bhattacharjee, AOR
Ms. Srija Choudhury, Adv.
Mr. Anant, Adv.

Mr. Rajat Joseph, AOR

Mrs. Shirin Khajuria, Sr. Adv.
Ms. Ranu Purohit, AOR
Ms. Swati Tiwari, Adv.
Ms. Niharika Singh, Adv.
Mr. Yashas Rk, Adv.

Mr. Gopal Singh, Adv.
Mr. Athul Joseph, Adv.
Mr. Kumar Mihir, AOR

Ms. Aishwarya Bhati, A.S.G.
Ms. Shivika Mehra, Adv.
Ms. Chitrangda Rastravara, Adv.
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Mr. Vikramjit Banerjee, A.S.G.
Mr. Amit Sharma (B), Adv.
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Mr. Abhishek Kumar Pandey, Adv.
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Mr. Ashish Kumar Singh, Adv.
Mr. Praveen Kumar, Adv.
Mr. Gaurav Bhardwaj, Adv.
Mr. Lather Mukul Kanwar Singh, AOR

Mrs. Shirin Khajuria, Sr. Adv.
Ms. Ranu Purohit, AOR
Ms. Swati Tiwari, Adv.
Ms. Niharika Singh, Adv.
Mr. Yashas R K, Adv.

Mr. Rameshwar Prasad Goyal, AOR
Mr. Anubhav, Adv.
Mr. Vijay Pal, Adv.
Mr. Bikash Chandra, Adv.
Mr. Rakesh Kumar, Adv.
Mr. Yashwant Singh Yadav, Adv.
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Mrs. Preeti Yadav, Adv.
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Mr. Umang Tripathi, Adv.
Mr. Harshal Kulkarni, Adv.

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Mr. Amolak, Adv.
Ms. Bano Deswal, Adv.
Ms. Tannu, Adv.
Mr. R. C. Kaushik, AOR

Mr. Venkita Subramoniam T. R, AOR
Mr. Rajat Joseph, AOR

Mrs. Kiran Bhardwaj, AOR
Mr. Pramod Kumar Tiwari, Adv.
Mr. A. K. Sinha, Adv.
Ms. Anu Mohla, Adv.

Mr. Nishant R. Kanteshwarkar, AOR

UPON hearing the counsel, the Court made the following
O R D E R

Since one of us, K.V. Viswanathan, J., cannot hear these matter, two of us, The Chief Justice and Sanjay Kumar, J., have proceeded to hear the matters.

Miscellaneous Application Diary Nos. 2400/2024, 35783/2024, 35785/2024 and 35786/2024

These miscellaneous applications are disposed of in terms of the signed order.

Pending applications, including all intervention/impleadment applications, shall stand disposed of in terms thereof.

Miscellaneous Application Diary No. 26733/2023

The prayer made in the present miscellaneous application is allowed.

I.A. Nos. 123603/2021, 123704/2021 and 122419/2021 for intervention will be treated as having been allowed by the order dated 19.05.2023 passed in Civil Appeal No. 3933/2023 and other connected matters.

Contempt Petition (Civil) Diary Nos. 38437/2023, 38438/2023, 11336/2024 and 20636/2024

The contempt petitions are disposed of in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

SLP(C) No. 28778/2024

The present special leave petition will be treated as disposed of in terms of the order/clarification issued by this Court today in the connected matters, that is, M.A. Diary No. 2400/2024 and other miscellaneous applications/petitions.

Pending application(s), if any, shall stand disposed of.

SLPs(C) @ Diary No. 1997/2025

Delay condoned.

In view of the judgment passed by this Court "*Union of India & Anr. v. M. Siddaraj*"², we are not inclined to interfere with the impugned judgments/orders and, hence, the present special leave petitions are dismissed.

Equally, the directions issued by this Court today in the connected matters, that is, M.A. Diary No. 2400/2024 and other miscellaneous applications/petitions will apply.

The LIC shall comply with the impugned judgments/orders.

We, however, clarify that the dismissal of the present special leave petitions will not be read as an interpretation of the rules framed by the Life Insurance Corporation of India.

Pending application(s), if any, shall stand disposed of.

(BABITA PANDEY)
AR-CUM-PS

(ANJALI PANWAR)
COURT MASTER (NSH)

(Signed order is placed on the file)

² Dated 19.05.2023 in Civil Appeal No. 3933/2023, titled "*Union of India & Anr. vs. M. Siddaraj*" and other connected matters.

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

MISCELLANEOUS APPLICATION DIARY NO. 2400 OF 2024

IN

CIVIL APPEAL NO. 3933 OF 2023

UNION OF INDIA & ANR.

.....

APPLICANT(S)/
APPELLANT(S)

VERSUS

M. SIDDARAJ

.....

NON-APPLICANT(S)/
RESPONDENT(S)

IA No. 11504/2024 - CLARIFICATION/DIRECTION
IA No. 11514/2024 - CONDONATION OF DELAY IN FILING
IA No. 152780/2024 - EXEMPTION FROM FILING O.T.
IA No. 138880/2024 - EXEMPTION FROM FILING O.T.
IA No. 156900/2024 - INTERVENTION APPLICATION
IA No. 172293/2024 - INTERVENTION/IMPLEADMENT
IA No. 155003/2024 - INTERVENTION/IMPLEADMENT

WITH

Diary No(s). 26733/2023 (IV-A)

IA No. 126464/2023 - APPROPRIATE ORDERS/DIRECTIONS

Diary No(s). 38437/2023 (IV-A)Diary No(s). 38438/2023 (IV-A)Diary No(s). 11336/2024 (IV-A)Diary No(s). 20636/2024 (IV-A)SLP(C) No. 28778/2024 (XVI)
FOR ADMISSIONDiary No(s). 35783/2024 (IV-A)

IA No. 177118/2024 - INTERVENTION/IMPLEADMENT

Diary No(s). 35785/2024 (IV-A)

IA No. 177010/2024 - INTERVENTION/IMPLEADMENT

Diary No(s). 35786/2024 (IV-A)

IA No. 176799/2024 - APPROPRIATE ORDERS/DIRECTIONS

Diary No(s). 1997/2025 (IV-C)

IA No. 22990/2025 - CONDONATION OF DELAY IN FILING
IA No. 22996/2025 - EXEMPTION FROM FILING O.T.
IA No. 22992/2025 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 22994/2025 - PERMISSION TO PLACE ADDITIONAL FACTS AND
GROUNDS

Date : 20-02-2025 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY KUMAR
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) Mr. Kailash Vasdev, Sr. Adv.
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 Mr. Anant, Adv.

 Mr. Rajat Joseph, AOR

 Mrs. Shirin Khajuria, Sr. Adv.
 Ms. Ranu Purohit, AOR
 Ms. Swati Tiwari, Adv.
 Ms. Niharika Singh, Adv.
 Mr. Yashas Rk, Adv.

 Mr. Gopal Singh, Adv.
 Mr. Athul Joseph, Adv.
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 Mr. Yashas Rk, Adv.

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 Mr. Vijay Pal, Adv.
 Mr. Bikash Chandra, Adv.
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 Mr. A. K. Sinha, Adv.
 Ms. Anu Mohla, Adv.

 Mr. Nishant R. Kanteshwarkar, AOR

UPON hearing the counsel, the Court made the following
O R D E R

Miscellaneous Application Diary Nos. 2400/2024, 35783/2024, 35785/2024 and 35786/2024

These miscellaneous applications are disposed of in terms of the signed order.

Pending applications, including all intervention/impleadment applications, shall stand disposed of in terms thereof.

Miscellaneous Application Diary No. 26733/2023

The prayer made in the present miscellaneous application is allowed.

I.A. Nos. 123603/2021, 123704/2021 and 122419/2021 for intervention will be treated as having been allowed by the order dated 19.05.2023 passed in Civil Appeal No. 3933/2023 and other connected matters.

Contempt Petition (Civil) Diary Nos. 38437/2023, 38438/2023, 11336/2024 and 20636/2024

The contempt petitions are disposed of in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

SLP(C) No. 28778/2024

The present special leave petition will be treated as disposed of in terms of the order/clarification issued by this Court today in the connected matters, that is, M.A. Diary No. 2400/2024 and

other miscellaneous applications/petitions.

Pending application(s), if any, shall stand disposed of.

SLPs(C) @ Diary No. 1997/2025

Delay condoned.

In view of the judgment passed by this Court "*Union of India & Anr. v. M. Siddaraj*"³, we are not inclined to interfere with the impugned judgments/orders and, hence, the present special leave petitions are dismissed.

Equally, the directions issued by this Court today in the connected matters, that is, M.A. Diary No. 2400/2024 and other miscellaneous applications/petitions will apply.

The LIC shall comply with the impugned judgments/orders.

We, however, clarify that the dismissal of the present special leave petitions will not be read as an interpretation of the rules framed by the Life Insurance Corporation of India.

Pending application(s), if any, shall stand disposed of.

(BABITA PANDEY)
AR-CUM-PS

(ANJALI PANWAR)
COURT MASTER (NSH)

(Signed order is placed on the file)

³ Dated 19.05.2023 in Civil Appeal No. 3933/2023, titled "*Union of India & Anr. vs. M. Siddaraj*" and other connected matters.

No. 19/116/2024-Pers.Pol. (Pay)(Pt)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated the 20th May, 2025.

OFFICE MEMORANDUM

Subject: Grant of notional increment on 1st July / 1st January to the employees who retired from Central Govt. service on 30th June / 31st December respectively for the purpose of calculating their pensionary benefits - regarding.

The undersigned is directed to invite reference to the instructions issued vide this Department's OM of even number dated 14.10.2024 (copy enclosed) regarding grant of 'notional increment' on 1st July/1st January to the Central Government employees who retired/are retiring from service a day before it became due i.e. on 30th June/ 31st December and have rendered the requisite qualifying service as on the date of their superannuation with satisfactory work and good conduct for calculating the pension admissible to them. The said instructions were issued in compliance of the Interim Order dated 06.09.2024 passed by the Hon'ble Supreme Court while hearing MA No.2400/2024 filed by M/o Railways along with several Intervention Applications tagged therewith. It was indicated therein that the action taken shall be subject to the final outcome of the petition (Dy. No. 36418/2024) filed by this Department seeking review of the Order dated 11.04.2023 of the Hon'ble Supreme Court in CA No. 2471/2023 on the subject matter.

2. Hon'ble Supreme Court, vide Order dated 18.12.2024, had dismissed the Review Petition (Dy. No. 36418/2024) filed by this Department with the observation that there is no error apparent on the face of the record, warranting reconsideration of the order impugned.

3. Hon'ble Supreme Court has subsequently disposed of MA No. 2400/2024 filed by M/o Railways and other petitions vide Order dated 20.02.2025 while issuing the following final directions in the matter:

a. The judgment dated 11.04.2023 will be given effect to in case of third parties from the date of the judgment, that is, the pension by taking into account one increment will be payable on and after 01.05.2023. Enhanced pension for the period prior to 30.04.2023 (erroneously mentioned as 31.04.2023 in the Order) will not be paid;

b. For persons who have filed writ petitions and succeeded, the directions given in the said judgment will operate as res judicata, and accordingly, an enhanced pension by taking one increment would have to be paid;

Umas
20/05/2025

c. The direction in (b) will not apply, where the judgment has not attained finality, and cases where an appeal has been preferred, or if filed, is entertained by the appellate court;

d. In case any retired employee filed an application for intervention/ impleadment/writ petition/ original application before the Central Administrative Tribunal/High Courts/Supreme Court, the enhanced pension by including one increment will be payable for the period of three years prior to the month in which the application for intervention/ impleadment/ writ petition/ original application was filed.

4. The Hon'ble Supreme Court has decided that the direction referred at Para 3(d) above will not apply to the retired government employee who filed a writ petition/original application or an application for intervention before the Central Administrative Tribunal/High Courts/Supreme Court after the judgment in "Union of India & Anr. Vs M. Siddaraj", as in such cases directions referred in Para 3(a) will apply.

5. In addition, Hon'ble Supreme Court has clarified that in case any excess payment has already been made, including arrears, such amount paid will not be recovered. Court has decided that pending applications including all intervention/impleadment applications shall stand disposed of in terms of this order.

6. The matter has been examined in consultation with D/o Expenditure and D/o Legal Affairs. It is advised that in pursuance of the above referred Order dated 20.02.2025 of the Hon'ble Supreme Court, action may be taken to allow the increment on 1st July / 1st January to the Central Government employees who retired/are retiring a day before it became due i.e. on 30th June / 31st December and have rendered the requisite qualifying service as on the date of their superannuation with satisfactory work and good conduct for calculating the pension admissible to them. As specifically mentioned in the orders of the Hon'ble Supreme Court, grant of the notional increment on 1st January / 1st July shall be reckoned only for the purpose of calculating the pension admissible and not for the purpose of calculation of other pensionary benefits.

7. This issues with the concurrence of D/o Expenditure vide their Dy. No. 08-09/2019-E.IIIA(Vol.III)(4265134) dated 29.04.2025 and D/o Legal Affairs vide Computer Dy. No. E-144903 dated 17.03.2025.

8. Hindi Version will follow.

Encl: as above

Vikas
20/05/25
(Vikas)

Under Secretary to the Government of India
Tel. No. 20340489

To

All Ministries/Departments of Government of India.

Copy also forwarded to:

1. The Secretary General, Supreme Court of India.
2. The Controller General of Accounts/ Controller of Accounts, Ministry of Finance.
3. 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.
4. Governments of all States and Union Territories
5. Department of Personnel and Training (AIS Division), JCA/ Admn. Section.
6. The Secretary, National Council of JCM (Staff Side), 13-C, Feroz shah Road, New Delhi.
7. All Members of Staff Side of the National Council of JCM/ Department Council.
8. Department of Expenditure, Ministry of Finance.

Vikas
20/05/25
(Vikas)

Under Secretary to the Government of India
Tel. No. 20340489

**GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)**

No. PC-VI/2020/CC/13

New Delhi, dated: 21.05.2025

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

Sub: Grant of notional increment (as due on 1st July/1st January) to those employees who had retired on 30th of June/31st of December before drawing the same – Clarification reg.

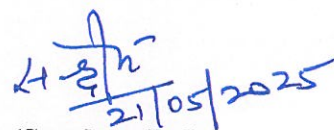
Ref: Board's letters No. PC-VI/2020/CC/13 dated 03.12.2024 & 19.02.2025.

Attention is invited to Board's letters under reference whereby necessary instructions were issued to all Zonal Railways/PUs regarding grant of benefit of notional increment to those railway employees who had retired on 30th of June/31st of December before drawing the annual increment as due on 01st of July/ 01st of January.

2. In continuation to above, it is hereby informed that consequent to disposal/finalization of clarificatory petition filed vide MA No. 2400/2024 (Union of India & Ors Vs M. Siddaraj) by Hon'ble Supreme Court vide final order dated 20.02.2025; DOP&T vide their O.M. No. 19/116/2024-Pers.Pol.(Pay)(Pt) dated 20.05.2025 have issued further clarification regarding grant of benefit of notional increment.

3. A copy of DOP&T's aforesaid O.M. dated 20.05.2025 is enclosed herewith for information and compliance. These instructions shall apply *mutatis mutandis* on all Indian Railways also.

DA: As above


21/05/2025

(Sundeep Pal)

**Executive Director, Pay Commission
Railway Board**

Tel. No. 011-47845117

Email add: sundeep.p@gov.in

4th floor, Room No. 7