



## RETIRED TELECOM OFFICERS' WELFARE ASSOCIATION

Reg No: F-37187 (Mumbai) 2008

Corr.Add: A-402, Gayatri Avenue, 90' Road, Thakur Complex, Kandivali East, Mumbai 400101

Email Address: [rtowamumbai@gmail.com](mailto:rtowamumbai@gmail.com) Website: [rtowambi.in](http://rtowambi.in)

K. JAWAHAR.  
PRESIDENT  
9969596106.

J.S. YADAV.  
GENERAL SECRETARY  
9869041090.

VIRENDRA SINGH.  
JT. GEN. SECRETARY.  
9869271414.

N.V. MAHAJAN  
TREASURER  
9869431615

RTOWA Mumbai/Corr/22-23/27

Email dated

Dated 29<sup>th</sup> Dec''2022

To

Ms. S. Radha Chauhan,  
Secretary, DoPT,  
Ministry of Personnel, PG & Pensions,  
Govt of India,  
North Block, New Delhi-110001  
[secy\\_mop@nic.in](mailto:secy_mop@nic.in)

Respected Madam,

Sub:- General orders requested for granting notional increment on completion of 12 months from the date of last increment but retired without getting the benefit of increment for pensionary benefits.  
Ref:-DoPT OM dated 22/11/2022 stating that the issue is under examination

We submit the following with a request to issue general orders on the subject mentioned above.

2. In WP No.15732 of 2017 of P.Ayyamperumal Vs the Registrar CAT & 3 others, the division bench of Hon' Madras High Court delivered a judgement granting one notional increment for pensionary benefits since the petitioner completed one full year as on 30/06/2013 since his last increment and retired on that date.

3. UoI filed a SLP (Civil) Diary No.22283 of 2018 against the aforesaid judgement and it was dismissed by Hon'Supreme Court on 23/07/2018.

4. UoI filed a review petition @No.1731 of 2019 against the aforesaid judgment and it was also dismissed on merits by Hon' Supreme Court on 08/08/2019 stating that "*in our opinion no case for review of order dated 23<sup>rd</sup> July'2018 is made out*"

5. More recently Hon. Allahabad High Court delivered a judgment on 15/12/2022 stating that "*the employees who retired on 30<sup>th</sup> June are entitled to the last increment made effective on 1<sup>st</sup> July*".

6. In WP 5539/2019 Hon' Delhi High Court rejected the contention of the respondent therein that "*...the judgment has to be treated as one that was in personam and not in rem*". Against this judgment UoI filed SLP in Hon'Supreme Court vide SLP C Diary No.13959 of 2020 and the SLP was dismissed on 13/10/2020. The review petition was also dismissed by Hon'Supreme Court by order dated 26/07/2022.



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7. According to the Apex Court , “a judgment in rem determines the status of a person or thing as distinct from the particular interest in it of a party to the litigation; and such a judgement is conclusive evidence for and against all persons whether parties, privies, or strangers of the matter actually decided”

8. In view of the above factors the issue has come to a finality. The issue is finally decided legally and in our opinion DoPT can't claim that the judgment is “in personam and not in rem” .

9. Therefore we request DoPT to issue an unambiguous general order to grant one notional increment for pensionary benefits for those who completed one full year after the date of last increment and retired without getting the increment.

With high regards,

Yours Sincerely,

General Secretary  
RTOWA Mumbai

Copy to the following officers with a request to do the needful to issue a favourable orders.

1. Shri. Ravindra Kumar Choudhary,  
Dy. Legal Advisor  
[ravindra.choudhary@gov.in](mailto:ravindra.choudhary@gov.in)
2. Shri. Murali Bhavaraju,  
Dy.Secretary (Pay),  
[b.murali@nic.in](mailto:b.murali@nic.in)