

**GOVERNMENT OF RAJASTHAN
FINANCE DEPARTMENT
(RULES DIVISION)**

No, F.9(33)FD/Rules/2007
All Addl. Chief Secretaries/
Principal Secretaries/
Secretaries to Government/
All Heads of Departments

Jaipur, Dated **05 JUL 2021**

CIRCULAR

Sub: Regarding demand for Grant of notional increment/re-fixation of pensionary benefits as per Hon'ble Madras High Court Order in WP No. 15732/2017 in the case of Sh. P. Ayyamperumal.

Ref: Circular of even No. dated 11.02.2020.

The issue of grant of notional increment on 1st July to those pensioners whose date of retirement is 30th June, and re-fixation of pensionary benefits in the light of Court Order dated 15.09.2017 of Hon'ble Madras High Court in WP No. 15732/2017 in case of P. Ayyamperumal was examined earlier and necessary instructions were issued vide this Department's Circular dated 11.02.2020.

In the Office Memorandums issued by Govt. of India on dated 18.10.2019, 20.11.2020 and 03.02.2021 respectively it has been mentioned that judgment in P. Ayyamperumal case is in personam and not in rem.

It has come to notice vide O.M. No. 1453545/2021-Lstt (Pay-1) dated 24.06.2021 of Ministry of Personnel, Public Grievances & Pensions, Government of India that 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. The 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."

It is, therefore, requested to ensure compliance of instructions issued vide this Department's Circular dated 11.02.2020 and order dated 05.04.2021 referred to above of the Hon'ble Supreme Court by rejecting the representations regarding grant of notional annual increment to those who retired on 30th June and re-fixation of pensionary benefits and for defending the cases of similar nature which may be filed or pending in Hon'ble High Court / Rajasthan Civil Services Appellate Tribunal.



(Dr. Prithvi)

Secretary, Finance (Budget)

[RSR-26 /2021]