

I/188344/2024

File No.A-29014/1/2023-ESTT-V

भारत सरकार / Government of India

जल शक्ति मंत्रालय / Ministry of Jal Shakti

जल संसाधन, नदी विकास एवं गंगा संरक्षण विभाग/Department of Water Resources, RD & GR

केंद्रीय जल आयोग / Central Water Commission

स्थापना पाँच अनुभाग / Establishment V Section

3rd floor(S), Sewa Bhawan,
R.K.Puram, New Delhi-110066.

Dated: October, 2024

Office Order

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 - reg.

DoPT vide their OM No.19/116/2024-Pres.Pol.(Pay)(PT) dated 14-10-2024 has advised that in pursuance of the Order dated 06-09-2024 of the Hon'ble Supreme Court action may be taken to allow the notional 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 respectively and completed the requisite qualifying service as on date of their superannuation with satisfactory work and good conduct for calculating the pension admissible to them. It is specifically mentioned that grant of 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. Furthermore, vide para 6 of this OM, DoPT has conveyed that the Hon'ble Supreme Court, by way of an interim Order, has issued the following directions to prevent any further litigation and confusion :

- The judgment dated 11-04-2023 will be given effect to in case of third parties from the date of the judgement, 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.*
- For persons who have filed writ petitions and succeeded, the directions given in the said judgement will operate as res judicata, and accordingly, an enhanced pension by taking one increment would have to be paid.*
- The direction in (b) will not apply, where the judgement has not attained finality, and cases where an appeal has been preferred, or if filed, is entertained by the appellate court.*
- 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).

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2. Pursuant to issue of DoPT's ibid O.M dated 14-10-2024 regarding regulation of notional increment, the Office Orders of even number dated 02-02-2024 and No.A-52011/209/2020-ESTT-V/101 dated 20-05-2024 issued by CWC for regulating notional increment in CWC pending further instructions/clarification by DoPT, stand withdrawn from 14-10-2024. The grant of notional increment in CWC from 14-10-2024 will be regulated strictly as per DoPT's OM dated 14-10-2024 and further instructions to be issued by them on the subject from time to time.

3. This is issued with the approval of Competent Authority.

Signed by Sumitra Toppo

Date: 06-11-2024 15:53:11

Reason: Approved

(Sumitra Toppo)

Under Secretary(ESTT-V), CWC(HQ)

Tel: 3356

Copy to :-

PAO, Accounts-II/III, all Establishments, CWC(HQ) and all Field offices of Central Water Commission (through CWC website).

I/161915/2024

Government of India
Ministry of Jal Shakti
D/o of Water Resources, River Development & Ganga Rejuvenation
Central Water Commission
Establishment-V Section
3rd Floor (S), SewaBhawan,
R.K.Puram -110 066
Dated : 02.02.2024

Officer Order

Subject :OA/021/894/2020 filed by Pensioners Association of CWC before Hon'ble CAT, Hyderabad regarding grant of notional increment.

In OA/021/894/2020 filed by Pensioners Association of CWC and 42 other employees of CWC regarding grant of notional increment on 1st July/1st January to the employees retired a day before it became due, i.e., on 30th June/31st December, the [Hon'ble CAT Hyderabad has passed the Order](#) dated 11th March, 2022 stating that:

".....

II Further, it has been brought to our notice that Hon'ble Bangalore Bench of this Tribunal allowed grant of similar relief in OA/170/677/2019 on 18.12.2019, which was affirmed by the Hon'ble High Court of Karnataka in WP NO. 146967 of 2020 (S-CAT) on 22.10.2020. Aggrieved, the Ministry of Railways filed SLP (c) No. 4722/2011, wherein the Hon'ble Supreme Court, vide order dated 05.04.2021, while ordering notice returnable in three weeks, granted stay of the operation of the order of the Bangalore Bench of this Tribunal supra, as affirmed by the Hon'ble High Court of Karnataka. Thus the matter is under consideration by the Hon'ble Supreme Court. The DoPT has also issued an OM dated 24.06.2021 to this effect.

III. In view of the above position, the respondents are directed to consider grant of relief sought by the applicants depending on the outcome of the petitions pending before the higher judicial fora on the issue in the cited cases, as and when they are decided. "

2. The Hon'ble Supreme Court vide its Order dated 11.04.23 in Civil Appeal No. 2471 of 2023 {@ SLP(C) No. 6185/2020}- Director (Admn. And HR), KPTCL Vs C.P Mundinamani&Ors. decided that the Division Bench of Karnataka High Court has rightly directed the appellant (KPTCL) to grant one

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annual increment which the petitioners earned on the last day of their service for rendering services during the preceding one year from the date of retirement with good behavior and efficiently. Later on, Hon'ble Supreme Court vide Order dated 19.05.2023 dismissed SLP(C) No. 4722/2022-UoI &AnrVs M. Siddaraj filed by M/o Railways with the observation that the issue raised in these appeals is squarely covered by the judgment rendered in Civil Appeal No. 2471 of 2023. Thereafter, several petitions filed before Hon'ble Supreme Court, High Courts and Tribunals on the subject matter flagged were disposed of on similar lines.

3. In the light of the above facts, the matter regarding implementation of Order dated 11th March, 2022 of Hon'ble CAT Hyderabad was referred for advice to DoPT through DoWR.RD&GR. DoPT has advised that :

(i) Orders of the Supreme Court regarding grant of 'notional increment' necessitate examination of a few aspects emanating therefrom which need to be addressed. The process of consultations to resolve these issues is presently underway and is likely to take some more time. Further action, as may be required in this regard in the wake of judgments of the Hon'ble Apex Court, can be taken only after completion of the consultation process.

(ii) M/o Water Resources may take cognizance of the position stated above and take action as deemed necessary in view thereof and with due regard to the judicial orders in individual cases.

4. Having regard to the facts of the case and DoPT's advice and in order to avoid contempt of Court, it has been decided to follow the following course of action in CWC regarding grant of notional increment till any further guidelines/instructions are issued on the subject by DoPT :-

(i) Retired CWC employees who are applicants in OA/021/894/2020 decided by Hon'ble CAT Hyderabad vide their Order dt.11th march, 2022 in favour of applicants will be allowed the benefit of notional increment.

(ii) Similarly placed retired/retiring employees of CWC may also be given the benefit of notional increment **provided** they are applicants in a case where Tribunal/Court has issued direction/order for granting the benefit of notional increment.

5. This is issued with the approval of Chairman, CWC.

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Signed by R.mahalakshmi
Date: 05-02-2024 13:26:56
Reason: Approved
(R. Mahalakshmi)
Under Secretary (E-V)
☎: 3356(Intercom)

Copy to:- All offices of Central Water Commission.

भारत सरकार / Government of India
जल शक्ति मंत्रालय / Ministry of Jal Shakti
जल संसाधन, नदी विकास एवं गंगा संरक्षण विभाग / Department of Water Resources, RD & GR,
केन्द्रीय जल आयोग/ Central Water Commission
स्थापना-V अनुभाग / Estt.V Section

3rd Floor, Sewa Bhavan
R.K.Puram, New Delhi-66
Dated: 20.05.2024

Office Order

Sub: Impact of notional increment allowed in terms of CWC's Office Order No. A-29014/01/2023-ESTT-V dated 02.02.2024 on Pension, Gratuity & Leave Encashment – regarding.

In order to have a uniform and correct approach in CWC while implementing the CWC's Office Order No. A-29014/01/2023-ESTT-V dated 02.02.2024, the impact of allowing notional increment to retired CWC employees on their Pension, Gratuity and Leave Encashment is clarified as under :-

Pension: The increment will be allowed notionally to the retired CWC employee on the date it falls due (1st January/ 1st July) because the employee has already retired in the previous month and is no more in service on that date. After notional increment, the pay of the retired employee will be increased notionally from that day (1st January/ 1st July) only and, accordingly, his pension will be revised on actual basis and payable with arrears, if any.

Retirement Gratuity : As per Sub-rule1(a) of Rule 45 of CCS(Pension) Rules 2021, a retired Govt. Servant is granted retirement gratuity equal to 1/4th of his emoluments for each completed six monthly period of qualifying service, subject to a maximum of 16.5 times the emoluments. Further, the emoluments has been defined under Sub-rule1 of Rule 31 of CCS(Pension) Rules 2021 as basic pay which a Government servant was receiving immediately before his retirement or on the date of his death. Thus the increment allowed notionally to a retired Govt. Servant on a date after his retirement shall have no effect on his emoluments or basic pay which he has drawn immediately before retirement. Therefore, the

notional increment allowed in terms of CWC Order dated 02.02.2024 shall have no effect on Retirement Gratuity.

Leave Encashment : As per sub-rule 2(b) of Rule 39 of CCS(Leave) Rules 1972, the cash equivalent of leave salary payable to Government servant on retirement shall be calculated on the basis of Pay and Dearness Allowance admissible on the date of retirement. Therefore, the increment allowed notionally to a retired Govt. Servant on a date after his retirement shall have no effect on calculation of Leave Encashment.

2. This is issued with the approval of Chairman, CWC.

Signed by R.mahalakshmi
Date: 20-05-2024 17:22:18
Reason: Approved

(आर ँ महालक्ष्मी / R. Mahalakshmi)
अवर सचिव / Under Secretary (E-V)
(: 3356 (Intercom)

Copy to : All Offices/Officers of CWC (Through CWC's website)