



भारत संचार निगम लिमिटेड

(भारत सरकार का उपक्रम)

BHARAT SANCHAR NIGAM LIMITED

(A Govt. of India Enterprise)

पत्र सं/ CHTDCO-11/20(37)/3/2023-HR/ADIN - CHTD/190

दि / Dt: 13/05/2024

विषय/Sub: OA No.293/2021 filed by Shri. Venugopal & Ors.before the Hon'ble CAT Madras - reg.

संदर्भ/ Ref: The order of Hon'ble CAT Madras dated 13.02.2024 in OA No.293/2021.

Kindly refer to OA No.293/2021 filed by Shri. Venugopal & Ors. before the Hon'ble CAT Madras seeking for one notional increment after completion of one full year service for the purpose of pension and other retirement benefits with consequential benefits, along with admissible rate of interest.

The Hon'ble Division Bench of CAT, Madras was pleased to dispose of the OA by judgment dated 13.02.2024 and the operative portion of the judgment is as follows:

"In view of the above, keeping the matter pending before us is not at all desirable and accordingly, we are of the view that the ends of the justice would be met if the OA is disposed of by quashing and setting aside the impugned order, vide letter no. AST/ADMN/PENSION CORR/2020-21/26, DATED 21.01.2021 and the respondents are directed to consider and dispose of the claim of the applicants in the light of the decision, dated 11.04.2023, of the Hon'ble Apex court in Civil Appeal No. 2471 of 2023 (SLP (C) No. 6185/2020) in the case of the Director (Admn. And HR) KPTCL &Ors vs. C.P. Mundinamani & Ors., and extend the benefit of the said judgement, if the applicant herein are similarly situated as the employees / respondents before the Hon'ble Supreme Court(Supra) by passing a reasoned and speaking order within a period of three months from the date of receipt of copy of the order."

In this regard, this is to intimate that the respondents before the Hon'ble Supreme Court of India in civil appeal 2471 of 2023 titled the Director (Admin and HR) vs. C.P. Munidiramani and Ors were retired on superannuation whereas the 8 applicants in OA 293 of 2021 have retired under BSNL VRS-2019 scheme. Therefore, the applicants, who have retired under a special voluntary retirement scheme in the OA are not similarly placed as respondents before the Hon'ble supreme court in KPTCL case.

In Civil appeal no.778/2023 in SLP (c) no.1902/2019 vide order dated 02.02.2023 in the matter of Maharashtra state financial corporation Ex-employees association & Ors vs. state of Maharashtra and Ors. The Hon'ble Supreme Court has treated VRS retirees on a different pedestal and they have not been treated at par with normal retirees. The operative part of the said order is as under; "39. For the above reasons, it is held that VRS employees cannot claim parity with others who retired up on achieving the age of superannuation. Likewise those who ceased to be employment, for the reason of termination, or the dismissal, etc., would not be entitled to the benefits of pay revision"

The applicants in OA 293 of 2021 having retired under BSNL VRS-2019 cannot seek the benefit allowed by the Hon'ble Supreme court in the case of employees retired on superannuation. Moreover, the VRS retirees have also given an undertaking of unconditional acceptance of the ex-gratia payment already made for the left out service under the package and cannot seek any further benefit outside the terms and conditions of the scheme.

In view of the above it is hereby intimated that, since below mentioned 8 applicants have been retired under BSNL VRS -2019 scheme, the claim for one notional increment for the purpose of pension and pensionary benefit with consequential benefits cannot be acceded to.