

**In the High Court of Punjab and Haryana at Chandigarh**

[109]

CWP-20374-2025

Date of Decision: 11.08.2025

BHARAT SANCHAR NIGAM LTD. AND ANR. PETITIONERS
VERSUS

RAKESH KUMAR AND ANR.RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Rajesh Gupta, Advocate for the petitioners.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the challenge is to the order passed by the Central Administrative Tribunal dated 17.12.2024 (Annexure P-2), by which the benefit of the Time Bound Upgradation from E-4 IDA Scale to E-5 IDA Scale has been allowed from 01.04.2012 instead of 24.11.2014 when the same was extended to the juniors of the respondent No.1 with all consequential benefits.

2. Learned counsel for the petitioners argues that at the time when the employees junior to respondent No.1. were promoted, the respondent No.1 was undergoing a disciplinary proceeding and he was imposed with minor punishment of 'Censure'. Learned counsel submits that once, the respondent No.1 was censured, the benefit of Time Bound Upgradation could not have been granted from the due date and, therefore, the order impugned passed by the Tribunal may kindly be set aside.

3. On being asked to point out that whether 'Censure' is a punishment under the rules governing the service, which could stop an employee from benefit of upgradation, learned counsel for the petitioners concedes that 'Censure' is not a punishment. Once, under the rules governing the service, it is a conceded position that 'Censure' is not a punishment, then as the applicant/respondent No.1 has not been imposed with any punishment, the

**CWP-20374-2025****-2-**

benefit accruable to respondent No.1 cannot be denied from the date the said benefit becomes admissible to him, so as to deny him the benefit from the due date.

4. It is only in case a punishment envisaged under the Rules is imposed upon an employee, that the claim such as one in present case, can be considered prospectively, but once no punishment imposed upon respondent No.1, the direction given by Tribunal in the order impugned granting him the due benefit from the due date, learned counsel for the petitioner has not been able to show that impugned order is perverse either to the facts or law, hence no ground is made out for any interference by this Court.

5. The present writ petition is, accordingly, dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

AUGUST 11, 2025
ANJAL

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No