

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO.10018/2016

**BHARAT SANCHAR NIGAM LTD.
THR ITS CMD. & ORS.**

APPELLANTS

VERSUS

PRAMOD KUMAR DIXIT

RESPONDENT

ORDER

1. A laconic order of the High Court of Judicature at Allahabad (Bench at Lucknow)¹ dated 23rd May, 2016 is under challenge in this appeal by special leave granted on 3rd October, 2016.

2. Major portion of the impugned order, spread over three pages, reproduces the order of the Central Administrative Tribunal², Lucknow dated 11th December, 2015, allowing the original application of the respondent and, thereafter, concludes in one line:

"We have gone through the finding recorded by the Tribunal and we do not find any illegality in the same."

3. We do not approve of the manner in which the Division Bench disposed of the writ petition instituted by the appellants. In the ordinary course, a remand could have been ordered but having regard to the fact that much water has flown under the bridge and the respondent is now a septuagenarian, we proceed to consider the challenge on its own merits.

1 High Court

2 Tribunal

4. Respondent was recommended for promotion as Senior Accounts Officer³ by the Departmental Promotion Committee⁴ on 1st January, 2001. However, owing to pending disciplinary proceedings, the recommendation was not acted upon.

5. Such disciplinary proceedings culminated in an order of punishment of withholding of increments for two years without cumulative effect. Since the respondent was visited with an order of penalty, the appellants did not promote him. Action of the appellants in not promoting the respondent was the subject matter of challenge before the Tribunal.

6. The Tribunal came to a curious finding that since the period for which the penalty was to remain operative had lapsed, the right of the respondent to obtain promotion revived. Accordingly, directions were issued requiring the appellants to promote the respondent to the post of SAO based on the recommendations of the DPC.

7. It is this order of the Tribunal in which the Division Bench did not find any illegality. We are afraid, the order of the Tribunal is absolutely indefensible and should not have been sustained by the High Court.

8. Effect of the order of punishment of stoppage of increments was that for a period of two years, the respondent would not be entitled to increments; however, after expiry of such period, he would again become entitled to increments. However, what is of significance is that such penalty operated as a bar to the respondent's promotion as SAO and, if we may say, rightly so. As a general rule, an officer subjected to penalty in disciplinary proceedings is not promoted. The right to be considered for promotion revives only after the period of penalty ends. Appellants, by not promoting the respondent to the post of

3 SAO

4 DPC

SAO, did not commit any illegality warranting interference.

9. In such view of the matter, the appeal succeeds. The impugned order of the High Court as well as that of the Tribunal is set aside with the result that the original application filed before the Tribunal shall stand dismissed.

10. Respondent shall, however, be entitled to terminal benefits as per law.

11. The civil appeal is, accordingly, allowed.

12. Pending application(s), if any, shall stand disposed of.

.....J.
(DIPANKAR DATTA)

.....J.
(SHEEL NAGU)

**New Delhi;
July 29, 2026.**

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No.10018/2016

BHARAT SANCHAR NIGAM LTD. THR ITS CMD. & ORS.

Appellants

VERSUS

PRAMOD KUMAR DIXIT

Respondent

Date : 29-07-2026 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE SHEEL NAGU

For Appellant(s) : Mr. J. S. Attri, Sr. Adv.
Mr. Pradeep Kumar Mathur, AOR
Mr. Chandra Nand Jha, Adv.

For Respondent(s) : Mr. Ram Lal Roy, AOR
Ms. Garima Upadhyay, Adv.
Ms. Kunal Srivastava, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. The civil appeal is allowed in terms of the signed order.
2. Pending application(s), if any, shall also stand disposed of.

(MANIK KUMAR)
SENIOR PERSONAL ASSISTANT

(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)

(signed order is placed on the file)