



HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE SHRI MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE SHRI SUBHASH UPADHYAY

17th August, 2026

WRIT PETITION (S/B) NO. 170 of 2026

Ajay Kumar

-----Petitioner

Versus

State of Uttarakhand and Others

.....Respondents

Presence:-

Mr. Anil Kumar Joshi and Mr. D.C.S. Rawat, learned counsel for the petitioner.

Mr. S.M.S. Mehta, learned Standing Counsel for the State.

Mr. Shiv Bhatt, learned counsel for the respondent nos.2 and 3.

JUDGMENT: (per Manoj Kumar Gupta, C.J.)

1. This writ petition is directed against the order of suspension of the petitioner dated 16.03.2026, passed by Managing Director, BRIDCUL.

2. The petitioner holds the post of Executive Engineer in PWD. He was on deputation at BRIDCUL at the time he was placed under suspension. The present writ petition has been filed with the contention that the borrowing department has no power to place a deputationist under suspension. The disciplinary proceedings can only be initiated by the original employer, which in the instant case was PWD.

3. On 27.03.2026, a detailed order was passed staying the effect and operation of the suspension order dated 16.03.2026. The said order is as follows:

“1. Mr. Anil Kumar Joshi and Mr. D.C.S. Rawat, learned counsel for the petitioner.

2. Mr. B.P.S.Mer, learned Standing Counsel, assisted by Mr. S.M.S.Mehta, learned Brief Holder for the State/respondent no.1.

3. Mr. Shiv Bhatt, learned counsel for the respondent no. 2 & 3.

4. Submission of learned counsel for the petitioner is that the



2026:UHC:7362-DB

petitioner is a deputationist in BRIDCUL and, therefore, his appointing authority continues to be the appointing authority of the lending department i.e. P.W.D. The suspension order has been passed under Rule 4 of the Uttarakhand Governed Servant (Discipline and Appeals) Rule, 2003, which only empowers the appointing authority or vide the second proviso to sub-rule (1) of Section 4, the Head of Department, where so empowered by the Governor, to place Group 'A' or 'B' employee under suspension. In the instant case the suspension order has been passed by Managing Director, BRIDCUL, who is neither the appointing authority nor there is any delegation of power of suspension in his favour. Consequently, the impugned suspension order is wholly illegal and without jurisdiction.

5. Learned counsel appearing on behalf of BRIDCUL tried to justify the suspension order placing reliance on Uttarakhand Infrastructure Development Corporation Service Rules, 2008, particularly, Rule 13 (3) thereof which only confers powers of absorption in favour of the Corporation of any person working on deputation. In the instant case, concededly, the petitioner has not been absorbed in BRIDCUL so far and he continues to be an employee of PWD, and therefore also holds lien in the said department.

6. The matter requires consideration.

7. Let the counter affidavit be filed by the respondents within two weeks.

8. List after filing of counter affidavit.

9. Meanwhile, the effect and operation of the suspension order dated 16.03.2026 shall remain in abeyance. (IA No. 1 of 2025, Stay Application stands disposed of.)"

4. After the passing of the said order, the petitioner has been repatriated to the parent department as the duration of his deputation had come to an end. The said order dated 31.03.2026 is on record by way of counter affidavit.

5. Learned counsel appearing for BRIDCUL submits that since the petitioner has been repatriated to the parent department, therefore, the writ petition has become infructuous.

6. On the other hand, learned counsel for the petitioner submits that the order of suspension should be quashed, being without jurisdiction. He states that on basis of the enquiry report and other documents forwarded by BRIDCUL to PWD, the petitioner has been issued charge-sheet by PWD, being his parent



department, on 04.08.2026, and the enquiry is in progress. However, he has not been placed under suspension by the parent department.

7. As the power to initiate disciplinary proceedings and to place the petitioner under suspension was with the parent department, therefore, the order of suspension could not be sustained and is hereby quashed. It is left open to PWD to take decision as to whether the petitioner should be kept under suspension or not during pendency of the disciplinary proceedings.

8. The writ petition stands disposed of.

9. Pending application(s), if any, also stand disposed of.

(MANOJ KUMAR GUPTA, C.J.)

(SUBHASH UPADHYAY, J.)

Dated: 17.08.2026

PP/