



2026:UHC:3574-DB

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI MANOJ KUMAR GUPTA
AND

HON'BLE SRI JUSTICE SUBHASH UPADHYAY

11th May, 2026

WRIT PETITION (S/ B) No. 212 OF 2026

Bhagat Singh Rawat and others. Petitioners
Versus

Engineer-in-Chief and Head of the Department, Department
of Irrigation, Yamuna Colony, Dehradun and another.
..Respondents

Counsel for the petitioners : Sri Sandeep Kothari, learned counsel.

Counsel for the respondents : Sri Yogesh Chandra Tiwari, learned
Standing Counsel for the State of
Uttarakhand / respondent No. 1.
Sri S.S. Chauhan, learned counsel for
respondent No. 2.

JUDGMENT : (Per Sri Manoj Kumar Gupta, C.J.)

Impleadment & Amendment Applications (IA Nos. 2 and 3 of 2026)

1. Heard counsel for the parties.
2. Both the applications are allowed. Let necessary amendment / impleadment be carried out during the course of the day.

WPSB No. 212 of 2026

3. Heard counsel for the parties.
4. The following reliefs have been claimed in the writ petition:-

(i) To issue a writ, order or direction in the nature of certiorari for quashing the order dated 21.1.2026, whereby, putting the subject road in non-rectifiable category and directed recovery of entire road construction cost from the contractor and officers (Contained as Annexure no. 18 to this petition page no.221)



2026:UHC:3574-DB

(ii) To issue a writ, order or direction in the nature of certiorari for quashing the orders dated 27th February 2026 passed by the respondent no. 2, whereby, the respondent no.1 has been directed to affect recovery of Rs. 30,05,851/- (Rupees Thirty Lacs Five Thousand Eight Hundred and Fifty-one only), Rs.42,94,072 (Forty-Two Lacs Ninety-Four Thousand and Seventy-two only) and Rs.12,88,222/- (Rupees Twelve Lacs Eighty-Eight Thousand Two Hundred Twenty-Two only) respectively from the petitioners (Annexure no. 19 to this petition at page no.223)

(iii) Any other relief which this Hon'ble Court may deem fit and proper, may kindly be awarded in favour of the petitioner and against the respondent.”

5. The petitioners are all aggrieved by the order of recovery passed against them on basis of the recommendation made by the National Rural Roads Development Agency (impleaded respondent No. 5). Petitioner No. 3 has retired from service, whereas the other two petitioners are still in service working as Assistant Engineer and Junior Engineer respectively. The work relates to construction of a road and since at different stages of execution of the said work, the petitioners supervised the work or dealt with the same in some manner or the other, the respondents while declaring that the work is non-rectifiable, have directed for recovery of the loss suffered by the Government from the petitioners, along with the contractors.

6. The challenge has been made on various grounds.

7. It has come on record that on basis of the representations made by the petitioners against the impugned



2026:UHC:3574-DB

recovery, the Chief Engineer, Irrigation Department, vide communication dated 25.03.2026, recommended for representations of the petitioners being placed before Secretary, Rural Development, Uttarakhand Administration, for re-consideration.

8. Learned counsel, appearing on behalf of the Uttarakhand Rural Road Development Agency, as well as learned Standing Counsel submit that since recommendation has already been made by the Chief Engineer, Irrigation Department, Uttarakhand to the Principal Secretary, Irrigation, Uttarakhand Government, Dehradun for placing the matter before the Secretary, Rural Development, Uttarakhand Administration, Dehradun for the representation of the petitioners being re-considered, therefore, at this stage, the concerned official be permitted to examine the representation and it may be left open to the petitioners to file fresh petition in case the decision goes against them.

9. Learned counsel for the petitioners is also agreeable to the said suggestion.

10. In view of it and with consent of counsel for the parties, the writ petition is disposed of by providing that the Principal Secretary, Irrigation Department shall place the matter before the Secretary, Rural Development for re-consideration of the representation of the petitioners.



2026:UHC:3574-DB

11. In case the decision goes against the petitioners, it shall be open to the petitioners to file fresh writ petition, or avail any other remedy as may be available to them.
12. Till the reconsideration is made by the Secretary, Rural Development, Uttarakhand Government, as per the recommendation made by the Chief Engineer, the recovery in pursuance of the impugned order as against the petitioners shall remain in abeyance.
13. Pending application, if any, also stands disposed of.

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dt: 11th May, 2026
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Digitally signed by PRAVINDRA SINGH RATHOUR
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