



2026:UHC:2398-DB

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

**THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA
AND**

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

Writ Petition (S/B) No.189 of 2026

6th April, 2026

Jitendra Kumar

-----Petitioner

Versus

State of Uttarakhand and Others

----Respondents

Presence:-

Mr. Suhaas Ratna Joshi, Mr. Pankaj Singh Chauhan and Ms. Bhavya Sharma, learned counsel for the petitioner.

Mr. B.S. Parihar, learned Addl. C.S.C. along with Mr. Sachin Mohan Singh Mehta, learned Brief Holder for the State of Uttarakhand.

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

1. Heard learned counsel for the parties.
2. The petitioner is holding the post of Executive Engineer in Public Works Department. By the impugned order dated 19.03.2026, he has been placed under suspension. There are several charges against the petitioner.
3. The first charge is that a review meeting was held on 14.10.2025 for reviewing various pending projects. In the said meeting, it transpired that the last date for completing IRQP work on NH-121 (309) from Km. 243 to 263.115 (Pabo to Buwakhal) was 23.05.2023 but the petitioner informed that the said date had been extended upto 30.11.2025. In relation to delay in the said project, the Government vide notice



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dated 17.10.2025 sought explanation from the petitioner within a week but which was not submitted by the petitioner.

4. The second charge is that in another meeting held on 21.02.2026 for review of work related to Haridwar Kumbh Mela 2027 under the Chairmanship of the Minister concerned, the petitioner had not come prepared and could not give satisfactory replies. Moreover, the progress work of Gumkhal-Satpuli motor marg was found to be only 50.03% which was not as per the prescribed time frame. The land acquisition notification for the said work was issued in 2018 and proceedings upto the stage of 3(G) of the National Highways Act were completed in December, 2022. The delay thereafter reflects deficiencies in project management. Further, in village Satpuli Malli and Satpuli Sain area, no effective and timely action was taken to resolve issues relating to compensation, distribution and acquisition of super-structure. Thus, the charge is that the petitioner has shown negligence, administrative inefficiency and laxity in discharge of his official functions and duties. The misconduct is stated to be of serious nature and, accordingly, he has been placed under suspension.



5. The submission of learned counsel for the petitioner is that the charges are not of serious nature and, therefore, the suspension was not warranted. It is also his submission that in respect of IRQP work, the show-cause notice was received by the petitioner on 27.10.2025 and on 28.10.2025 he replied to the notice stating that he had already issued notice for termination of the contract of the contractor on 25.10.2025.

6. The submission is that the reply to the show-cause notice has wrongly not been taken into consideration although it was submitted well before passing of the impugned suspension order.

7. It is also the submission of learned counsel for the petitioner that the petitioner did not get proper notice of the meeting held by the concerned Minister and, therefore, he could not come prepared.

8. Perusal of the impugned order shows that there are several charges against the petitioner and which taken together, cannot be said to be not of such a serious nature as to warrant an order of suspension.

9. The explanation given by the petitioner in respect of various charges cannot be examined at this stage as the same being a matter of inquiry which has to follow.



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10. In the totality of facts and circumstances of the case, we are not inclined to interfere with the suspension order.

11. However, we dispose of the writ petition by directing the respondents to forthwith appoint inquiry officer and proceed with the inquiry and conclude the same within six months, failing which it shall be open to the petitioner to apply for revocation of the suspension order.

12. Pending application, if any, also stands disposed of.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 06.04.2026

SS

**SUKHBANT
SINGH**

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