

**HIGH COURT OF UTTARAKHAND AT NAINITAL****Writ Petition Service Single No. 1619 of 2026****01 July, 2026**

Gaurav Kumar Chauhan

--Petitioner

Versus

State Of Uttarakhand & another

--Respondents

Presence:-

Mr. Yogesh Pacholia and Mr. Raj Kumar Singh, learned counsel for the petitioner.

Mr. K.N. Joshi, learned Deputy Advocate General for the State.
-----**Hon'ble Pankaj Purohit, J.**

By means of the present writ petition, petitioner has challenged the order dated 23.08.2022, annexure-4 to the writ petition, whereby petitioner was placed under suspension.

2. Petitioner is working as a probationer on the post of Additional Personal Secretary in the Uttarakhand Secretariat. A First Information Report was lodged by one Rajan Naithani, Under Secretary of the UKSSSC, regarding the paper leakage in the Graduate Grade Examination held by the Commission. Though, in the First Information Report, name of the petitioner was not mentioned, but when the charge-sheet was submitted after investigation, his name cropped up. During the investigation, petitioner was arrested. Consequently, he was placed under suspension vide the impugned order.



3. Learned counsel for the petitioner submits that petitioner was suspended vide order dated 23.08.2022, and the suspension order cannot last long in view of the legal pronouncement made by this Court and the Hon'ble Apex Court in the case of **Ajay Kumar Choudhary vs. Union of India & another**, reported in **(2015) 7 SCC 291**. He relied upon paragraph 21 of the said judgment, which is quoted herein below:-

“21. We, therefore, direct that the currency of a suspension order should not extend beyond three months if within this period the memorandum of charges/charge-sheet is not served on the delinquent officer/employee; if the memorandum of charges/charge-sheet is served, a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the person concerned to any department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognised principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognise that the previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time-limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation, departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us.”

4. Learned counsel for the petitioner submits that the said principle is already engrained in Rule 4 of the Uttarakhand Government Servant (Discipline and Appeal) Rules, 2003, (as amended in 2010).

5. Learned counsel for the petitioner further submits that the department has also constituted a



Committee in the case of the petitioner for reinstatement, and the Committee has also held in its report that there was no occasion for the appointing authority to place the petitioner under suspension for such a long period.

6. Learned counsel for the petitioner submits that he has submitted a representation to respondent no.2 on 07.05.2026, which is annexed as annexure-10 to the writ petition, and if respondent no.2 is directed to take a decision thereupon within the stipulated time, the ends of justice would be met.

7. To this prayer, there is no opposition from the side of the learned State Counsel.

8. In such view of the matter, writ petition is disposed of finally, and it is provided that respondent no.2-Additional Chief Secretary, Secretariat Administration Section-4 (Establishment) shall decide the representation of the petitioner dated 07.05.2026, annexed as annexure-10 to the writ petition, strictly in accordance with law, keeping in view the recommendation made by the Committee as well as the law on the subject as referred to in the preceding paragraphs of this judgment, within a period of four weeks from the date of production of a certified copy of this order.

9. Pending application, if any, stands disposed of accordingly.

(Pankaj Purohit, J.)
01.07.2026

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