



IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI MANOJ KUMAR GUPTA

AND

HON'BLE SRI JUSTICE SUBHASH UPADHYAY

10th July, 2026

WRIT PETITION (S/B) NO. 432 OF 2026

Rajiv Nayan Nautiyal

....Petitioner

Versus

State of Uttarakhand and others.

...Respondents

Counsel for the petitioner : Sri Shashank Pandey and Sri Akshay Pradhan, learned counsel.

Counsel for the respondents : Sri Pooran Singh Rawat, learned Chief Standing Counsel for the State of Uttarakhand.

JUDGMENT : (PER: SRI MANOJ KUMAR GUPTA, C.J.)

1. The petitioner holds the post of Assistant Conservator of Forest and was posted as Sub-Divisional Officer, Forest, Kalsi.

2. By the impugned order dated 25.06.2026, he has been placed under suspension on the ground that at the time of seeking regularization of his service, he furnished a Certificate, wherein he failed to disclose about the pendency of a criminal case (Crime No. 350 of 2024 under Sections 323, 498, 504, 506 IPC and 3/4 of the Dowry Prohibition Act) and, secondly, on the ground that he remained absent in a meeting of the officials held under the chairmanship of the Forest Minister of the State.

3. Learned counsel for the petitioner submits that the suspension order is illegal, inasmuch as the charges leveled against the petitioner are not such as would result in any major penalty. He further submits that the suspension order also does not record



any such finding, which is *sine qua non* for placing a government servant under suspension. He also tried to contend that the order has been passed on *mala fide* consideration and that the charges leveled against the petitioner are false and incorrect.

4. Learned Chief Standing Counsel has placed on record the instructions received from the Department, in which an attempt has been made to support the charges leveled against the petitioner. However, he fairly concedes that in the impugned suspension order, no finding has been recorded to the effect that the charges are so serious that in the event of these being established, major penalty would be inflicted, as is the requirement under Section 4(1) of the Uttarakhand Government Servants (Discipline and Appeal) Rules, 2003, which reads as follows:-

“4. Suspension-[(1) A Government Servant against whose conduct an inquiry is contemplated, or is proceeding, may be placed under suspension pending the conclusion of the inquiry at the discretion of the Appointing Authority. It will be clearly mentioned in the suspension order that the charges against the concerned government servant are so serious that in the event of these being established, major penalty would be inflicted:”

5. Therefore, on this short ground alone, we quash the impugned suspension order without going into other submissions, leaving it open to the Department to pass fresh order, if so advised. In the event any fresh order is passed placing the petitioner under suspension, it shall be open to the petitioner to challenge the same on all possible grounds.

6. The writ petition stands disposed of accordingly.



7. Pending application, if any, also stands disposed of accordingly.

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dt: 10th July, 2026
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PRAVINDRA
SINGH RATHOUR